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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 16, 2011**

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# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 16, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by Pastor Rick Biedermann of the Holy Trinity Lutheran Church in Ankeny, Iowa. He was the guest of Senator Dix.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Tuesday, February 15, 2011, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Dave Jamison, the governor's appointee to be the Executive Director of the Iowa Finance Authority. He was the guest of Senator Danielson and the committee on Economic Growth/Rebuild Iowa.

The Secretary of the Senate introduced Roger Lande, the governor's appointee to be the Director of the Department of Natural Resources. He was the guest of Senator Dearden and the committee on Natural Resources and Environment.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 243**, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

Read first time and attached to **companion Senate File 156**.

**House File 245**, a bill for an act relating to the status of posthumously conceived and born children in the context of legitimacy, inheritance, rights to claim an after-born child's share, and other rights.

Read first time and referred to committee on **Judiciary**.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:46 a.m., President Kibbie presiding.

#### COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with **House Concurrent Resolution 6**, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

#### JOINT CONVENTION

In accordance with law and **House Concurrent Resolution 6**, duly adopted, the joint convention was called to order at 9:53 a.m., President Kibbie presiding.

Senator Gronstal moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Jochum, Dandekar, and Bertrand on the

part of the Senate, and Representatives Forristall, Hager, and Hall on the part of the House.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Adjutant General of the Iowa National Guard, Major General Tim Orr, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Sodders, Wilhelm, and Ernst on the part of the Senate, and Representatives Chambers, Shaw, and Kearns on the part of the House.

Secretary of State, Matt Schultz, State Auditor David Vaudt, Treasurer of State Michael Fitzgerald, and Attorney General Tom Miller were escorted into the House chamber.

Lieutenant Governor Kim Reynolds was escorted into the House chamber.

Major General Tim Orr's wife, Suzanne Orr, was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him into the House chamber.

The committee waited upon Major General Tim Orr, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Kibbie presented Major General Tim Orr, Adjutant General of the Iowa National Guard. Major General Orr provides command and control for 105 Army and Air National Guard Units and over 9,500 Army and Air National Guard members in the state of Iowa.

Major General Tim Orr delivered the following Condition of the Iowa National Guard Message:

Good Morning ladies and gentleman – thank you for that warm welcome.

I am honored and privileged once again to stand before you and provide this annual report on the Condition of the Iowa National Guard.

Your Iowa National Guard has evolved from a State Militia created in 1836 into a full-spectrum operational force prepared to defend our state and nation during an era of persistent conflict.

Your Iowa National Guard has executed every mission assigned, served their state here at home, and deployed wherever needed in a moment's notice. Your Iowa National Guard is truly making a difference every day.

Speaker Paulsen, President Kibbie – thank you for your gracious invitation to address this joint convention of the Eighty-fourth General Assembly of the Iowa Legislature.

Governor Branstad, Lieutenant Governor Reynolds, members of the General Assembly, distinguished guests and fellow Iowans.

I want to begin by saying thank you to Governor Branstad and Lieutenant Governor Reynolds for your support and confidence in me to continue leading the Iowa National Guard in the future. I also want to thank you for devoting your first day in office and all the Inaugural events to the men and women serving in the Iowa National Guard. You demonstrated from the very beginning your strong support for the Iowa National Guard by signing your Salute to the Iowa National Guard Executive Proclamation on January 14, 2011, honoring the service of the men and women of the Iowa National Guard, their families, and employers.

I want to thank Governor Culver and Lieutenant Governor Judge for their strong leadership during this most significant period of time in the history of the Iowa National Guard. Thank you for your efforts to attend our homecoming and sendoff events, your strong support of our families and employers, and your willingness to travel overseas to visit our deployed warriors.

I would also like to give a special thank you to our citizen-legislators, who have done so much to honor and support the Iowa National Guard over the years. Through your legislative programs and participation in our community events, you have embodied unwavering support for our soldiers and airmen. The state of Iowa has one of the strongest traditions of any state for its commitment to their National Guard. Our success is directly attributable to what you have done for your Iowa National Guard – we humbly thank you.

But above all, I want to thank the people of Iowa. Last year I asked all Iowans for their support in helping our deployed families and warriors. I am pleased to report that the citizens of Iowa have delivered. The support we have received can be summed up in two words – simply incredible. What they have done and continue to do for our soldiers, airmen, and their families throughout our combat deployments and state emergency response missions is a true testament to the unmatched community support we are so privileged to enjoy in this state.

Through all the efforts of our soldiers, airmen, families, employers, elected leaders, and our citizens, we have demonstrated that Iowa is a state that truly serves together.

Over this past year, I've had the privilege of visiting our men and women at their local armories, annual training locations, community sendoffs and welcome home events. In addition, Command Sergeant Major John Breitsprecker and I have traveled outside of Iowa to visit soldiers preparing for mobilization at the Camp Shelby and the National Training Center, and overseas to places like Kosovo, Germany, Kuwait, Iraq and Afghanistan to visit our deployed troops, seeing first-hand the readiness and strong resolve of the Iowa National Guard.

We have also visited our injured and ill soldiers all across the nation at Walter Reed Medical Center, Brooke Army Medical Center, Bethesda Naval Hospital, Fort Gordon, Fort Riley, Fort Leonard Wood, the National Institute of Health, and the Regional Warrior Transition Battalions. Despite the high operational tempo, mission requirements, and daily challenges for our Iowa National Guard soldiers and airmen, we remain unconditionally "Mission Focused, Warrior Ready!"

Today, I deliver my second Condition of the Guard address. Over the next several minutes I want to focus on two important areas:

Where we have come over the last year;

And what we are doing to care for the force.

It's been nearly nine and a half years since the United States and our allies responded to the attacks of September 11, 2001. The soldiers and airmen of the Iowa National Guard answered the call on 9/11 and have served continuously since, working side by side with their Army and Air Force counterparts to help liberate nearly 50 million people from tyranny and terror in Iraq and Afghanistan, maintain peace in Egypt, Israel, and Kosovo, and protect the United States of America.

Since 9/11, the soldiers and airmen of the Iowa National Guard, their families, and their employers have made significant sacrifices on behalf of the American people. More than sixty-five percent of our soldiers and airmen currently serving are combat veterans. More than 16,000 of our men and women have served in the ongoing campaigns in Iraq and Afghanistan, peacekeeping duties in the Balkans and the Sinai Peninsula, and during emergency response missions in Iowa and across the country.

Through multiple combat deployments and domestic support missions, the men and women currently serving in the Iowa National Guard are among the most seasoned and experienced military professionals our state has ever fielded in the more than 170-year history of the Iowa National Guard.

The demand for National Guard forces over the past two decades has required almost continuous use of Active, National Guard, and Reserve forces in order to meet the operational requirements of our armed forces. Our experience during this timeframe has validated the Total Force concept in support of our national security interests. We are now at a point where current and projected demands for Army and Air Force assets will require continued access to the National Guard and Reserve forces, making very real what has been a policy for some time. This means that the mobilization and operational use of National Guard Soldiers, airmen, and units will continue for the foreseeable future, despite ongoing reductions in U.S. forces overseas. The National Guard of the 21st century will require a versatile mix of tailorable, modular, and adaptable organizations, interdependently operating on a predictable, rotational deployment cycle. This new concept is what we call the Operational Force, which is part of the Department of Defense's Total Force Policy.

Over this last year, the Iowa National Guard has remained a national leader in many categories, consistently ranking near the top among the 54 states and territories.

The Iowa National Guard remains a national leader in personnel recruiting and retention. Both the Iowa Air and Army National Guard began fiscal year 2011 with over 100 percent of authorized strength. And our retention rates exceed national goals and are among the highest in the nation. We have been at or exceeded 100 percent strength every year since 2003 – a significant accomplishment considering that we have been at war as a nation with an all-volunteer force for nearly ten years.

Last year, the Iowa Air and Army National Guard executed the largest construction program in our history with more than 148 million dollars in military construction projects in Iowa. Those projects totaled 134 million dollars, or more than 91 percent, in federal funds. Additionally, we received nearly 9.3 million dollars in federal stimulus funding allowing us to complete twenty-six infrastructure projects around Iowa. We also started the process of replacing armories in Muscatine, Burlington and Cedar Rapids, totaling more than \$77 million in federal funding.

As part of our requirement as an operational force, the Iowa National Guard prepared, deployed, and returned to Iowa several Army and Air National Guard units this past year, and announced several unit notifications for mobilization in support of upcoming Overseas Contingency Operations in 2012.

The 185th Air Refueling Wing from Sioux City continues to provide ongoing support of real-world missions to the Air Force, Army, Navy, and Marine Corps. Of the 185th's

many world-wide missions, evacuating wounded warriors from a combat zone is one of the most important and unique missions that it executes. These Aeromedical evacuation missions provide timely and efficient movement and mobile care to wounded servicemen and women being evacuated from the battlefield to Landstuhl, Germany. In the past year, the 185th has deployed nearly 400 airmen around the globe for operational missions.

As we gather together today, more than 120 airmen from the Iowa Air National Guard's 132nd Fighter Wing, based in Des Moines, and the 185th Air Refueling Wing are 8,000 miles away from home participating in Sentry Down Under, a three-week exercise with our coalition partner, Australia. These Iowa Airmen will conduct numerous flight missions, maintain high-performance fighter aircraft to exacting standards, and learn about the capabilities and operations of the Royal Australian Air Force so we can more effectively operate with them during combat missions.

The 135th Mobile Public Affairs Detachment returned to Iowa from Iraq in late October. During their deployment, they provided public affairs support to the U.S. Army's 3rd Infantry Division. The mission of the 135th was to collect, produce and disseminate video, audio, and print stories, as well as online stories, to civilian and military media organizations.

The Information Operations Field Support Team deployed last March and has been operating in both Afghanistan and Iraq. Their expertise in processing and utilizing multiple sources of information has created opportunities for successful coalition operations. We look forward to welcoming them back in Iowa later this spring.

Company C, 2nd Battalion, 147th Aviation from Boone is currently deployed to Kosovo where they are conducting peacekeeping missions for that fledgling democracy. They've flown more than 150 missions and 2,000 accident-free flight hours while providing around-the-clock aviation support. In their spare time, many unit members teach English to local students and also interact with the local community members.

The 734th Agribusiness Development Team, comprised of 60 soldiers and airmen, is the first ever overseas combat deployment with both Army National Guard Soldiers and Air National Guard Airmen serving together in the history of the Iowa National Guard. This team's mission is the revitalization of the agricultural and livestock sector within Kunar Province, Afghanistan. Our team provides expertise, advice, and training in agricultural-related specialties to various provincial ministries and local farmers. During their pre-deployment preparation, the team established a partnership with Iowa State University and received training on a variety of agricultural topics. They also spent time training at Living History Farms and with the Amish community to gain a hands-on experience into past farming techniques and practices.

Soldiers from Company B, 2nd of the 211th General Support Aviation Battalion based in Davenport have recently arrived in Iraq and will be providing airlift capabilities in support of coalition forces with their Chinook helicopters.

But by far the most significant and anticipated deployment was the 2nd Brigade Combat Team's mission to Afghanistan, with more than 3,000 soldiers deployed.

The 2nd Brigade Combat Team deployment was the largest single unit call-up of its type in Iowa since World War II. Almost every community in Iowa has been affected in some way by this mission.

To properly prepare, train, certify, send off and deploy all these forces to standard, it takes a team effort from everyone, including our families, employers, and communities. As part of last summer's surge of forces, we conducted our first State Annual Training Exercise in more than 30 years, at Camp Ripley, Minnesota. This event involved nearly all Iowa Army National Guard units to provide logistical and training support to assist the 2nd Brigade in their mobilization preparation over a three-week period.

In late July and early August last year, we conducted nearly 30 community send offs all across Iowa for the soldiers of the 2nd Brigade. The community support and participation by loyal Iowans was outstanding. At every major community send off event, Boy Scouts, Girl Scouts, Patriot Guard and Legion Riders, members of veterans' organizations, local law enforcement, fire departments, veterans from all services, and community members showed up by the hundreds and in some cases thousands, to show their respect and appreciation for our deploying warriors and their families.

Members of the 2nd Brigade Combat Team serving in Afghanistan currently operate in five provinces across Regional Command-East. These soldiers execute missions ranging from security, cordon and search, and convoy operations, to counterinsurgency, key leader engagements, and numerous other tasks. But one of the most important and unique missions conducted by this Iowa unit is the Female Engagement Team initiative.

Led by Captain Jodi Marti, this hand-picked team of female Iowa soldiers works with coalition forces to gather intelligence and provide security for Afghan females in accordance with Islamic culture. Members of the Female Engagement Team serve side-by-side with their male counterparts during combat operations in some of the most rugged terrain in the world. The dedication, courage, skill, and professionalism of these Iowa women inspire male and female soldiers alike.

Every day, we continue to see acts of kindness and generosity coming from our communities and businesses.

When Sgt. Bryan Pfeiler from Dyersville, Iowa, was wounded and lost part of his leg when he stepped on an anti-personnel mine in Afghanistan, the communities of Dyersville and Earlville immediately stepped up to the plate. The Earlville American Legion gave his family donations of over \$2100 to assist with expenses, while Beckman High School in Dyersville and the Earlville American Legion sponsored spaghetti suppers to raise money for the family. In addition, members of these communities have mowed the grass and shoveled snow for SGT Pfeiler's family since he mobilized last August.

Recently, Sgt. Adam Craig from Cherokee returned to the U.S. from Afghanistan with a very aggressive form of cancer. He is currently undergoing medical treatment at the National Institute of Health in Bethesda, Maryland. In order for his mother, a long-time Hy-Vee employee with the Cherokee Hy-Vee store, to remain with her son while he receives medical care, Hy-Vee sponsored a spaghetti feed and silent auction to raise funds for the family. In addition, the Store Director, Tim Hoppert, and fellow co-workers have filled in at Hy-Vee during the absence of Sgt. Craig's mother so she doesn't have to worry about taking extensive sick leave and family leave in order to be with her son.

We have companies like Charles Gabus Ford of Des Moines, who donated more than one hundred thousand dollars to support the Officers' Auxiliary deployment teddy bear project. This program provides all children of deployed soldiers and airmen with a teddy bear during the unit send off event.

Dr. Pepper-Snapple of Des Moines donated over \$45,000 to purchase phone cards and post-exchange gift cards for our soldiers and airmen to use overseas.

These are just several of many efforts that so vividly demonstrate the profound and heartfelt generosity of our citizens. Iowa is a state that is truly serving together.

Another important priority for the Iowa National Guard is ensuring that we can provide an effective and timely emergency response capability right here in Iowa. Since the days of the Iowa Territory in the late 1830s, we have been deeply committed to protecting Iowans and safeguarding critical infrastructure in a moment's notice.

With the large number of Iowa Army National Guard Soldiers deployed in 2010 and 2011, our Joint Staff developed the Guard Emergency Situational Assessment Contact,



or GESAC, program to bring back National Guard retirees on a voluntary basis for critical assistance during local emergencies. Ironically, we had just completed training our first group of retirees when the Lake Delhi dam breached. We immediately called retired Command Sergeant Major Lowell Tiedt from Anamosa, who quickly traveled to Lake Delhi and provided us with a situation report and assessed possible future requirements. As of today we have more than 75 trained retirees ready to provide assistance all across the state.

Two weeks ago, during the winter blizzard that hit the southeastern corner of Iowa, we deployed 18 soldiers as part of our Highway Assistance Team operations. We partnered with the Iowa Department of Transportation and Iowa Department of Public Safety to travel the highways and assist stranded motorists. During this two-day operation, the Highway Assistance Teams rescued 36 motorists from the blizzard.

Finally, an area of significant importance is how we are caring for soldiers, airmen, families and employers.

Since the start of the war, we have shown significant progress in resourcing and manning our Warrior Services. One area we're particularly proud of our efforts is the creation of the Survivor Outreach Support program. The purpose of this program is to provide unparalleled support to the families of Iowa's fallen service members in every possible way. This includes assisting them with understanding and procuring benefits and entitlements, receiving counseling services, connecting with other families of fallen warriors through support groups, or assisting with any other issues that result from the loss of a loved one. Through this program, our staff will help ensure these survivors receive all benefits they are entitled to and encourage them to remain an integral part of our military family for as long as they desire.

We recognize that the mental and emotional wellness of our force is as important as physical health. We are implementing a new program called Comprehensive Soldier Fitness, which increases the resilience of soldiers and families by strengthening their spiritual, emotional, and family well-being, in addition to living physically healthy lives.

We are also training soldiers to be Master Resiliency Trainers at the unit level, in order to provide immediate support for our warriors during deployments, as well as at home. The focus of this program will ultimately help us to maintain the long-term total health of our force.

As part of our preparation for the 2nd Brigade Combat Team's deployment, we added three more Family Assistance Specialists, bringing the total to seven. These specialists help family members connect to military, community and veterans' resources, provide financial counseling, get answers to military health insurance questions, and provide military identification cards for dependents. During mobilizations, the Family Assistance Specialists regularly check in with the families of deployed service members to ensure they are coping well and receiving any needed services. We currently have Family Assistance Specialists located at Camp Dodge, Iowa City, Council Bluffs, and Waterloo, as well as new offices in Sioux City, Ft. Dodge and Davenport.

Finally, let me say "thank you" for what the Legislature and Senate does every day to support the men and women of the Iowa National Guard.

We deeply appreciate your efforts to provide critical state funding to the Iowa National Guard to support our men and women in this challenging fiscal environment. We are extremely grateful for your continued support of our National Guard Educational Assistance Program, which is helping nearly 1,200 Iowa National Guard Soldiers and Airmen defray their college or trade school educational expenses this academic year.

The Home Ownership Assistance Program and the Injured Veteran Grant Program are highly effective programs that keep faith with those who have sacrificed to protect our state and defend our nation. There are currently more than 125 soldiers and airmen that have used the Home Ownership Assistance Program to purchase their first home in Iowa. We have over 18 military families like the families of Sergeant Pfeiler and Sergeant Craig that received Injured Veteran Grants due to injuries sustained during deployments by their loved ones.

The Home Ownership Assistance program, coupled with membership in the Iowa National Guard and participation in the Tuition Assistance Program, help create powerful opportunities for our soldiers, airmen and their families to live, learn and lead happy and fulfilling lives right here in Iowa. These young men and women join Iowa National Guard units, they attend Iowa trade schools, colleges, and universities, they are hired by Iowa employers, and they buy Iowa homes, all of which creates a solid foundation for maintaining quality Iowa roots. None of this would be possible without the efforts of our Legislature and Senate.

Throughout the missions of the Iowa National Guard since our inception, Iowans from across the state have shown unbelievable kindness and encouragement to our members and we are so grateful for their continued support.

For the last eight years, the Iowa National Guard has been tested like few times in its history – and this year is shaping up to be the most challenging yet.

It's no small feat to prepare, train, equip and deploy more than 3,300 soldiers and airmen, while maintaining our organizational readiness, preparing trained war fighters for future missions, and taking care of our soldiers, airmen, families, and their employers, all while providing a robust domestic emergency response capability for Iowa.

Yet despite these incredible challenges, I am confident that the Iowa National Guard will continue to set the example for all states; we will be there for Iowa whenever we're called. And as a force, we will remain "Mission Focused and Warrior Ready."

May God bless you and your families, and God bless our men and women serving in harm's way.

Thank you.

Major General Tim Orr was escorted from the House chamber by the committee previously appointed.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Representative Upmeyer moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:33 a.m. until 6:00 p.m.

**APPENDIX—1****CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Dean and Ruby Humphrey, Williamsburg—For celebrating their 70<sup>th</sup> wedding anniversary. Senator Rielly (2/15/11).

Patrician Washburn, Lawton—For being named 2010 City Clerk of the Year by the Iowa Rural Water Association. Senator Anderson (2/16/11).

**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

**Convened:** Wednesday, February 16, 2011, 1:10 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Johnson, Smith, Soddors, and Wilhelm.

**Members Absent:** Hogg (excused).

**Committee Business:** Approved SSBs 1104 and 1105. Interview with governor's appointee.

**Adjourned:** 2:00 p.m.

**JUDICIARY**

**Convened:** Tuesday, February 15, 2011, 5:15 p.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver.

**Members Absent:** None.

**Committee Business:** Approved [SSB 1072](#). Approved SSBs 1042 and 1045, both as amended. Presentation by governor's appointee.

**Adjourned:** 5:35 p.m.

**STATE GOVERNMENT**

**Convened:** Wednesday, February 16, 2011, 2:05 p.m.

**Members Present:** Danielson, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson.

**Members Absent:** None.

**Committee Business:** Considered governor's appointees.

**Adjourned:** 2:30 p.m.

#### WAYS AND MEANS

**Convened:** Wednesday, February 16, 2011, 3:00 p.m.

**Members Present:** Bolkom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirnbach, and Smith.

**Members Absent:** Hogg and McCoy (both excused).

**Committee Business:** Passed [SF 109](#). Approved [SSB 1082](#). Presentation on the Property Assessment Appeals Board.

**Adjourned:** 4:00 p.m.

#### INTRODUCTION OF BILLS

**Senate File 226**, by Danielson, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 227**, by Kibbie, Bartz, Fraise, McKinley, Courtney, and Kapucian, a bill for an act relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Agriculture**.

**Senate File 228**, by McKinley, a bill for an act creating a small business advocate's office and a solutions-to-minimize-unreasonable-government committee and providing for an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

**Senate File 229**, by McKinley, a bill for an act relating to the review of administrative rules for their impact on small business.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 230**, by McKinley, a bill for an act amending the Iowa administrative procedure Act as it relates to public participation in the rulemaking process, the adoption and effectiveness of administrative rules, and the delegation of rulemaking authority to administrative agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 231**, by McKinley, a bill for an act requiring a regulatory analysis of administrative rules impacting small business.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 232**, by McKinley, a bill for an act requiring periodic review of administrative rules by administrative agencies.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate File 233**, by committee on Human Resources, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 234**, by committee on Human Resources, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 235**, by Rielly, a bill for an act authorizing the establishment of health insurance exchanges in the state and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 236**, by committee on Judiciary, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 237**, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

Read first time under Rule 28 and **placed on calendar**.

#### STUDY BILLS RECEIVED

#### **SSB 1120**      **Judiciary**

Relating to the conveyance or encumbrance of a homestead by a spouse.

**SSB 1121      Judiciary**

Relating to the boards of directors of public corporations, and including effective date provisions.

**SSB 1122      Labor and Business Relations**

Relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

**SSB 1123      Veterans Affairs**

Relating to the duties of the commission of veterans affairs.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 14**

STATE GOVERNMENT: Dearden, Chair; Courtney and Dix

**Senate File 192**

WAYS AND MEANS: Black, Chair; Chelgren and Seng

**Senate File 208**

TRANSPORTATION: Danielson, Chair; Kapucian and Rielly

**Senate File 210**

STATE GOVERNMENT: Courtney, Chair; Dix and Fraise

**Senate File 214**

STATE GOVERNMENT: Rielly, Chair; Ernst and Hancock

**Senate File 215**

STATE GOVERNMENT: Kibbie, Chair; Behn and Jochum

**Senate File 216**

STATE GOVERNMENT: Dearden, Chair; Courtney and Smith

**Senate File 217**

STATE GOVERNMENT: Dearden, Chair; Courtney and Sorenson

**Senate File 218**

STATE GOVERNMENT: Hatch, Chair; Behn and Dearden

**Senate File 219**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

**Senate File 220**

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Dotzler and Whitver

**Senate File 221**

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirnbach

**Senate File 222**

EDUCATION: Dvorsky, Chair; Hogg and Smith

**Senate File 223**

STATE GOVERNMENT: Jochum, Chair; Horn and Smith

**Senate File 224**

WAYS AND MEANS: Bolkcom, Chair; Quirnbach and Smith

**Senate File 226**

STATE GOVERNMENT: Sodders, Chair; Courtney and Smith

**Senate File 229**

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

**Senate File 230**

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

**Senate File 231**

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

**Senate File 232**

STATE GOVERNMENT: Kibbie, Chair; Courtney and Feenstra

**SSB 1120**

JUDICIARY: Hogg, Chair; Horn and Whitver



**SSB 1121**

JUDICIARY: Hogg, Chair; Sodders and Whitver

**SSB 1122**

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Anderson and Hatch

**SSB 1123**

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

**FINAL COMMITTEE REPORTS OF BILL ACTION****ECONOMIC GROWTH/REBUILD IOWA**

**Bill Title:** \*[SENATE FILE 237](#) (formerly [SF 178](#)), a bill for an act relating to community development by allocating tax credits for redevelopment of brownfields and grayfields and by making an appropriation for certain community partnership programs designed to support community beautification projects.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sodders, Dotzler, Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm. Nays, 1: Greiner. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on [Senate File 237](#), and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 233](#) (formerly [SF 152](#)), a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Jochum, Johnson, Quirnbach, and Whitver. Nays, none. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [SENATE FILE 234](#) (formerly [SF 126](#)), a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Ragan, Wilhelm, Bolkcom, Dotzler, Dvorsky, Jochum, and Quirnbach. Nays, 5: Seymour, Bacon, Boettger, Johnson, and Whitver. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### JUDICIARY

**Bill Title:** [SENATE FILE 236 \(SSB 1072\)](#), a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and access to deferred judgment docket records.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### EVENING SESSION

The Senate reconvened at 6:16 p.m., President Kibbie presiding.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 167 and 166.

#### [Senate File 167](#)

On motion of Senator Wilhelm, [Senate File 167](#), a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Wilhelm moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 167), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 166

On motion of Senator Sodders, **Senate File 166**, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions, was taken up for consideration.

Senator Sodders moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 166), the vote was:

Yeas, 26:

Beall	Dearden	Hogg	Rielly
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Fraise	Kibbie	Sodders
Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, 24:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Behn	Feenstra	Kapucian	Ward
Bertrand	Greiner	Kettering	Whitver
Boettger	Hahn	McKinley	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 166** and **167** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:55 p.m. until 8:00 a.m., Thursday, February 17, 2011.

#### APPENDIX—2

#### REPORT OF COMMITTEE MEETING

##### VETERANS AFFAIRS

**Convended:** Wednesday, February 16, 2011, 4:10 p.m.

**Members Present:** Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Ragan, and Sodders.

**Members Absent:** Kibbie (excused).

**Committee Business:** Subcommittee reports on governor's appointees.

**Adjourned:** 4:20 p.m.

## INTRODUCTION OF BILLS

**Senate File 238**, by committee on Education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 239**, by committee on Education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 240**, by committee on Commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 241**, by committee on Human Resources, a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 242**, by committee on Commerce, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 243**, by committee on Commerce, a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

Read first time under Rule 28 and **placed on calendar**.

**Senate File 244**, by committee on Judiciary, a bill for an act relating to the release and satisfaction of judgments.

Read first time under Rule 28 and **placed on calendar**.

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### COMMERCE

**Bill Title:** \***SENATE FILE 240 (SSB 1086)**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, 1: Bolkcom. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on **Senate File 240**, and they were attached to the committee report.

##### ALSO:

**Bill Title:** \***SENATE FILE 242 (SSB 1087)**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on **Senate File 242**, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 243 (SSB 1048), a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 243, and they were attached to the committee report.

**EDUCATION**

**Bill Title:** SENATE FILE 238 (SSB 1105), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Hogg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** SENATE FILE 239 (SSB 1104), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2012, for purposes of the state school foundation program, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Hogg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**HUMAN RESOURCES**

**Bill Title:** \*SENATE FILE 241 (formerly SF 103), a bill for an act relating to the amount of certain civil penalties that may be imposed by the board of pharmacy.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolcom, Dotzler, Dvorsky, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 241](#), and they were attached to the committee report.

#### JUDICIARY

**Bill Title:** \*[SENATE FILE 244 \(SSB 1042\)](#), a bill for an act relating to the release and satisfaction of judgments.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 244](#), and they were attached to the committee report.

### GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### VETERANS AFFAIRS

Brigadier General Jodi Tymeson – Executive Director of the Commission of Veterans Affairs

David Worley – Commandant of the Iowa Veterans Home

#### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

David Roederer – Director of the Department of Management

ROBERT E. DVORSKY



## AMENDMENTS FILED

S-3011	S.F.	209	Robert E. Dvorsky
S-3012	H.F.	45	Robert M. Hogg
			Joe Bolkom
			Steven J. Soddors
			Wally E. Horn
			William A. Dotzler, Jr.
S-3013	H.F.	45	Matt McCoy
			Shawn Hamerlinck