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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 17, 2011**

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# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 17, 2011

The Senate met in regular session at 8:04 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

## PLEDGE OF ALLEGIANCE

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

The Journal of Wednesday, February 16, 2011, was approved.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 45](#).

### [House File 45](#)

On motion of Senator Danielson, [House File 45](#), a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

([House File 45](#) was deferred.)

The Senate stood at ease at 8:10 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:04 a.m., President Kibbie presiding.

#### INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Chuck Palmer, the governor's appointee to be the Director of the Department of Human Services. He was the guest of Senators Ragan and Hatch and the committee on Human Resources.

The Secretary of the Senate introduced Sam Langholz, the governor's appointee to be the State Public Defender. He was the guest of Senator Hogg and the committee on Judiciary.

The Secretary of the Senate introduced David Worley, the governor's appointee to be the Commandant of the Iowa Veterans Home. He was the guest of Senator Beall and the committee on Veterans Affairs.

The Secretary of the Senate introduced Brigadier General Jodi Tymeson, the governor's appointee to be the Executive Director of the Commission of Veterans Affairs. She was the guest of Senator Beall and the committee on Veterans Affairs.

#### 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 16, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 194**, a bill for an act providing for a reduction in the individual income tax rates and including effective date and applicability provisions.

Read first time and referred to committee on **Ways and Means**.

**House File 260**, a bill for an act relating to the exercise, by school districts, of any broad and implied powers except as expressly prohibited or prescribed by the Constitution of the State of Iowa or by statute, and to the construction of statutes related to school district boards and school districts, and providing an exception.

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

BUSINESS PENDING

### **House File 45**

The Senate resumed consideration of **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, previously deferred.

Senator Dvorsky offered amendment **S-3009**, filed by the committee on Appropriations on February 14, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Danielson asked and received unanimous consent that action on amendment **S-3009** and **House File 45** be **deferred**.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 209**.

### **Senate File 209**

On motion of Senator Jochum, **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-3010, filed by the committee on Appropriations on February 15, 2011, to pages 9 and 10 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-3010 be deferred.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, for the day, on request of Senator McKinley.

Senator Feenstra offered amendment S-3028, filed by him from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3028 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3028 lost.

Senator Jochum moved the adoption of amendment S-3010, previously deferred.

Amendment S-3010 was adopted by a voice vote.

Senator Feenstra offered amendment S-3027, filed by him from the floor to page 11 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3027 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3027 lost.

Senator Gronstal asked and received unanimous consent that action on **Senate File 209** be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:12 a.m. until 11:30 a.m.

## RECONVENED

The Senate reconvened at 11:35 a.m., President Kibbie presiding.

## QUORUM CALL

Senator Danielson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

## BUSINESS PENDING

**House File 45**

The Senate resumed consideration of **House File 45**, a bill for an act relating to public funding and regulatory matters and making, reducing, and transferring appropriations and revising fund amounts and including effective, retroactive, and other applicability date provisions, and making penalties applicable, and amendment S-3009, previously deferred.

Senator Anderson offered amendment S-3020, filed by him from the floor to page 1 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3020 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3020 lost.

Senator Kapucian offered amendment S-3024, filed by him from the floor to pages 1 and 2 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3024 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3024 lost.

Senator Dix offered amendment S-3023, filed by him from the floor to page 2 of amendment S-3009, and moved its adoption.

A record roll call was requested.



On the question “Shall amendment S–3023 to amendment S–3009 be adopted?” (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S–3023 lost.

Senator McCoy offered amendment S–3013, filed by Senators McCoy and Hamerlinck on February 16, 2011, to pages 2–4 of amendment S–3009.

Senator Kettering asked and received unanimous consent that action on amendment S–3013 to amendment S–3009 be deferred.

Senator Danielson withdrew amendment S–3015, filed by him from the floor to pages 2, 3, and 12–16 of amendment S–3009.

Senator Danielson offered amendment S–3032, filed by him from the floor to pages 2, 3, and 12–16 of amendment S–3009.

Senator Kettering asked and received unanimous consent that action on amendment S–3032 to amendment S–3009 be deferred.

Senator Behn offered amendment S–3033, filed by him from the floor to page 4 of amendment S–3009, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-3033 to amendment S-3009 be adopted?” (H.F. 45), the vote was:

Yeas, 25:

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

Nays, 24:

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

Absent, 1:

Greiner

Amendment S-3033 was adopted.

(House File 45 and amendment S-3009 were deferred.)

The Senate stood at ease at 12:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:25 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 45 and amendment S-3009.

Senator Dix offered amendment S-3022, filed by him from the floor to pages 4, 9, and 16 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3022 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3022 lost.

Senator Boettger offered amendment S-3016, filed by her from the floor to pages 4 and 5 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3016 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3016 lost.

Senator Hamerlinck withdrew amendment S-3025, filed by him from the floor to page 5 of amendment S-3009.

Senator Whitver offered amendment S-3021, filed by him from the floor to page 5 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3021 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3021 lost.

Senator Bolcom asked and received unanimous consent that action on amendment S-3009 and **House File 45** be **deferred**.

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 267**, a bill for an act relating to the identification of historic properties by certain rural electric cooperatives.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

#### RECESS

On motion of Senator Bolcom, the Senate recessed at 2:08 p.m. until the completion of a meeting of the committee on Commerce.

#### RECONVENED

The Senate reconvened at 2:34 p.m., President Kibbie presiding.

The Senate resumed consideration of **House File 45** and amendment S-3009, previously deferred.

Senator Johnson offered amendment S-3017, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3017 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 24:

Anderson	Chelgren	Hancock	Seymour
Bacon	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson

Behn	Feenstra	Kapucian	Ward
Bertrand	Hahn	Kettering	Whitver
Boettger	Hamerlinck	McKinley	Zaun

Nays, 25:

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

Absent, 1:

Greiner

Amendment S-3017 lost.

Senator Kettering offered amendment S-3019, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3019 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3019 lost.

Senator Dix offered amendment S-3031, filed by him from the floor to page 6 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3031 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3031 lost.

Senator Zaun offered amendment S-3030, filed by him from the floor to page 7 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3030 to amendment S-3009 be adopted?" (H.F. 45), the vote was:

Yeas, 22:

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

Nays, 27:

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

Absent, 1:

Greiner

Amendment S-3030 lost.

Senator Hogg asked and received unanimous consent to withdraw amendment S-3012, filed by Senator Hogg, et al., on February 16, 2011, to pages 8 and 9 of amendment S-3009.

Senator Hogg offered amendment S-3034, filed by him from the floor to pages 8 and 9 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3034 to amendment S-3009 be adopted?" (H.F. 45), 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	Quirmbach	
Danielson	Hatch	Ragan	

Nays, 23:

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

Absent, 1:

Greiner

Amendment S-3034 was adopted.



Senator Hatch offered amendment S-3014, filed by him from the floor to page 10 of amendment S-3009, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3014 to amendment S-3009 be adopted?" (H.F. 45), 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, 23:

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

Absent, 1:

Greiner

Amendment S-3014 was adopted.

Senator Feenstra withdrew amendment S-3018, filed by him from the floor to page 16 of amendment S-3009.

Senator Hamerlinck withdrew amendment S-3035, filed by him from the floor to page 16 of amendment S-3009.

Senator McCoy moved the adoption of amendment S-3013 to amendment S-3009, previously deferred.

Amendment S-3013 was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-3032 to amendment S-3009, previously deferred.

Senator Bartz called for the following division of amendment S-3032:

Division S-3032A: Page 1, lines 4-15 and Page 1, lines 21 through Page 2, line 43; and

Division S-3032B: Page 1, lines 16-20.

Senator Bartz asked and received unanimous consent that action on division S-3032A be deferred.

Senator Danielson moved the adoption of division S-3032B.

A record roll call was requested.

On the question "Shall division S-3032B to amendment S-3009 be adopted?" (H.F. 45), 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, 23:

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

Absent, 1:

Greiner

Division S-3032B was adopted.

Senator Danielson moved the adoption of division S-3032A.

Division S-3032A was adopted by a voice vote.

Senator Danielson moved the adoption of amendment S-3009, as amended.

A record roll call was requested.

On the question "Shall amendment S-3009, as amended, be adopted?" (H.F. 45), 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, 23:

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

Absent, 1:

Greiner

Amendment S-3009, as amended, was adopted.

Senator Danielson 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?" (H.F. 45), the vote was:

Yeas, 48:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kapucian	Sodders

Boettger	Fraise	Kettering	Sorenson
Bolkcom	Gronstal	Kibbie	Ward
Bowman	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Dandekar	Hancock	Quirnbach	Zaun

Nays, 1:

Chelgren

Absent, 1:

Greiner

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 **House File 45** be **immediately messaged** to the House.

#### BUSINESS PENDING

#### Senate File 209

The Senate resumed consideration of **Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions, previously deferred.

Senator Dvorsky offered amendment **S-3011**, filed by him on February 16, 2011, to page 20 of the bill, and moved its adoption.

Amendment **S-3011** was adopted by a voice vote.

Senator Dvorsky offered amendment **S-3026**, filed by him from the floor to page 20 of the bill, and moved its adoption.

Amendment **S-3026** was adopted by a voice vote.

Senator Johnson offered amendment S-3029, filed by him from the floor to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-3029 be adopted?" (S.F. 209), the vote was:

Yeas, 23:

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

Nays, 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	

Absent, 1:

Greiner

Amendment S-3029 lost.

Senator Jochum 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. 209), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward

Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

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 File 209** be **immediately messaged** to the House.

#### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

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

Diana Bruemmer – Environmental Protection Commission  
John Glenn – Environmental Protection Commission

DAVID JOHNSON

#### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Judith Bevers, Commission on Aging  
Ralph Wolf, Commission on Aging

Erik Oostenink, Board of Behavioral Science

Aida Bogaczyk, Commission of Persons with Disabilities  
Michelle Ray-Michalec, Commission of Persons with Disabilities  
James Rixner, Commission of Persons with Disabilities  
Gary Schriver, Commission of Persons with Disabilities

Harry Van Grevenhof, Commission of Persons with Disabilities  
 LaSheila Yates, Commission of Persons with Disabilities

Brent Hinson, Generation Iowa Commission  
 Benjamin Rogers, Generation Iowa Commission

Rod Roberts, Director of the Department of Inspections and Appeals

Sal Alaniz, Commission of Latino Affairs  
 Ramon Cantu, Commission of Latino Affairs  
 Joan Jaimes, Commission of Latino Affairs  
 Paula Martinez, Commission of Latino Affairs  
 Sandra Sanchez-Naert, Commission of Latino Affairs

Laurel Phipps, Mental Health and Disabilities Services Commission

Dawn Carlson, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Carol Balvanz, Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, none.

Absent, 1:

Greiner

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 1:00 p.m., Monday, February 21, 2011.

### APPENDIX

#### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Seniors from Friendship Haven and the Elderbridge Area Agency on Aging, accompanied by former state representative Norman Munday. Senator Beall.

#### CERTIFICATES OF RECOGNITION

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

Judd Anderson, Coach of the Muscatine High School Boys Swim Team—For leading his team to victory at the State Championships. Senator Hahn (2/17/11).

Haden Calegan, Muscatine—For swimming a school record in the 200 individual medley at the State Championships. Senator Hahn (2/17/11).

Tyler Calegan, Muscatine—For swimming a lifetime best in the 100 butterfly at the State Championships. Senator Hahn (2/17/11).

Travis Greenwald, Muscatine—For swimming a lifetime best in the 100 breast stroke at the State Championships. Senator Hahn (2/17/11).

Trent Jackson, Muscatine—For shaving 23-plus seconds off time in the 500 freestyle at the State Championships. Senator Hahn (2/17/11).

Paul Jindrich, Muscatine—For anchoring the winning medley relay and swimming legs on the third and fourth place freestyle relays at the State Championships. Senator Hahn (2/17/11).



## REPORTS OF COMMITTEE MEETINGS

## COMMERCE

**Convened:** Thursday, February 17, 2011, 2:10 p.m.

**Members Present:** Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

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

**Committee Business:** Presentation by Clean Line Energy.

**Adjourned:** 2:25 p.m.

## GOVERNMENT OVERSIGHT

**Convened:** Thursday, February 17, 2011, 10:15 a.m.

**Members Present:** Courtney, Chair; Soddors, Vice Chair; Sorenson, Ranking Member; and Kibbie.

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

**Committee Business:** Presentation by Iowa Prison Industries.

**Adjourned:** 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND  
REGULATION

**Convened:** Thursday, February 17, 2011, 10:20 a.m.

**Members Present:** Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

**Members Absent:** None.

**Committee Business:** None.

**Adjourned:** 10:25 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Thursday, February 17, 2011, 10:20 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; and Horn.

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

**Committee Business:** Presentation by Iowa Public Television.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Thursday, February 17, 2011, 10:25 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Corrections.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Thursday, February 17, 2011, 10:10 a.m.

**Members Present:** McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

**Members Absent:** None.

**Committee Business:** Presentations by Board of Regents institutions and Easter Seals Iowa.

**Adjourned:** 11:40 a.m.

### **INTRODUCTION OF BILLS**

**Senate File 245**, by Jochum, a bill for an act allowing qualified organizations to lease electronic bingo equipment in order to assist disabled participants.

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

**Senate File 246**, by Jochum, a bill for an act relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and including effective date provisions.

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

**Senate File 247**, by Sodders, Seng, Hatch, Courtney, Kibbie, and Black, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention.

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

**Senate File 248**, by Sodders, a bill for an act providing for a small employer health insurance tax credit as a percentage of the federal credit and including retroactive applicability provisions.

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

**Senate File 249**, by Jochum, a bill for an act relating to recycling by repealing beverage container control laws, creating universal recycling requirements, increasing littering fines, changing waste volume reduction goals, implementing a recycling fee, making appropriations, and making penalties applicable.

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

**Senate File 250**, by Jochum, a bill for an act relating to long-term residential living options.

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

**Senate File 251**, by Kibbie, a bill for an act relating to the duty of care owed to certain persons operating a snowmobile, establishing the criminal offense of dangerous condition manslaughter, and providing criminal penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

**Senate File 252**, by Bolkcom, Dvorsky, Dotzler, Seng, Dearden, Gronstal, Kibbie, Jochum, Ragan, and Hatch, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions.

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

**Senate File 253**, by Hogg, a bill for an act relating to county attorney duties when representing the department of human services in juvenile court.

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

**Senate File 254**, by Ward, a bill for an act relating to the interest rate on weekly workers' compensation payments that are not paid when due and including applicability date provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

**Senate File 255**, by Ward, a bill for an act relating to stays of decrees or judgments in workers' compensation cases pending judicial review.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

**Senate File 256**, by McCoy, a bill for an act relating to school reorganization by establishing an office of county school superintendent in each county, requiring the reorganization of certain school districts and the approval of certain expenditures of supplemental school infrastructure revenues, and including effective date and applicability provisions.

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

**Senate File 257**, by Johnson, a bill for an act providing for voting methods which may be utilized by members of cooperative associations.

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

**Senate File 258**, by Kettering, a bill for an act relating to issuance of policies of individual accident and sickness insurance or subscriber contracts that provide Medicare supplement coverage and including applicability provisions.

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

**Senate File 259**, by committee on Judiciary, a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

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

**Senate File 260**, by committee on Ways and Means, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

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

**Senate File 261**, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

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

## STUDY BILLS RECEIVED

**SSB 1124      Local Government**

Relating to drainage and levee districts by providing for the delivery of a written communication to state and local government.

**SSB 1125      State Government**

Relating to medication therapy management, providing an appropriation, and including effective date provisions.

**SSB 1126      Agriculture**

Transferring the water resources coordinating council from the office of the governor to the department of agriculture and land stewardship.

**SSB 1127      Agriculture**

Placing the agricultural development authority within the department of agriculture and land stewardship.

**SSB 1128      Agriculture**

Relating to preferred stock issued by cooperative associations.

**SSB 1129      Agriculture**

Relating to the regulation of egg production.

**SSB 1130      Agriculture**

Relating to the certification of milk, and the transfer of duties from the department of public health to the department of agriculture and land stewardship.

**SSB 1131      Agriculture**

Providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

**SSB 1132      Commerce**

Relating to the disapproval of rate filings of certain casualty insurers.

**SSB 1133      Commerce**

Relating to automobile or motor vehicle insurance coverage of liability arising from uninsured, underinsured, or hit-and-run motorists.

**SSB 1134      Veterans Affairs**

Relating to the injured veterans grant program.

**SSB 1135      Economic Growth**

Relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

**SSB 1136      Local Government**

Modifying water service requirements for rural water providers.

**SSB 1137      Transportation**

Relating to the licensing of salvage pools, establishing fees, and making penalties applicable.

**SSB 1138      Transportation**

Restricting the practice of parking and displaying motor vehicles for sale, hire, or rental on public or private property and providing for local enforcement.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 235**

COMMERCE: Rielly, Chair; Behn, Dandekar, McCoy, and Ward

**Senate File 250**

HUMAN RESOURCES: Dotzler, Chair; Boettger and Jochum

**Senate File 254**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

**Senate File 255**

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dotzler and Ward

**House File 194**

WAYS AND MEANS: Bolkcom, Chair; Dotzler and Zaun

**House File 245**

JUDICIARY: Jochum, Chair; Soddors and Whitver

**SSB 1124**

LOCAL GOVERNMENT: Bartz, Chair; Schoenjahn and Wilhelm

**SSB 1125**

STATE GOVERNMENT: Danielson, Chair; Jochum and Behn

**SSB 1126**

AGRICULTURE: Black, Chair; Bowman and Hahn

**SSB 1127**

AGRICULTURE: Black, Chair; Bowman and Hahn



**SSB 1128**

AGRICULTURE: Fraise, Chair; Kapucian and Seng

**SSB 1129**

AGRICULTURE: Seng, Chair; Hancock and Johnson

**SSB 1130**

AGRICULTURE: Seng, Chair; Courtney and Houser

**SSB 1131**

AGRICULTURE: Seng, Chair; Courtney and Houser

**SSB 1132**

COMMERCE: McCoy, Chair; Dandekar and Feenstra

**SSB 1133**

COMMERCE: Rielly, Chair; Feenstra and Wilhelm

**SSB 1134**

VETERANS AFFAIRS: Soddors, Chair; Danielson and Seymour

**SSB 1135**

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Bertrand, Chelgren, Dotzler, and Hatch

**SSB 1136**

LOCAL GOVERNMENT: Rielly, Chair; Bartz and Bowman

**SSB 1137**

TRANSPORTATION: Dearden, Chair; Hancock and Kapucian

**SSB 1138**

TRANSPORTATION: Dearden, Chair; Hancock and Houser

## FINAL COMMITTEE REPORTS OF BILL ACTION

## JUDICIARY

**Bill Title:** \*SENATE FILE 259 (SSB 1045), a bill for an act relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 259, and they were attached to the committee report.

## WAYS AND MEANS

**Bill Title:** SENATE FILE 260 (formerly SF 109), a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bolkom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirnbach, and Smith. Nays, none. Absent, 2: Hogg and McCoy.

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

## ALSO:

**Bill Title:** SENATE FILE 261 (SSB 1082), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bolkom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Jochum, Quirnbach, and Smith. Nays, none. Absent, 2: Hogg and McCoy.

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

**GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

**ECONOMIC GROWTH/REBUILD IOWA**

Debi Durham – Director of the Department of Economic Development

**ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT**

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to [House File 45](#) on the seventeenth day of February in the 2011 year of our Lord Jesus Christ.

This bill is injurious to the voters of Iowa not because of any specific content in the bill, instead because of the title of the bill and the fact that it does not comport to Article III, Section 29 of the Iowa Constitution. Section 29 states: "Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." I believe it is my duty to remind my fellow legislators of our oath to support the Constitution of the United States, and the Constitution of the State of Iowa.

MARK CHELGREN  
DISTRICT 47

**AMENDMENTS FILED**

S-3014	H.F.	45	Jack Hatch
S-3015	H.F.	45	Jeff Danielson
S-3016	H.F.	45	Nancy J. Boettger
S-3017	H.F.	45	David Johnson
S-3018	H.F.	45	Randy Feenstra
S-3019	H.F.	45	Steve Kettering
S-3020	H.F.	45	Bill Anderson
S-3021	H.F.	45	Jack Whitver
S-3022	H.F.	45	Bill Dix
S-3023	H.F.	45	Bill Dix
S-3024	H.F.	45	Tim L. Kapucian

S-3025	H.F.	45	Shawn Hamerlinck
S-3026	S.F.	209	Robert E. Dvorsky
S-3027	S.F.	209	Randy Feenstra
S-3028	S.F.	209	Randy Feenstra
S-3029	S.F.	209	David Johnson
S-3030	H.F.	45	Brad Zaun
S-3031	H.F.	45	Bill Dix
S-3032	H.F.	45	Jeff Danielson
S-3033	H.F.	45	Jerry Behn
S-3034	H.F.	45	Robert M. Hogg
S-3035	H.F.	45	Shawn Hamerlinck