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**STATE OF IOWA**

**Senate Journal**

**MONDAY, FEBRUARY 21, 2011**

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# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 21, 2011

The Senate met in regular session at 1:09 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Thursday, February 17, 2011, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Mark Schouten, the governor's appointee to be the Drug Policy Coordinator. He was the guest of Senators Sodders and Sorenson and the committee on Judiciary.

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 125 and 234** be referred from the Regular Calendar to the committee on **Appropriations**; and that [Senate File 237](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:20 p.m. until 9:00 a.m., Tuesday, February 22, 2011.

## APPENDIX

### PRESENTATION OF VISITORS

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

Fifty students from Davenport and Bettendorf schools, accompanied by Richard Clewell. Senators Hamerlinck, Seng, and Smith.

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF PUBLIC HEALTH

Direct Care Worker Advisory Council Interim Progress Report, pursuant to 2010 Iowa Acts, [HF 2526](#). Report received on February 21, 2011.

### CERTIFICATES OF RECOGNITION

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

James and Virginia Abernathy, Evansdale—For celebrating their 70<sup>th</sup> wedding anniversary. Senator Dotzler (2/21/11).

Dylan Blanchard, Waterloo—For achieving the rank of Eagle Scout. Senator Dotzler (2/21/11).

Brandon Bock, Mason City—For achieving the rank of Eagle Scout. Senator Ragan (2/21/11).

John and Carmin Blake, Maquoketa—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Bowman (2/21/11).

Zach Fincher, Denmark Troop 19—For achieving the rank of Eagle Scout. Senator Fraise (2/21/11).

Veronic Krug, Dubuque—For celebrating her 100<sup>th</sup> birthday. Senator Hancock (2/21/11).

Joe and Viola Sailor, Waterloo—For celebrating their 64<sup>th</sup> wedding anniversary. Senator Dotzler (2/21/11).

Brianna Sleezer, Cherokee—For being crowned Miss Pigtail 2011 at the Cherokee County Pork Producers Annual Banquet. Senator Anderson (2/21/11).

Gene and Donna Waldorf, Clinton—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Bowman (2/21/11).

## REPORTS OF COMMITTEE MEETINGS

### LOCAL GOVERNMENT

**Convened:** Monday, February 21, 2011, 2:15 p.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bacon, Bowman, Ernst, McCoy, Quirnbach, Rielly, and Schoenjahn.

**Members Absent:** Bartz, Ranking Member; and Hamerlinck (both excused).

**Committee Business:** Adjourned for caucuses.

**Adjourned:** 2:20 p.m.

### STATE GOVERNMENT

**Convened:** Monday, February 21, 2011, 2:15 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:** Passed [SF 25](#) and approved [SSB 1066](#).

**Adjourned:** 3:00 p.m.

## INTRODUCTION OF BILLS

[Senate File 262](#), by Ward, a bill for an act relating to the demonstration of a reasonable or probable cause or excuse for the denial, delay in payment, or termination of workers' compensation benefits.

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

[Senate File 263](#), by Sorenson, Hamerlinck, Behn, Kettering, Bacon, Johnson, Kapucian, Chelgren, Boettger, Zaun, Bartz, Ernst, Smith, Whitver, Anderson, and Bertrand, a bill for an act relating to the justifiable use of reasonable force.

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

[Senate File 264](#), by Sorenson, Hamerlinck, Anderson, Chelgren, Whitver, Ernst, and Behn, a bill for an act eliminating the requirement of an annual permit to acquire a pistol or revolver.

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

[Senate File 265](#), by Danielson, a bill for an act creating a blue alert program within the department of public safety for the apprehension of a person suspected of killing or seriously injuring a peace officer in the line of duty.

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

[Senate File 266](#), by Bolkom, a bill for an act relating to the creation of a medical marijuana Act including the creation of nonprofit dispensaries, and providing for civil and criminal penalties and fees.

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

[Senate File 267](#), by Danielson, McCoy, and Beall, a bill for an act relating to close clearances and safe spaces around railroad tracks and railroad facilities, and providing penalties and including effective date provisions.

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

[Senate File 268](#), by Danielson, a bill for an act relating to the purchase of flood damaged structures under the federal hazard mitigation grant program.

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

[Senate File 269](#), by Seng, Johnson, Seymour, Houser, Kibbie, Rielly, Kapucian, Hahn, Hancock, and Fraise, a bill for an act relating to wastewater discharges by on-farm processing operations.

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

#### STUDY BILLS RECEIVED

[SSB 1139](#)      **Commerce**

Relating to the licensing and regulation of real estate brokers and salespersons.

[SSB 1140](#)      **Labor and Business Relations**

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

[SSB 1141](#)      **Labor and Business Relations**

Requiring additional workers' compensation payments for scheduled injuries that result in a reduction in the injured employee's earning capacity.

[SSB 1142](#)      **State Government**

Permitting the limited gambling licensing of individuals as representatives of certain nonprofit organizations.

**SSB 1143 Commerce**

Relating to hearings conducted with regard to petitions for an electric transmission line franchise.

**SSB 1144 Commerce**

Relating to the permitting, licensing, construction, and operation of nuclear generation facilities.

**SSB 1145 Commerce**

Modifying provisions relating to utilization of the Iowa communications network.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 186**

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Dandekar and Whitver

**Senate File 207**

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

**Senate File 245**

STATE GOVERNMENT: Jochum, Chair; Danielson and Smith

**Senate File 246**

STATE GOVERNMENT: Jochum, Chair; Danielson and Sorenson

**Senate File 247**

EDUCATION: Bowman, Chair; Feenstra and Soddors

**Senate File 249**

STATE GOVERNMENT: Jochum, Chair; Bertrand and Dearden

**Senate File 251**

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Hahn and Hancock

[Senate File 252](#)

STATE GOVERNMENT: Courtney, Chair; Feenstra and Fraise

[Senate File 253](#)

JUDICIARY: Hogg, Chair; Dvorsky and Ward

[Senate File 256](#)

EDUCATION: Schoenjahn, Chair; Boettger and Bowman

[House File 260](#)

EDUCATION: Dvorsky, Chair; Hogg and Smith

[House File 267](#)

ECONOMIC GROWTH/REBUILD IOWA: Rielly, Chair; Bacon and Bowman

[SSB 1139](#)

COMMERCE: Dandekar, Chair; McCoy and Zaun

[SSB 1140](#)

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Bertrand and Fraise

[SSB 1141](#)

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Anderson and Fraise

[SSB 1142](#)

STATE GOVERNMENT: Danielson, Chair; Bertrand and Soddors

[SSB 1143](#)

COMMERCE: McCoy, Chair; Behn and Dandekar

[SSB 1144](#)

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

[SSB 1145](#)

COMMERCE: McCoy, Chair; Behn, and Dandekar

AMENDMENT FILED

[S-3036](#)

[S.F. 261](#)

Pam Jochum