

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 18, 2011

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JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 18, 2011

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

A moment of silence was observed in remembrance of Senate staff member John Larson, who passed away on April 14, 2011. John worked for the Senate for over 10 years.

PLEDGE OF ALLEGIANCE

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

The Journal of Thursday, April 14, 2011, was approved.

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 April 14, 2011, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 397](#), a bill for an act creating a criminal offense for impersonating a decorated military veteran and providing penalties.

[Senate File 418](#), a bill for an act relating to disclosure of specified information in connection with new motor vehicle repairs.

ALSO: That the House has on April 14, 2011, **passed** the following bill in which the concurrence of the Senate is asked:

House File 652, a bill for an act providing an exemption from the computation of the individual state income tax of all pay received for active duty military service and service in Operation New Dawn and including effective date and retroactive applicability provisions.

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

The Senate stood at ease at 1:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:33 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, until he arrives, on request of Senator Kettering.

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

Senate File 209

A conference committee report, signed by the following Senate and House members, was filed April 18, 2011, on **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:

On the part of the Senate:

JOE BOLKCOM, Chair
ROBERT E. DVORSKY
PAM JOCHUM
STEVE KETTERING
BRAD ZAUN

On the part of the House:

J. SCOTT RAECKER, Chair
ERIK HELLAND
DAVE JACOBY
TYLER OLSON
NICK WAGNER

[Senate File 209](#)

Senator Jochum called up the conference committee report on [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, filed on April 18, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

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

Nays, none.

Absent, 1:

Chelgren

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 209](#) be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 482](#)

Senator Dotzler called up for consideration [Senate File 482](#), a bill for an act relating to requirements of the department of human services involving individuals and families, amended by the House in House amendment [S-3245](#), filed April 13, 2011.

Senator Dotzler moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dotzler moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 482](#)), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun

Courtney	Hamerlinck	Quirnbach
Dandekar	Hancock	Ragan
Danielson	Hatch	Rielly

Nays, none.

Absent, 1:

Chelgren

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

HOUSE AMENDMENT CONSIDERED

[Senate File 424](#)

Senator Schoenjahn called up for consideration [Senate File 424](#), a bill for an act establishing a district-to-community college program and facilities sharing pilot program, amended by the House in House amendment [S-3243](#), filed April 13, 2011.

Senator Schoenjahn moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Schoenjahn moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 424](#)), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders
Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm

Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

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

HOUSE AMENDMENT CONSIDERED

[Senate File 407](#)

Senator Bolkcom called up for consideration [Senate File 407](#), a bill for an act delegating to counties the permitting and enforcement powers of the department of natural resources in relation to the construction of semipublic sewage disposal systems and authorizing penalties, amended by the House in House amendment [S-3242](#), filed April 13, 2011.

Senator Bolkcom moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Bolkcom moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 407](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng
Behn	Ernst	Jochum	Seymour

Bertrand	Feenstra	Johnson	Smith
Black	Fraise	Kapucian	Sodders
Boettger	Greiner	Kettering	Ward
Bolkcom	Gronstal	Kibbie	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Dandekar	Hancock	Quirnbach	

Nays, 2:

Dix	Sorenson
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Absent, 1:

Chelgren

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

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 658 and 651.

[House File 658](#)

On motion of Senator Ragan, [House File 658](#), a bill for an act 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, was taken up for consideration.

Senator Ragan 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. 658](#)), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Houser	Seymour
Beall	Dvorsky	Jochum	Smith
Behn	Ernst	Johnson	Sodders

Bertrand	Feenstra	Kapucian	Sorenson
Black	Fraise	Kettering	Ward
Boettger	Greiner	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	
Danielson	Hatch	Rielly	

Nays, none.

Absent, 1:

Chelgren

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

[House File 651](#)

On motion of Senator McCoy, [House File 651](#), a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment [S-3259](#), filed by the committee on Appropriations on April 13, 2011, to page 1 and amending the title page of the bill.

Senator Sodders offered amendment [S-3262](#), filed by him from the floor to pages 1 and 2 of amendment [S-3259](#), and moved its adoption.

Amendment [S-3262](#) was adopted by a voice vote.

Senator Behn offered amendment [S-3261](#), filed by him from the floor to page 1 of amendment [S-3259](#), and moved its adoption.

Amendment [S-3261](#) was adopted by a voice vote.

Senator McCoy moved the adoption of amendment [S-3259](#), as amended.

Amendment [S-3259](#), as amended, was adopted by a voice vote.

Senator McCoy 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. 651](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Chelgren

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 407, 424, and 482** and **House Files 651 and 658** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:15 p.m. until 9:00 a.m., Tuesday, April 19, 2011.

APPENDIX

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 EDUCATION

2010–2011 Report on the Iowa Early Intervention Block Grant Program (Class Size), pursuant to Iowa Code section 256D.3. Report received on April 14, 2011.

CERTIFICATES OF RECOGNITION

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

Catherine Johnston, North English—For celebrating her 95th birthday. Senator Kapucian (4/18/11).

Jim Simon, Farley—For his 30 years of service at the Farley Fire Department. Senator Hancock (4/18/11).

INTRODUCTION OF BILL

[Senate File 526](#), by committee on Ways and Means, a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[House File 652](#)

WAYS AND MEANS: Dandekar, Chair; Black and Smith

[House File 660](#)

WAYS AND MEANS: Hogg, Chair; Anderson and Bolkom

[House File 666](#)

WAYS AND MEANS: Quirnbach, Chair; Anderson and Bolkcom

[House File 674](#)

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Hogg

[House File 675](#)

WAYS AND MEANS: Hogg, Chair; Chelgren and Dandekar

[House File 676](#)

WAYS AND MEANS: McCoy, Chair; Bartz and Dandekar

[House File 677](#)

WAYS AND MEANS: Quirnbach, Chair; Black and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: *[SENATE FILE 526](#) (formerly [SF 458](#)), a bill for an act relating to certain forms of gambling, including horse racing, pari-mutuel wagering, and gambling games, and requiring a study of intrastate internet poker, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Seng, Bartz, Black, Chelgren, Dandekar, Dotzler, Jochum, McCoy, and Quirnbach. Nays, 6: Bolkcom, Zaun, Anderson, Feenstra, Hogg, and Smith. 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 Ways and Means Committee on [Senate File 526](#), and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 18th day of April, 2011.

Senate Files 197, 243, 260, 279, 312, 315, 326, 361, 406, 438, 453, 456, 460, and 478.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 286](#) – Relating to the Iowa prescription monitoring program and including an effective date provision.

[Senate File 428](#) – Relating to drainage districts, by providing for the assessment of benefits by state agencies, and including effective date provisions.

AMENDMENTS FILED

S-3261	H.F. 651	Jerry Behn
S-3262	H.F. 651	Steven J. Sodders