

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 20, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 20, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by Reverend Paul Beisel, pastor of Immanuel Lutheran Church in Iowa Falls, Iowa. He was the guest of Senator Sodders.

PLEDGE OF ALLEGIANCE

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

The Journal of Tuesday, April 19, 2011, was approved.

HOUSE MESSAGE RECEIVED

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 April 19, 2011, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 515](#), a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:11 a.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 9](#).

[Senate Resolution 9](#)

On motion of Senator Soddors, [Senate Resolution 9](#), a resolution to recognize the positive impact of the community services block grant program, with report of committee recommending passage, was taken up for consideration.

Senator Soddors moved the adoption of [Senate Resolution 9](#), which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

[Senate Concurrent Resolution 7](#)

Senator Kibbie called up for consideration [Senate Concurrent Resolution 7](#), a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly, amended by the House in House amendment [S-3270](#), filed April 19, 2011.

Senator Kibbie 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 Kibbie moved that the resolution, 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.

Senator Kibbie moved the adoption of [Senate Concurrent Resolution 7](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 126](#).

[House File 126](#)

On motion of Senator Kibbie, [House File 126](#), a bill for an act relating to the filing of lobbyist registrations and lobbyist's client reports with the general assembly, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie 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. 126](#)), the vote was:

Yeas, 50:

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

Nays, none.

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 Concurrent Resolution 7](#) and [House File 126](#) be **immediately messaged** to the House.

SPECIAL GUESTS

Senator McKinley introduced to the Senate chamber the Honorable John Putney, former member of the Senate from Tama County, Gladbrook, Iowa. He was accompanied by his wife, Emily.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:27 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:48 p.m., President Kibbie presiding.

SPECIAL GUEST

Senator Anderson introduced to the Senate chamber the Honorable Dan Lederman, State Senator from South Dakota.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 526](#).

[Senate File 526](#)

On motion of Senator Danielson, [Senate File 526](#), 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, was taken up for consideration.

([Senate File 526](#) was deferred.)

The Senate stood at ease at 1:58 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:55 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 526](#), previously deferred.

Senator Gronstal asked and received unanimous consent that action on [Senate File 526](#) be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 525](#).

[Senate File 525](#)

On motion of Senator Hatch, [Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, was taken up for consideration.

Senator Hatch offered amendment [S-3266](#), filed by him on April 19, 2011, to pages 4 and 6 of the bill, and moved its adoption.

Amendment [S-3266](#) was adopted by a voice vote.

Senator Hatch 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. 525](#)), the vote was:

Yeas, 27:

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

Nays, 23:

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

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 File 525](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 646](#).

[House File 646](#)

On motion of Senator Jochum, [House File 646](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment [S-3239](#), filed by the committee on Appropriations on April 12, 2011, striking and replacing everything after the enacting clause of the bill.

Senator Jochum offered amendment [S-3277](#), filed by her from the floor to pages 1, 3, 9, 10, 21, 23, and 24 of amendment [S-3239](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3277](#) to amendment [S-3239](#) be adopted?” ([H.F. 646](#)), 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.

Amendment [S-3277](#) to amendment [S-3239](#) was adopted.

With the adoption of amendment [S-3277](#) to amendment [S-3239](#), the Chair ruled the following amendments out of order:

[S-3257](#), filed by Senator Bartz on April 13, 2011, to page 3 of amendment [S-3239](#);

[S-3253](#), filed by Senator Jochum on April 13, 2011, to pages 9, 10, and 21 of amendment [S-3239](#); and

[S-3252](#), filed by Senator Jochum on April 13, 2011, to page 9 of amendment [S-3239](#).

Senator Quirnbach offered amendment [S-3272](#), filed by him on April 19, 2011, to pages 10, 21, and 24 of amendment [S-3239](#), and moved its adoption.

Amendment [S-3272](#) to amendment [S-3239](#) was adopted by a voice vote.

Senator Chelgren withdrew amendment [S-3249](#), filed by him on April 13, 2011, to page 14 of amendment [S-3239](#).

Senator Hahn offered amendment [S-3254](#), filed by him on April 13, 2011, to page 20 of amendment [S-3239](#).

Senator Jochum raised the point of order that amendment [S-3254](#) to amendment [S-3239](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3254](#) to amendment [S-3239](#) out of order.

MOTION TO RECONSIDER WITHDRAWN

[House File 646](#)

Senator Bartz withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment [S-3272](#) to amendment [S-3239](#) to [H.F. 646](#) was adopted by the Senate on April 20, 2011.

Senator Jochum moved the adoption of amendment [S-3239](#), as amended.

A record roll call was requested.

On the question "Shall amendment [S-3239](#), as amended, be adopted?" ([H.F. 646](#)), 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.

Amendment [S-3239](#), as amended, 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?" ([H.F. 646](#)), 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 [House File 646](#) be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 526](#)

The Senate resumed consideration of [Senate File 526](#), 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, previously deferred.

Senator Zaun withdrew amendment [S-3278](#), filed by him from the floor to pages 1, 3, 4, and 8 and amending the title page of the bill.

Senator Behn offered amendment [S-3282](#), filed by him from the floor to pages 8–11 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3282](#) be adopted?” ([S.F. 526](#)), the vote was:

Yeas, 16:

Anderson	Bolkcom	Hamerlinck	McKinley
Bartz	Dandekar	Hogg	Smith
Behn	Feenstra	Kapucian	Sodders
Boettger	Hahn	Kettering	Zaun

Nays, 34:

Bacon	Dix	Horn	Schoenjahn
Beall	Dotzler	Houser	Seng
Bertrand	Dvorsky	Jochum	Seymour
Black	Ernst	Johnson	Sorenson
Bowman	Fraise	Kibbie	Ward
Chelgren	Greiner	McCoy	Whitver

Courtney	Gronstal	Quirnbach	Wilhelm
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Absent, none.

Amendment [S-3282](#) lost.

Senator Feenstra offered amendment [S-3279](#), filed by him from the floor to page 11 of the bill.

Senator Danielson raised the point of order that amendment [S-3279](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3279](#) out of order.

Senator Danielson asked and received unanimous consent to withdraw amendment [S-3273](#), filed by Senators Danielson and Dix from the floor to page 11 of the bill.

Senator Danielson offered amendment [S-3275](#), filed by Senators Danielson and Bartz from the floor to page 11 of the bill, and moved its adoption.

Amendment [S-3275](#) was adopted by a voice vote.

Senator Feenstra withdrew amendment [S-3281](#), filed by him from the floor to page 12 of the bill.

Senator Feenstra offered amendment [S-3283](#), filed by Senators Feenstra and Quirnbach from the floor to page 12 of the bill, and moved its adoption.

Amendment [S-3283](#) was adopted by a voice vote.

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?" ([S.F. 526](#)), the vote was:

Yeas, 38:

Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Sodders
Black	Fraise	Kapucian	Sorenson
Bowman	Greiner	Kibbie	Ward
Chelgren	Gronstal	McCoy	Whitver
Courtney	Hahn	Quirnbach	Wilhelm
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	

Nays, 12:

Anderson	Bolkcom	Hamerlinck	McKinley
Behn	Dandekar	Hogg	Smith
Boettger	Feenstra	Kettering	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 File 526](#) be **immediately messaged** to the House.

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:24 p.m., President Kibbie presiding.

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 April 20, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 517](#). A bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority,

and the public employment relations board, and related matters and including immediate effective date and retroactive applicability provisions. ([S-3285](#))

HOUSE AMENDMENT CONSIDERED

[Senate File 511](#)

Senator Hogg called up for consideration [Senate File 511](#), a bill for an act relating to and making appropriations to the judicial branch, amended by the House in House amendment [S-3220](#), filed April 6, 2011.

Senator Hogg offered amendment [S-3284](#), filed by him from the floor to pages 2, 4, and 5 of House amendment [S-3220](#), and moved its adoption.

Amendment [S-3284](#) was adopted by a voice vote.

Senator Hogg moved that the Senate concur in the House amendment, as amended.

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

Senator Hogg moved that the bill, as amended by the House, further amended 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. 511](#)), 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 File 511](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:30 p.m. until 9:00 a.m., Thursday, April 21, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Milo and Irene Dvorak, Traer—For celebrating their 70th wedding anniversary. Senator Kapucian (4/20/11).

INTRODUCTION OF BILLS

[Senate File 528](#), by Chelgren, a bill for an act relating to the state individual income tax by imposing a flat tax at a single rate and providing effective date and applicability provisions.

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

[Senate File 529](#), by Chelgren, a bill for an act excluding from the computation of net income for state tax purposes the net capital gain from sales or exchanges of assets and including retroactive applicability provisions.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 528](#)

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirnbach

[Senate File 529](#)

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirnbach

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 243](#) – Expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

[Senate File 326](#) – Relating to the appointment of judicial officers and senior judges.

[Senate File 361](#) – Authorizing the Iowa state fair board to establish an endowment fund to receive gifts in trust dedicated to the maintenance and improvement of the Iowa state fairgrounds.

[Senate File 438](#) – Relating to licensing by reciprocity for dentists.

[Senate File 478](#) – Relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 20, 2011, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Commission on Aging:

CAROLE DUNKIN – Seymour, Chair; Dotzler and Bolkom

As a member of the Board of Athletic Training:

GEOFF JENSEN – Boettger, Chair; Wilhelm and Dvorsky

JUDICIARY

As a member of the State Judicial Nominating Commission:

JIM KERSTEN – Hogg, Chair; Hancock and Boettger

As a member of the Commission on Judicial Qualifications:

SANDRA BLODGETT – Hogg, Chair; Jochum and Boettger

LOCAL GOVERNMENT

As a member of the County Finance Committee:

ALAN SOUKUP – Bowman, Chair; Beall and Bacon

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Environmental Protection Commission:

NANCY COUSER – Black, Chair; Dearden and Hahn

As a member of the Renewable Fuel Infrastructure Board:

GLORIA JOHNSON – Seng, Chair; Ragan and Hahn

STATE GOVERNMENT

As a member of the Board of Barbering:

JOHN ANDERSON – Dearden, Chair; Hatch and Smith

As a member of the Board of Massage Therapy:

JILL ELLSWORTH – Sodders, Chair; Horn and Smith

AMENDMENTS FILED

S-3273	S.F. 526	Jeff Danielson William Dix
S-3274	S.F. 527	Nancy J. Boettger
S-3275	S.F. 526	Jeff Danielson Merlin Bartz
S-3276	S.F. 527	William A. Dotzler, Jr.
S-3277	H.F. 646	Pam Jochum
S-3278	S.F. 526	Brad Zaun
S-3279	S.F. 526	Randy Feenstra
S-3280	S.F. 527	William A. Dotzler, Jr.
S-3281	S.F. 526	Randy Feenstra
S-3282	S.F. 526	Jerry Behn
S-3283	S.F. 526	Randy Feenstra Herman C. Quirnbach
S-3284	S.F. 511	Robert M. Hogg
S-3285	S.F. 517	House
S-3286	H.F. 589	Tom Rielly Tim L. Kapucian David Johnson John P. Kibbie Joe M. Seng