

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 3, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 3, 2011

The Senate met in regular session at 9:10 a.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 Natasha Dutta.

The Journal of Monday, May 2, 2011, was approved.

The Senate stood at ease at 9:29 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:59 a.m., President Kibbie presiding.

RECESS

On motion of Senator Courtney, the Senate recessed at 10:00 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 533](#).

[Senate File 533](#)

On motion of Senator Dvorsky, [Senate File 533](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, was taken up for consideration.

([Senate File 533](#) was deferred.)

The Senate stood at ease at 1:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:51 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 533](#), previously deferred.

Senator Gronstal asked and received unanimous consent that action on [Senate File 533](#) be **deferred**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley, Behn, and Kapucian, until they arrive, on request of Senator Johnson.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 676](#).

[House File 676](#)

On motion of Senator McCoy, [House File 676](#), a bill for an act providing an exemption from the fee for new registration for motor vehicles leased to certain governmental agencies and nonprofit entities, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren offered amendment [S-3305](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3305](#) lost 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. 676](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Behn	Kapucian	McKinley
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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 676](#) be **immediately messaged** to the House.

UNFINISHED BUSINESS

(Deferred April 25, 2011)

[House File 672](#)

The Senate resumed consideration of [House File 672](#), a bill for an act relating to wind and other sources of renewable energy development and production, deferred April 25, 2011.

Senator Chelgren withdrew amendment [S-3271](#), filed by him on April 19, 2011, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Hogg withdrew amendment [S-3290](#), filed by him on April 25, 2011, to pages 1, 3, 4, and 6, and amending the title page of the bill.

With the withdrawal of amendment [S-3290](#), the Chair ruled amendment [S-3291](#), filed by Senator Bartz on April 25, 2011, to page 1 of amendment [S-3290](#), out of order.

Senator Hogg offered amendment [S-3308](#), filed by him from the floor to pages 1, 3, 4, and 6, and amending the title page of the bill, and moved its adoption.

Amendment [S-3308](#) was adopted by a voice vote.

Senator Hogg 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. 672](#)), the vote was:

Yeas, 46:

Anderson	Dearden	Hatch	Schoenjahn
Bacon	Dix	Hogg	Seng
Bartz	Dotzler	Horn	Seymour
Beall	Dvorsky	Houser	Smith

Bertrand	Ernst	Jochum	Sodders
Black	Feenstra	Johnson	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hamerlinck	Ragan	
Danielson	Hancock	Rielly	

Nays, 1:

Chelgren

Absent, 3:

Behn	Kapucian	McKinley
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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 [House File 672](#) be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Jim Kersten as a member of the State Judicial Nominating Commission, placed on the Individual Confirmation Calendar on May 2, 2011, found on page 1084 of the Senate Journal.

Senator Hogg moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 47:

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

Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	Kibbie	Whitver
Chelgren	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, none.

Absent, 3:

Behn	Kapucian	McKinley
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 652](#).

[House File 652](#)

On motion of Senator Dandekar, [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, with report of committee recommending passage, was taken up for consideration.

Senator Chelgren withdrew amendment [S-3300](#), filed by him on May 2, 2011, to page 1 and amending the title page of the bill.

Senator Dandekar 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. 652](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Rielly
Bacon	Dearden	Hatch	Schoenjahn
Bartz	Dix	Hogg	Seng
Beall	Dotzler	Horn	Seymour

Bertrand	Dvorsky	Houser	Smith
Black	Ernst	Jochum	Sodders
Boettger	Feenstra	Johnson	Sorenson
Bolkcom	Fraise	Kettering	Ward
Bowman	Greiner	Kibbie	Whitver
Chelgren	Gronstal	McCoy	Wilhelm
Courtney	Hahn	Quirnbach	Zaun
Dandekar	Hamerlinck	Ragan	

Nays, none.

Absent, 3:

Behn Kapucian McKinley

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

The Senate stood at ease at 2:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:37 p.m., President Kibbie presiding.

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 May 3, 2011, **passed** the following bill in which the concurrence of the House was asked:

[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.

WITHDRAWN

Senator Hogg asked and received unanimous consent that [Senate File 524](#) be **withdrawn** from further consideration of the Senate.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Zaun and Houser, until they return, on request of Senator Kettering; and Senator Bowman, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

[Senate File 533](#)

The Senate resumed consideration of [Senate File 533](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making and adjusting appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, previously deferred.

Senator Chelgren offered amendment [S-3318](#), filed by him from the floor to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3318](#) be adopted?" ([S.F. 533](#)), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	

Nays, 25:

Beall	Dotzler	Horn	Schoenjahn
Black	Dvorsky	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders

Courtney	Gronstal	McCoy	Wilhelm
Dandekar	Hancock	Quirnbach	
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 6:

Behn	Houser	McKinley
Bowman	Kapucian	Zaun

Amendment [S-3318](#) lost.

Senator Dix offered amendment [S-3316](#), 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-3316](#) be adopted?” ([S.F. 533](#)), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	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, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment [S-3316](#) lost.

Senator Dvorsky offered amendment [S-3309](#), filed by him from the floor to pages 17, 29, and 33 of the bill, and moved its adoption.

Amendment [S-3309](#) was adopted by a voice vote.

Senator Ernst offered amendment [S-3315](#), filed by her from the floor to page 22 of the bill, and moved its adoption.

Amendment [S-3315](#) was adopted by a voice vote.

Senator Black asked and received unanimous consent to withdraw amendment [S-3306](#), filed by Senators Black and McCoy from the floor to page 22 of the bill.

Senator Bartz offered amendment [S-3311](#), filed by him from the floor to page 22 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3311](#) be adopted?" ([S.F. 533](#)), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	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, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment [S-3311](#) lost.

Senator Black offered amendment [S-3313](#), filed by Senators Black and McCoy from the floor to page 22 of the bill, and moved its adoption.

Amendment [S-3313](#) was adopted by a voice vote.

Senator Seng offered amendment [S-3312](#), filed by Senator Seng, et al., from the floor to page 24 of the bill.

Senator Feenstra offered amendment [S-3326](#), filed by Senators Feenstra and Johnson from the floor to page 1 of amendment [S-3312](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3326](#) to amendment [S-3312](#) be adopted?” ([S.F. 533](#)), the vote was:

Yeas, 19:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	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, 5:

Behn	Kapucian	Zaun
Houser	McKinley	

Amendment [S-3326](#) to amendment [S-3312](#) lost.

Senator Seng moved the adoption of amendment [S-3312](#).

Amendment [S-3312](#) was adopted by a voice vote.

With the adoption of amendment [S-3312](#), the Chair ruled amendment [S-3317](#), filed by Senators Feenstra and Johnson from the floor to page 24 of the bill, out of order.

Senator Bolkcom offered amendment [S-3327](#), filed by him from the floor to page 24 of the bill, and moved its adoption.

Amendment [S-3327](#) was adopted by a voice vote.

Senator Feenstra withdrew amendment [S-3314](#), filed by him from the floor to page 24 of the bill.

Senator Danielson offered amendment [S-3310](#), filed by him from the floor to pages 30 and 31 of the bill, and moved its adoption.

Amendment [S-3310](#) was adopted by a voice vote.

Senator Courtney withdrew amendment [S-3307](#), filed by him from the floor to page 33 of the bill.

Senator Hamerlinck offered amendment [S-3319](#), filed by him from the floor to page 33 of the bill.

Senator Dvorsky raised the point of order that amendment [S-3319](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3319](#) out of order.

Senator Hamerlinck withdrew amendment [S-3320](#), filed by him from the floor to page 33 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment [S-3321](#) be deferred.

Senator Hamerlinck withdrew amendment [S-3322](#), filed by him from the floor to page 33 of the bill.

Senator Hamerlinck offered amendment [S-3323](#), filed by him from the floor to page 33 of the bill.

Senator Danielson raised the point of order that amendment [S-3323](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3323](#) out of order.

Senator Courtney offered amendment [S-3324](#), filed by him from the floor to page 33 of the bill, and moved its adoption.

Amendment [S-3324](#) was adopted by a voice vote.

Senator Dix offered amendment [S-3325](#), filed by him from the floor to page 33 of the bill.

Senator Sodders raised the point of order that amendment [S-3325](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3325](#) out of order.

The Senate resumed consideration of amendment [S-3321](#), filed by Senator Zaun from the floor to page 33 of the bill.

Senator Hogg raised the point of order that amendment [S-3321](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3321](#) out of order.

Senator Dvorsky 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. 533](#)), 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, 20:

Anderson	Chelgren	Hahn	Smith
Bacon	Dix	Hamerlinck	Sorenson

Bartz	Ernst	Johnson	Ward
Bertrand	Feenstra	Kettering	Whitver
Boettger	Greiner	Seymour	Zaun

Absent, 4:

Behn	Houser	Kapucian	McKinley
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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 533](#) be **immediately messaged** to the House.

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 May 3, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty. ([S-3329](#))

[Senate File 514](#), a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions. ([S-3328](#))

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:40 p.m. until 10:00 a.m., Friday, May 6, 2011.

APPENDIX**PRESENTATION OF VISITORS**

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

Twenty-seven students from Assumption School in France, studying at Saint Edmond School in Fort Dodge, accompanied by teacher Nancy Gabriel. Senator Beall (5/3/11).

CERTIFICATES OF RECOGNITION

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

Ruth Bowers, Waterloo—For celebrating her 90th birthday. Senator Dotzler (5/3/11).

Laurel “Johnny” Johnson, Arnolds Park—For 60 years of dedicated service in the maintenance department at Pure Fishing. Senator Johnson (5/3/11).

Bill and Bobbie Lawrence, Waterloo—For celebrating their 60th wedding anniversary. Senator Dotzler (5/3/11).

STUDY BILL RECEIVED**[SSB 1211](#) **Appropriations****

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

SUBCOMMITTEE ASSIGNMENT**[SSB 1211](#)**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

RULE 42 WITHDRAWAL

MR. PRESIDENT: Pursuant to Senate Rule 42, the following senators, constituting a constitutional majority of the Senate, request that [House File 657](#) be withdrawn from the Government Oversight committee:

Joe M. Seng	Tom Hancock	Roby Smith
Mark Chelgren	Shawn Hamerlinck	Nancy J. Boettger
David Johnson	Tim L. Kapucian	Jerry Behn
Sandra Greiner	Robert Bacon	Jack Whitver
James F. Hahn	Randy Feenstra	Pat Ward
Joni Ernst	James A. Seymour	Kent Sorenson
Steve Kettering	Merlin Bartz	Bill Anderson
Paul McKinley	Hubert Houser	Rick Bertrand
Brad Zaun	Bill Dix	

AMENDMENTS FILED

S-3305	H.F. 676	Mark Chelgren
S-3306	S.F. 533	Dennis H. Black
		Matt McCoy
S-3307	S.F. 533	Thomas G. Courtney
S-3308	H.F. 672	Robert M. Hogg
S-3309	S.F. 533	Robert E. Dvorsky
S-3310	S.F. 533	Jeff Danielson
S-3311	S.F. 533	Merlin Bartz
S-3312	S.F. 533	Joe M. Seng
		Tom Hancock
		Jeff Danielson
		Tom Rielly
		John P. Kibbie
S-3313	S.F. 533	Dennis H. Black
		Matt McCoy
S-3314	S.F. 533	Randy Feenstra
S-3315	S.F. 533	Joni Ernst
S-3316	S.F. 533	Bill Dix
S-3317	S.F. 533	Randy Feenstra
		David Johnson
S-3318	S.F. 533	Mark Chelgren
S-3319	S.F. 533	Shawn Hamerlinck
S-3320	S.F. 533	Shawn Hamerlinck
S-3321	S.F. 533	Brad Zaun
S-3322	S.F. 533	Shawn Hamerlinck
S-3323	S.F. 533	Shawn Hamerlinck

<u>S-3324</u>	<u>S.F. 533</u>	Thomas G. Courtney
<u>S-3325</u>	<u>S.F. 533</u>	Bill Dix
<u>S-3326</u>	<u>S.F. 533</u>	Randy Feenstra
		David Johnson
<u>S-3327</u>	<u>S.F. 533</u>	Joe Bolcom
<u>S-3328</u>	<u>S.F. 514</u>	House
<u>S-3329</u>	<u>S.F. 466</u>	House