

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JUNE 21, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-THIRD CALENDAR DAY
EIGHTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, June 21, 2011

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

The Journal of Monday, June 20, 2011, was approved.

The Senate stood at ease at 10:11 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:10 p.m., President Kibbie presiding.

QUORUM CALL

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

The vote revealed 35 present, 15 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Feenstra, Hamerlinck, Kapucian, and Ward, until they arrive, on request of Senator McKinley; and Senator Houser, until he arrives, on request of Senator Kettering.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 537 and 536.

Senate File 537

On motion of Senator Hancock, **Senate File 537**, a bill for an act relating to and making appropriations to the judicial branch and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Hancock 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. 537**), 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, 19:

| | | | |
|----------|----------|-----------|----------|
| Anderson | Boettger | Hahn | Smith |
| Bacon | Chelgren | Johnson | Sorenson |
| Bartz | Dix | Kettering | Whitver |
| Behn | Ernst | McKinley | Zaun |
| Bertrand | Greiner | Seymour | |

Absent, 5:

| | | |
|------------|----------|------|
| Feenstra | Houser | Ward |
| Hamerlinck | Kapucian | |

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

Senate File 536

On motion of Senator McCoy, **Senate File 536**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on **Senate File 536** be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 535**.

Senate File 535

On motion of Senator Black, **Senate File 535**, a bill for an act relating to the water resources coordinating council, including by transferring associated powers and duties from the office of the governor to the department of agriculture and land stewardship, was taken up for consideration.

Senator Black 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. 535**), the vote was:

Yeas, 46:

- | | | | |
|----------|-----------|-----------|------------|
| Anderson | Dandekar | Hatch | Rielly |
| Bacon | Danielson | Hogg | Schoenjahn |
| Bartz | Dearden | Horn | Seng |
| Beall | Dix | Houser | Seymour |
| Behn | Dotzler | Jochum | Smith |
| Bertrand | Dvorsky | Johnson | Soddors |
| Black | Ernst | Kettering | Sorenson |
| Boettger | Fraise | Kibbie | Whitver |

| | | | |
|----------|----------|-----------|---------|
| Bolkcom | Greiner | McCoy | Wilhelm |
| Bowman | Gronstal | McKinley | Zaun |
| Chelgren | Hahn | Quirnbach | |
| Courtney | Hancock | Ragan | |

Nays, none.

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

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 517](#)

Senator Dotzler called up for consideration [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, amended by the House in House amendment [S-3285](#), filed April 20, 2011.

Senator Dotzler offered amendment [S-3354](#), filed by him from the floor to pages 1–20 and amending the title provisions of House amendment [S-3285](#).

Senator Dotzler offered amendment [S-3355](#), filed by him from the floor to pages 16 and 17 of amendment [S-3354](#), to amendment [S-3285](#), and moved its adoption.

Amendment [S-3355](#) was adopted by a voice vote.

Senator Dotzler moved the adoption of amendment [S-3354](#) to House amendment [S-3285](#), as amended.

A record roll call was requested.

On the question “Shall amendment [S-3354](#) to House amendment [S-3285](#), as amended, be adopted?” ([S.F. 517](#)), 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 | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | Zaun |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

Amendment [S-3354](#) to House amendment [S-3285](#), as amended, was adopted.

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

A record roll call was requested.

On the question “Shall the motion to concur be adopted?” ([S.F. 517](#)), 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 | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |

| | | | |
|----------|---------|-----------|----------|
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | Zaun |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Dotzler 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. 517](#)), 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 | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | Zaun |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

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 517, 535, and 537** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 510](#)

Senator Hancock called up for consideration [Senate File 510](#), a bill for an act relating to and making appropriations to the justice system, amended by the House in House amendment [S-3233](#), filed April 12, 2011.

Senator Hancock offered amendment [S-3353](#), filed by him on June 20, 2011, to pages 1–28 and amending the title provisions of House amendment [S-3233](#).

Senator Sodders withdrew amendment [S-3357](#), filed by him from the floor to page 17 of amendment [S-3353](#), to amendment [S-3233](#).

Senator Hancock moved the adoption of amendment [S-3353](#) to House amendment [S-3233](#).

A record roll call was requested.

On the question “Shall amendment [S-3353](#) to House amendment [S-3233](#) be adopted?” ([S.F. 510](#)), the vote was:

Yeas, 27:

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

Nays, 19:

| | | | |
|----------|----------|-----------|----------|
| Anderson | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

Amendment [S-3353](#) to House amendment [S-3233](#) was adopted.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" ([S.F. 510](#)), 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 | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | Zaun |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Hancock 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. 510](#)), the vote was:

Yeas, 27:

| | | | |
|---------|---------|--------|------------|
| Beall | Dearden | Hogg | Rielly |
| Black | Dotzler | Horn | Schoenjahn |
| Bolkcom | Dvorsky | Jochum | Seng |
| Bowman | Fraise | Kibbie | Sodders |

| | | | |
|-----------|----------|-----------|---------|
| Courtney | Gronstal | McCoy | Wilhelm |
| Dandekar | Hancock | Quirnbach | Zaun |
| Danielson | Hatch | Ragan | |

Nays, 19:

| | | | |
|----------|----------|-----------|----------|
| Anderson | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

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 508](#)

Senator Ragan called up for consideration [Senate File 508](#), a bill for an act relating to state and local financial matters by revising certain appropriations and appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, amended by the House in House amendment [S-3214](#), filed April 4, 2011.

Senator Ragan 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 Ragan 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. 508](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

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 508** and **510** be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 536](#)

The Senate resumed consideration of [Senate File 536](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and including conditional retroactive applicability provisions, previously deferred.

Senator Chelgren offered amendment [S-3358](#), filed by him from the floor to page 8 of the bill.

Senator McCoy raised the point of order that amendment [S-3358](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3358](#) out of order.

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?” ([S.F. 536](#)), 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 | Boettger | Hahn | Seymour |
| Bacon | Chelgren | Houser | Smith |
| Bartz | Dix | Johnson | Sorenson |
| Behn | Ernst | Kettering | Whitver |
| Bertrand | Greiner | McKinley | Zaun |

Absent, 4:

| | | | |
|----------|------------|----------|------|
| Feenstra | Hamerlinck | Kapucian | Ward |
|----------|------------|----------|------|

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

The Senate stood at ease at 1:42 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:45 p.m., President Kibbie presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 509](#)

Senator Black called up for consideration [Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the House in House amendment [S-3227](#), filed April 11, 2011.

Senator Black offered amendment [S-3356](#), filed by him from the floor to pages 1–21 and amending the title provisions of House amendment [S-3227](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3356](#) to House amendment [S-3227](#) be adopted?” ([S.F. 509](#)), 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, 21:

| | | | |
|----------|----------|-----------|----------|
| Anderson | Chelgren | Houser | Sorenson |
| Bacon | Dix | Johnson | Whitver |
| Bartz | Ernst | Kettering | Zaun |
| Behn | Feenstra | McKinley | |
| Bertrand | Greiner | Seymour | |
| Boettger | Hahn | Smith | |

Absent, 3:

| | | |
|------------|----------|------|
| Hamerlinck | Kapucian | Ward |
|------------|----------|------|

Amendment [S-3356](#) to House amendment [S-3227](#) was adopted.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" ([S.F. 509](#)), 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, 21:

| | | | |
|----------|----------|-----------|----------|
| Anderson | Chelgren | Houser | Sorenson |
| Bacon | Dix | Johnson | Whitver |
| Bartz | Ernst | Kettering | Zaun |
| Behn | Feenstra | McKinley | |
| Bertrand | Greiner | Seymour | |
| Boettger | Hahn | Smith | |

Absent, 3:

| | | |
|------------|----------|------|
| Hamerlinck | Kapucian | Ward |
|------------|----------|------|

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

Senator Black 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. 509](#)), the vote was:

Yeas, 26:

| | | | |
|---------|---------|--------|------------|
| Beall | Dearden | Hogg | Rielly |
| Black | Dotzler | Horn | Schoenjahn |
| Bolkcom | Dvorsky | Jochum | Seng |
| Bowman | Fraise | Kibbie | Sodders |

| | | | |
|-----------------------------------|------------------------------|-----------------------------|---------|
| Courtney Dandekar Danielson | Gronstal Hancock Hatch | McCoy Quirnbach Ragan | Wilhelm |
|-----------------------------------|------------------------------|-----------------------------|---------|

Nays, 21:

| | | | |
|--|---|--|-----------------------------|
| Anderson Bacon Bartz Behn Bertrand Boettger | Chelgren Dix Ernst Feenstra Greiner Hahn | Houser Johnson Kettering McKinley Seymour Smith | Sorenson Whitver Zaun |
|--|---|--|-----------------------------|

Absent, 3:

| | | |
|------------|----------|------|
| Hamerlinck | Kapucian | Ward |
|------------|----------|------|

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:16 p.m. until 9:00 a.m., Wednesday, June 22, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Devin Peer, Mount Pleasant—For achieving the rank of Eagle Scout, Troop 28. Senator Fraise (6/21/11).

Bonnie Saxen, Pierson—Upon her retirement after 34 and a half years with the U.S. Postal Service. Senator Anderson (6/21/11).

INTRODUCTION OF RESOLUTION

[Senate Resolution 13](#), by Sodders, Anderson, Bacon, Bartz, Beall, Behn, Bertrand, Black, Boettger, Bolkcom, Bowman, Chelgren, Courtney, Dandekar, Danielson, Dearden, Dix, Dotzler, Dvorsky, Ernst, Fraise, Greiner, Gronstal, Hahn, Hancock, Hatch, Horn, Houser, Jochum, Johnson, Kapucian, Kettering, Kibbie, McCoy, McKinley, Quirnbach, Ragan, Rielly, Schoenjahn, Seng, Seymour, Smith, and Wilhelm, a resolution honoring the Main Street Iowa Program on its 25th anniversary.

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

AMENDMENTS FILED

| | | |
|------------------------|--------------------------|-------------------------|
| S-3354 | S.F. 517 | William A. Dotzler, Jr. |
| S-3355 | S.F. 517 | William A. Dotzler, Jr. |
| S-3356 | S.F. 509 | Dennis H. Black |
| S-3357 | S.F. 510 | Steven J. Sodders |
| S-3358 | S.F. 536 | Mark Chelgren |
| S-3359 | S.F. 539 | Brian Schoenjahn |
| S-3360 | S.F. 542 | Herman C. Quirnbach |