

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 30, 2010

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JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 30, 2010

The Senate met in regular session at 10:13 a.m., President Kibbie presiding.

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

The Journal of Monday, March 29, 2010, was approved.

The Senate stood at ease at 10:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:22 a.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 March 30, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

House File 2531, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions. (**S-5399**)

MOTIONS TO RECONSIDER WITHDRAWN

[House File 2519](#)

Senator Gronstal withdrew the motion to reconsider [House File 2519](#), 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, the federal American Recovery and Reinvestment Act of 2009, 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, and including effective date and retroactive applicability provisions, filed by him on March 18, 2010, found on page 908 of the Senate Journal.

[House File 2525](#)

Senator Gronstal withdrew the motion to reconsider [House File 2525](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, filed by him on March 26, 2010, found on page 1034 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2519** and **2525** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they arrive, on request of Senator Kettering; and Senators Dearden, Fraise, and Jochum, until they arrive, on request of Senator Gronstal.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

[House File 2531](#)

Senator Dvorsky called up for consideration [House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment [S-5399](#) to Senate amendment [H-8640](#), filed March 30, 2010.

Senator Dvorsky moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" ([H.F. 2531](#)), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Hatch	Quirnbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Dandekar	Hogg	Rielly	
Danielson	Horn	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 5:

Dearden	Houser	Wieck
Fraise	Jochum	

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Dvorsky moved that the bill, as amended by the Senate, further 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?" ([H.F. 2531](#)), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Hatch	Quirnbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Dandekar	Hogg	Rielly	
Danielson	Horn	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 5:

Dearden	Houser	Wieck
Fraise	Jochum	

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 2531](#) be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

[House File 2526](#)

Senator Gronstal withdrew the motion to reconsider [House File 2526](#), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, filed by him on March 27, 2010, found on page 1052 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2526](#) be **immediately messaged** to the House.

The Senate stood at ease at 12:31 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 12:47 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 March 30, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Concurrent Resolution 109](#), a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House Concurrent Resolution 109](#).

[House Concurrent Resolution 109](#)

On motion of Senator Gronstal, [House Concurrent Resolution 109](#), a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 109](#), which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED

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 March 26, 2010, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

[Senate File 2367](#), 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 and retroactive applicability provisions.

[Senate File 2376](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

[Senate File 2378](#), a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

ALSO: That the House has on March 17, 2010, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2377](#), a bill for an act relating to and making appropriations to the judicial branch.

ALSO: That the House has on March 25, 2010, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2522](#), 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, and the public employment relations board, and related matters and including effective date provisions.

REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie provided the following remarks:

I would first like to express my best wishes to Senators Stewart, Wieck, and Warnstadt as they embark on well deserved retirements. You all have traveled from some of the farthest eastern and western parts of our state to serve your constituents and we all understand and appreciate the sacrifices you have made to be an elected official.

I would also like to thank our leaders, Senator Gronstal and Senator McKinley who often have thankless jobs and long hours. All the members of the respective caucuses know what a difficult job you have and we thank you for the leadership you provide.

Our caucus staffs also deserve our gratitude. They put in long hours to help us navigate through this often difficult process in lawmaking and we all are better legislators for their efforts. Big thanks also go to the administrative staff that also put in long hours to ensure that all our work is properly recorded for anyone to see.

We have navigated through one of the most difficult sessions in my memory. The deep national recession made our work exceptionally hard, but we survived and while the process is often messy, we leave our state in better shape than almost every other.

I would like to say it has been my privilege to serve as the Senate President. While elected by my Democratic colleagues, I have made every effort to serve the institution and rule in a fair and impartial manner. I hope I have accomplished that goal.

Lastly, I would wish you all an enjoyable interim. We now leave for all parts of this great state and like any family will gather again. I hope that good health and good fortune will be with you all and that we will see you again in January.

REMARKS BY THE MINORITY LEADER

Senator McKinley provided the following remarks:

Thank you Mr. President.

Friends and colleagues:

From day one, Senate Republicans made it crystal clear that we believe this session should have been about three major and very important priorities: long-term sustainable private sector job creation, spending and budgetary reform and property tax relief.

Did we take this opportunity to focus on the important priorities Iowans care about? Did we listen carefully to our constituents? Did we do all we could to put our state back on the right track?

Mr. President and ladies and gentleman of the Senate, I expect the people of Iowa will take a look at our work these last 79 days and will come to the same conclusion: this was a session of missed opportunities.

As we leave today, 112,500 Iowans are out of work, the highest unemployment level in 23 years. There are many others underemployed and still many more who have stopped looking for work.

When we should have been focusing on making it easier for private sector jobs to be created and removing the barriers to private sector job creation, this Legislature continues policies that allow government to pick winners and losers.

When I-Jobs was created last session, Governor Culver promised it would create 30,000 jobs. In the year since, Iowa has actually lost over 30,000 jobs. More over

promising and under delivering. Yet, instead of changing course of our path – we only amplified the problem.

This session was a missed opportunity to create a climate with reasonable levels of regulation and taxation that encourages private investment in our workforce.

On jobs, we could have and should have done better.

When the final detailed analysis of the new budget is complete, this Legislature has authorized the second most amount of money in state history.

Let me repeat that. This year's spending is the second most in state history.

Iowans have grown exceedingly upset with the overspending of the last three years. We missed a golden opportunity to pass a sustainable and responsible budget that truly reflects the priorities of Iowans.

Instead, we continued the past practice of using one-time dollars for ongoing expenses, raised many fees and fines and pushed even more of the spending onto the backs of local property taxpayers. This governor and this Legislature opted to balance the budget on the backs of hardworking Iowans.

Built-in spending increases for fiscal year 2012 now exceeds \$1 billion dollars and our new budget uses over \$700 million in one-time funds to be used for ongoing expenses. Iowa cannot afford for this to continue year after year.

On spending and budgetary reform, we could have and should have done better.

Iowa has some of the highest property taxes in the nation and this session was a missed opportunity to do something about that. Higher property taxes are just another barrier to job creation at a time when we can least afford it.

By breaking the promise made to our school districts, property taxes are set to increase by over \$180 million combined over this and next budget year. Keep in mind, those tax increases are in addition to the second most spending in state history. There is still way too much spending.

On property tax relief, we could have and should have done better.

We are also leaving today by again failing to give the citizens of Iowa a vote on the basic definition of marriage. Iowans have overwhelmingly asked for a chance to vote. Their desires have been arrogantly ignored. Like the issue of jobs, property tax relief and spending reform, this was a missed opportunity to act on the wishes of Iowans.

Before I conclude, I want to thank my fellow members of the Senate Republican Caucus for their hard work. I want to extend my sincerest best wishes to Senators Wieck, Warnstadt and Stewart as they retire. I want to thank all of our caucus staff members, the staff of the LSA and Secretary of the Senate's office and our pages and door keepers for their excellent work. It takes a lot of dedicated people to keep us all on track.

Though this may have been the session of missed opportunities, let there be no mistake: there is ample reason to be optimistic about the outlook of this great state.

When we do emerge from this economic malaise, we must be prepared to harness the possibility that exists and make it reality.

It will require us to take bold action and make a 180 degree turn from our current direction.

We must fully understand that government does not create jobs and it cannot generate wealth. Instead we must unleash the originality and imagination of the private sector to build the new Iowa economy of the future.

This state is dotted with manufacturers and small businesses who have served as the lifeblood and the bedrock of our communities. We must embrace the understanding that the new Iowa economy will be about the things that we can touch, feel, need and use. Never should we allow our valuable agricultural commodities to leave this state to have value added elsewhere. We could be on the verge of a new economic explosion if we lead with the right vision, take the right approach and move away from the notion that government is the answer to growing Iowa's economy.

Not one of us should be satisfied with the news that two-thirds of our counties lost population and 222 of our manufacturing plants closed their doors 2009. We should not accept being 49th in U.S. News & World Report or 41st according to the Small Business Survival Index in business climate.

If we do not change direction, create jobs and grow our communities, I fear we will only continue the hollowing out our state.

Iowa should be the destination place for anyone to open a business or chase their dreams. We have safe, welcoming communities, a wonderful education heritage and a dedicated and devoted workforce. We have a state that offers ample potential – 99 counties worth of potential.

Much of that potential exists because of our people.

My optimism and confidence about Iowa's future further stems from the quality, superiority and uniqueness of our citizens.

This is an exceptional state filled with extraordinary people who are dedicated to its constant renewal.

They are blessed with common sense, are hardworking, frugal and hopeful about the future. They care about their communities, their schools and the neighbors around them. Our people are smart, they love this state and they want what is best for their families. This sense of independence, community and self sufficiency is what makes this state so astonishingly special.

If we fail to change course, those very people who make this state second to none, will find a home elsewhere. They have the skills, the work ethic and the common sense that are in high demand. They will raise their families elsewhere. They will find jobs elsewhere or start their businesses elsewhere. Other places will gain at Iowa's expense.

We must make Iowa a hub of opportunity that attracts the brightest minds from around the world to become Iowans and be part of a tradition and way of life unlike and unsurpassed by any other.

As we leave today and go home to our districts and constituents, let us work everyday toward a more promising and prosperous tomorrow for Iowa. The future for this state could not be brighter and I could not be more excited to be part of the rebirth, revitalization and rejuvenation of the state that I so dearly love.

It's time for a renewal of the principles that have made this state second to none.

Mr. President, as I finish today, I want to wish you all good health and safe journeys. Always remember that wherever you may go and whatever you may do: may you always be proud to be an Iowan.

Thank you.

REMARKS BY THE MAJORITY LEADER

Senator Gronstal provided the following remarks:

Mr. President, colleagues and staff. The second session of the Iowa Senate during the Eighty-third General Assembly has finished its work.

When the session began, we knew it would be difficult. As I said then, "Given the state of the economy, how could it be otherwise?"

Yet we accomplished many of our goals. We balanced the budget without raising taxes, and without adding to the burdens of middle class families during this recession. The state budget has an ending balance of \$180 million and we put a total of \$200 million in our savings accounts.

We reorganized state government for the first time in 25 years. Thanks to our work, state government is leaner and more accountable to the public. Taxpayers will save over \$120 million this year. Additionally, the state will save almost \$190 million

over the next five years thanks to an early retirement plan for state employees. Governor Culver's executive order adds an additional \$70 million in savings. Many of the changes we make will produce savings for years to come.

After rethinking the structure of state government, we began the reform of Iowa's tax credit spending. We suspended some tax credits and ended others. We moved priorities away from Wall Street to invest more in our Main Street businesses. We cut the state's overall tax credit liability by more than \$115 million. Iowans will now know who is receiving each tax credit and how much they cost. This is a step toward ensuring that tax credits will be eliminated if they aren't creating jobs or accomplishing their goals.

We make these reforms so we could keep our commitments to education, health care and economic expansion.

Despite the economic recession, we supported local student achievement by providing just under \$2.5 billion to local schools, an increase of \$147 million over FY 2010. We protected funds used to recruit and keep the best teachers in Iowa classrooms, expanded pre-school, and continued efforts to make sure students graduate with 21st Century skills to land a job. And to help Iowans build a better future for themselves and their families, we continued investments to make Iowa's community colleges and universities affordable to Iowa families.

During the session we saw several of Iowa's innovations in health care—our focus on health insurance for all children and expanding health insurance to working families—adopted by the federal government. As part of the Iowa Legislature's accomplishments, we expanded our outreach to uninsured children and made it easier for rural residents to access health care and for rural hospitals to be paid for the care they provide.

And in response to outrageous insurance rate increases, we required insurance companies to give small businesses and Iowans more notification before rate increases take effect, and required them to provide specific reasons for the increase.

To encourage job growth, we made new low interest loans available to existing small businesses, strengthened Iowa Small Business Development Centers, and created a one-stop web site for all small business help. We also approved the fourth year of the Iowa Power Fund and approved other legislation to expand the production of Iowa-grown alternative energy, help family farmers, and make our state more energy independent.

We made Iowa communities safer by approving tougher laws on sex offenders and Internet sex predators, by denying weapons to domestic abusers while expanding gun rights for law-abiding citizens, and by passing new traffic laws that will save lives.

And, as a capstone to a multiyear effort by several of our senators, Iowa became the first state in the nation to go "10 for 10" by approving all ten measures in support of military families by the Department of Defense.

In closing, this was an intense, productive session that improved the basics of state government, that made important reforms, that protected the top priorities of Iowans despite difficult times, and that invested in Iowans and Iowa in order to lay the groundwork for a strong economic recovery.

I want to thank the Statehouse staff who made this session run so smoothly: the Legislative Service Agency, the backroom staff of the Senate, the House and Senate caucus staffs, and our pages.

I want to thank our partners in the Iowa House and Governor Chet Culver. And I want to thank each of you for your service and I wish you a happy return to your families and communities.

FINAL ADJOURNMENT

By virtue of [House Concurrent Resolution 109](#), duly adopted, the day of March 30, 2010, having arrived, President Kibbie declared the 2010 Regular Session of the Eighty-third General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Barry and Betty Lynch, Urbandale—For celebrating their 50th wedding anniversary. Senator Zaun (3/30/10).

Reuben F. Peterson, who served in the Hellcat Night Fighters in World War II—For his leadership in establishing the Veterans Memorial Park in Madrid, Iowa. Senator Quirmbach (3/30/10).

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2297](#), the following correction was made:

1. Page 1, line 31: corrected spelling of “PARAGRAPH.”

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2366](#), the following correction was made:

1. Page 1, line 15: remove squid.
2. Page 15, line 22: add comma after Acts in lead-in.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2367](#), the following correction was made:

1. Page 14, line 4: added period to end of lead-in. Period was in original document.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2373](#), the following correction was made:

1. Page 1, line 24: a period after “C” in the U.S.C. citation.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2383](#), the following correction was made:

1. Page 17, line 13: remove underscore under period.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2389](#), the following correction was made:

1. Page 69, line 20: remove underscoring from space after "fund,"

MICHAEL E. MARSHALL
Secretary of the Senate

BILL ENROLLED, SIGNED, AND SENT TO SECRETARY OF STATE

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Secretary of State on this 30th day of March, 2010:

[Senate Joint Resolution 2009](#).

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 30th day of March, 2010:

Senate Files 153, 285, 393, 431, 2156, 2158, 2175, 2192, 2199, 2200, 2201, 2215, 2216, 2220, 2226, 2250, 2254, 2267, 2273, 2274, 2279, 2286, 2297, 2304, 2310, 2318, 2324, 2331, 2333, 2343, 2344, 2345, 2348, 2354, 2356, 2366, 2367, 2371, 2373, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2383, 2384, 2387, 2388, 2389, and [Senate Joint Resolution 2007](#).

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENT FILED

[S-5399](#) [H.F. 2531](#) House

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2010 Regular Session.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF ADMINISTRATIVE SERVICES

FY 2009 IowAccess Revolving Fund Annual Report, pursuant to Iowa Code section 8A.224(2). Report received on April 13, 2010.

DEPARTMENT OF EDUCATION

Pay for Performance and Career Ladder Final Report, pursuant to Iowa Code sections 284.14(4) and 284.14A(3). Report received on April 9, 2010.

DEPARTMENT OF NATURAL RESOURCES

2010 State of the Environment Report. Report received on April 21, 2010.

DEPARTMENT OF REVENUE

2009 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 1, 2010.

IOWA WORKFORCE DEVELOPMENT

Unemployment Compensation Trust Fund Annual Status Report, pursuant to Iowa Code section 96.35. Report received on March 25, 2010.

SENATE BILLS APPROVED, ITEM VETOED, AND
VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2010 Regular Session:

SENATE BILLS APPROVED

[Senate Joint Resolution 2007](#) – Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved April 12, 2010.

[Senate File 153](#) – To allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations. Approved April 13, 2010.

[Senate File 285](#) – Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved April 21, 2010.

[Senate File 393](#) – Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved April 23, 2010.

[Senate File 431](#) – Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved April 12, 2010.

[Senate File 2156](#) – Relating to the IowaCare program, and providing for repeals. Approved April 21, 2010.

[Senate File 2158](#) – Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved April 21, 2010.

[Senate File 2175](#) – Providing for representation of military veterans on certain mental health policy bodies. Approved April 6, 2010.

[Senate File 2192](#) – Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved April 23, 2010.

[Senate File 2199](#) – Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

[Senate File 2200](#) – Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved April 21, 2010.

[Senate File 2201](#) – Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable. Approved April 9, 2010.

[Senate File 2215](#) – Relating to the use of genetic information and samples for genetic testing and providing for civil enforcement. Approved April 23, 2010.

[Senate File 2216](#) – Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved April 23, 2010.

[Senate File 2220](#) – Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved April 23, 2010.

[Senate File 2226](#) – Relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions. Approved April 27, 2010.

[Senate File 2250](#) – Creating the criminal offense of robbery in the third degree, and providing a penalty. Approved April 12, 2010.

[Senate File 2254](#) – Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts. Approved April 8, 2010.

[Senate File 2267](#) – Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved April 23, 2010.

[Senate File 2273](#) – Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved April 7, 2010.

[Senate File 2274](#) – Relating to certain national security and military education benefits and programs. Approved April 27, 2010.

[Senate File 2279](#) – Relating to voluntary shared work plans under the unemployment compensation program. Approved April 7, 2010.

[Senate File 2286](#) – Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved April 9, 2010.

[Senate File 2297](#) – Concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains. Approved April 27, 2010.

[Senate File 2304](#) – Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved April 23, 2010.

[Senate File 2310](#) – Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation. Approved April 23, 2010.

[Senate File 2318](#) – Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved April 27, 2010.

[Senate File 2324](#) – Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved April 12, 2010.

[Senate File 2331](#) – Relating to participation of chiropractors in the hawk-i program. Approved April 14, 2010.

[Senate File 2333](#) – Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse. Approved April 29, 2010.

[Senate File 2344](#) – Relating to the violator facility established within the department of corrections. Approved April 21, 2010.

[Senate File 2345](#) – Relating to judicial branch administration, child custody and visitation matters. Approved April 23, 2010.

[Senate File 2348](#) – Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

[Senate File 2354](#) – Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved April 8, 2010.

[Senate File 2356](#) – Relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange. Approved April 14, 2010.

[Senate File 2366](#) – Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved April 15, 2010.

[Senate File 2371](#) – Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved April 23, 2010.

[Senate File 2373](#) – Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved April 23, 2010.

[Senate File 2375](#) – Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved April 21, 2010.

[Senate File 2376](#) – Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions. Approved April 22, 2010.

[Senate File 2377](#) – Relating to and making appropriations to the judicial branch. Approved April 28, 2010.

[Senate File 2379](#) – Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved April 29, 2010.

[Senate File 2380](#) – Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved April 15, 2010.

[Senate File 2381](#) – 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, providing for properly related matters, and making penalties applicable. Approved April 28, 2010.

[Senate File 2383](#) – Relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions. Approved April 21, 2010.

[Senate File 2384](#) – Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved April 21, 2010.

[Senate File 2387](#) – Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved April 21, 2010.

[Senate File 2388](#) – Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions. Approved April 14, 2010.

GOVERNOR'S ITEM VETO MESSAGES

[Senate File 2389](#)

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2389](#), an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. [Senate File 2389](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2389](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 2367](#)

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2367](#), 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 and retroactive applicability provisions. [Senate File 2367](#) is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs, and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to

assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2367](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

[Senate File 2378](#)

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit [Senate File 2378](#), an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. [Senate File 2378](#) is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in [Senate File 2378](#) are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

GOVERNOR'S VETO MESSAGE

[Senate File 2343](#)

April 28, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you [Senate File 2343](#), an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of [Senate File 2343](#) including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve [Senate File 2343](#) for the following reasons. Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the

General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for “budgetary reasons” with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for “budgetary reasons” without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice’s leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, [Senate File 2343](#), in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
CHESTER J. CULVER
Governor