

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 7, 2011

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JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 7, 2011

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Maria Lewis.

The Journal of Thursday, February 3, 2011, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:09 p.m. until 9:00 a.m., Tuesday, February 8, 2011.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Derick Rasmussen—For achieving the rank of Eagle Scout. Senator Schoenjahn (2/7/11).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 3, 2011, 12:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: None.

Committee Business: Presentation on salmonella in egg production and FDA testing and prevention methods.

Adjourned: 12:55 p.m.

EDUCATION

Convened: Monday, February 7, 2011, 3:05 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm.

Members Absent: Bowman (excused).

Committee Business: Approved SSBs 1075 and 1076.

Adjourned: 3:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 3, 2011, 4:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, and Seng.

Members Absent: Hamerlinck and Sorenson (both excused).

Committee Business: Distributed subcommittees for governor's appointees. Presentation by the Department of Natural Resources.

Adjourned: 4:50 p.m.

WAYS AND MEANS

Convened: Thursday, February 3, 2011, 3:10 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Bartz, Black, Chelgren, Dotzler, Feenstra, Hogg, Jochum, Quirnbach, and Smith.

Members Absent: Anderson, Dandekar, and McCoy (all excused).

Committee Business: Budget overview presentation by LSA.

Adjourned: 4:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 12, by Dix, Kettering, Johnson, Sorenson, Ward, Houser, Seymour, Behn, McKinley, Boettger, Bacon, Smith, Greiner, Kapucian, Feenstra, Hahn, Anderson, Bertrand, Hamerlinck, and Ernst, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing for a general state revenue expenditure limitation.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Joint Resolution 13, by Sorenson, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring supreme court justices to be elected.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate Concurrent Resolution 5, by Bolkcom, a concurrent resolution urging the United States Congress to modernize the Toxic Substances Control Act of 1976.

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

INTRODUCTION OF BILLS

Senate File 150, by committee on Commerce, a bill for an act modifying the definition of high alcoholic content beer to exclude added caffeine and other added stimulants, and including effective date provisions.

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

Senate File 151, by Kibbie, a bill for an act increasing the property tax levy for community college operations and including applicability provisions.

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

Senate File 152, by Ragan, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 153, by Ragan and Bowman, a bill for an act concerning the protection of student athletes from concussions and other head injuries.

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

Senate File 154, by Hogg, McCoy, Bolkom, Hatch, Ragan, Bowman, Quirnbach, Schoenjahn, Dearden, Dvorsky, Jochum, Black, and Courtney, a bill for an act relating to dissolvable products and providing penalties.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 155, by committee on Judiciary, a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

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

Senate File 156, by committee on Judiciary, a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

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

Senate File 157, by Danielson, a bill for an act providing for a process for seeking a waiver of rules promulgated by the director of the Iowa law enforcement academy.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 158, by Bolkcom, a bill for an act providing for limited liability companies organized on a low-profit basis.

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

Senate File 159, by Kettering, a bill for an act providing a school tuition credit for certain pupils attending an accredited nonpublic school and including applicability provisions.

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

Senate File 160, by Feenstra, a bill for an act relating to the establishment of an independent private instruction option for students of compulsory attendance age.

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

Senate File 161, by Soddors, Dotzler, Hatch, Bowman, Rielly, Horn, Kibbie, Gronstal, Dandekar, Wilhelm, Schoenjahn, Black, and Courtney, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 162, by Sorenson, Chelgren, Johnson, Bertrand, Whitver, Zaun, Hahn, Bacon, Anderson, Hamerlinck, Feenstra, Ernst, and Smith, a bill for an act relating to the carrying of weapons including provisions relating to permits to carry weapons and providing a penalty.

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

Senate File 163, by Kibbie, a bill for an act relating to the duties and operations of the state commission of libraries, the division of libraries and information services, and the library service areas.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 164, by Kibbie and Houser, a bill for an act relating to motor fuel by providing for a biodiesel quality standard and including effective date provisions.

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

Senate File 165, by Hancock, a bill for an act relating to scheduled violations that require a court appearance.

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

Senate File 166, by committee on Education, a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

Senate File 167, by committee on Education, a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

STUDY BILLS RECEIVED

SSB 1086 Commerce

Relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

SSB 1087 Commerce

Relating to matters under the purview of the alcoholic beverages division of the department of commerce.

SSB 1088 Commerce

Relating to matters under the purview of the divisions of banking of the department of commerce.

SSB 1089 Commerce

Relating to various matters under the purview of the insurance division of the department of commerce.

SSB 1090 State Government

Relating to organ and tissue donation including donation of anatomical gifts through an active choice registration system and the establishment of an altruistic living donor registry and fund.

SSB 1091 State Government

Creating a high performance certification program applicable to certain public buildings.

SSB 1092 Judiciary

Relating to bail restrictions placed on criminal defendants.

SSB 1093 Judiciary

Authorizing a landlord to bifurcate or amend certain residential leases.

SSB 1094 Judiciary

Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 9**

STATE GOVERNMENT: Horn, Chair; Feenstra and Hatch

Senate Joint Resolution 10

STATE GOVERNMENT: Danielson, Chair; Feenstra and Jochum

Senate File 110

COMMERCE: McCoy, Chair; Bolcom and Zaun

Senate File 114

COMMERCE: Beall, Chair; Dandekar and Zaun

Senate File 139

STATE GOVERNMENT: Danielson, Chair; Behn and Sadders

Senate File 141

EDUCATION: Quirnbach, Chair; Dvorsky and Feenstra

Senate File 142

STATE GOVERNMENT: Dearden, Chair; Hatch and Smith

Senate File 143

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Hatch and Whitver

Senate File 145

ECONOMIC GROWTH/REBUILD IOWA: Dandekar, Chair; Chelgren and Sadders

House Joint Resolution 6

STATE GOVERNMENT: Hatch, Chair; Danielson and Sorenson

House File 94

STATE GOVERNMENT: Danielson, Chair; Behn and Sodders

House File 95

STATE GOVERNMENT: Dearden, Chair; Hatch and Smith

House File 149

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Bacon and Hatch

SSB 1086

COMMERCE: Schoenjahn, Chair; Anderson and Beall

SSB 1087

COMMERCE: Schoenjahn, Chair; Anderson and Beall

SSB 1088

COMMERCE: Dandekar, Chair; Kettering and Seng

SSB 1089

COMMERCE: McCoy, Chair; Dandekar and Feenstra

SSB 1090

STATE GOVERNMENT: Danielson, Chair; Fraise and Smith

SSB 1091

STATE GOVERNMENT: Sodders, Chair; Bertrand and Danielson

SSB 1092

JUDICIARY: Sodders, Chair; Boettger and Jochum

SSB 1093

JUDICIARY: Quirnbach, Chair; Jochum and Sorenson

SSB 1094

JUDICIARY: Hancock, Chair; Dix and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 150 (formerly SF 1), a bill for an act modifying the definition of high alcoholic content beer to exclude added caffeine and other added stimulants, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dandekar, Rielly, Behn, Anderson, Beall, Courtney, Feenstra, Kettering, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, 2: Bolkcom and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 150, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE FILE 166 (SSB 1076), a bill for an act establishing the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 167 (SSB 1075), a bill for an act establishing the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Quirnbach, Schoenjahn, Beall, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: [SENATE FILE 155 \(SSB 1014\)](#), a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 156 \(SSB 1040\)](#), a bill for an act relating to instruments used to update the county transfer books and index maintained by the county auditor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 156](#), and they were attached to the committee report.

WITHDRAWAL AND APPOINTMENT OF GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on February 7, 2011:

I am writing to withdraw the nomination of David Worley for the Commandant of the Iowa Veterans Home. Pursuant to Iowa Code Section 35D.13, this position is an at-will appointment that serves at the pleasure of the Governor.

It is my pleasure to submit to the Senate for its consideration the name of David Worley, Marshalltown, Marshall County, Iowa, for appointment effective January 14, 2011, as Commandant of the Iowa Veterans Home, pursuant to Iowa Code Section 35D.13, to serve at the pleasure of the Governor, subject to Iowa Code Section 2.32.8.

Sincerely,
TERRY E. BRANSTAD
Governor

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 7, 2011, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the State Soil Conservation Committee:

CHARLES MCCULLOUGH – Black, Chair; Houser and Rielly

COMMERCE

As Superintendent of Banking:

JAMES SCHIPPER – Rielly, Chair; Bolkcom and Kettering

As Executive Director of the Iowa Telecommunications and Technology Commission:

DAVID LINGREN – Wilhelm, Chair; Seng and Feenstra

ECONOMIC GROWTH/REBUILD IOWA

As Director of the Department of Cultural Affairs:

MARY COWNIE – Hatch, Chair; Rielly and Chelgren

As Director of the Department of Economic Development:

DEBI DURHAM – Soddors, Chair; Dotzler and Greiner

As Executive Director of the Iowa Finance Authority:

DAVE JAMISON – Danielson, Chair; Bowman and Bertrand

As a member of the Iowa Great Places Board:

ADAM FEIGES – Horn, Chair; Ward and Wilhelm

As a member of the Iowa Power Fund Board:

LEE CLANCEY – Dandekar, Chair; Bowman and Bacon

EDUCATION

As Director of the Department of Education:

JASON GLASS – Quirnbach, Chair; Schoenjahn and Hamerlinck

As a member of the State Board of Education:

MICHAEL KNEDLER – Dvorsky, Chair; Bowman and Johnson

HUMAN RESOURCES

As Director of the Department on Aging:

DONNA HARVEY – Dotzler, Chair; Ragan and Johnson

As members of the Commission on Aging:

JUDITH BEVERS – Ragan, Chair; Dotzler and Boettger

RALPH WOLF – Quirnbach, Chair; Ragan and Johnson

As a member of the Board of Behavioral Science:

ERIK OOSTENINK – Boettger, Chair; Wilhelm and Dvorsky

As members of the Commission of Persons with Disabilities:

AIDA BOGACZYK – Bacon, Chair; Wilhelm and Dvorsky

BARBARA FABER – Wilhelm, Chair; Bacon and Ragan

MICHELLE RAY-MICHALEC – Jochum, Chair; Bacon and Bolkcom

JAMES RIXNER – Johnson, Chair; Dvorsky and Ragan

GARY SCHRIVER – Ragan, Chair; Dotzler and Boettger

HARRY VAN GREVENHOF – Boettger, Chair; Dvorsky and Dotzler

LaSHEILA YATES – Bacon, Chair; Dvorsky and Dotzler

As Director of the Department of Human Services:

CHUCK PALMER – Hatch, Chair; Ragan and Seymour

As members of the Commission of Latino Affairs:

SAL ALANIZ – Whitver, Chair; Quirnbach and Bolkcom

RAMON CANTU – Whitver, Chair; Quirnbach and Bolkcom

JOAN JAIMES – Wilhelm, Chair; Whitver and Jochum

PAULA MARTINEZ – Jochum, Chair; Dvorsky and Whitver

SANDRA SANCHEZ-NAERT – Seymour, Chair; Dvorsky and Ragan

As a member of the Mental Health and Disabilities Services Commission:

LAUREL PHIPPS – Dvorsky, Chair; Seymour and Jochum

As Director of Public Health:

MARIANNETTE MILLER-MEEKS – Dotzler, Chair; Hatch and Johnson

JUDICIARY

As Director of the Iowa State Civil Rights Commission:

BETH TOWNSEND – Jochum, Chair; Quirmbach and Dix

As a member of the Criminal and Juvenile Justice Planning Advisory Council:

STEPHANIE FAWKES-LEE – Hancock, Chair; Hogg and Boettger

As Drug Policy Coordinator:

MARK SCHOUTEN – Sodders, Chair; Dvorsky and Sorenson

As members of the Board of Parole:

JAMES FELKER – Hogg, Chair; Dvorsky and Dix
DORIS KELLEY – Hogg, Chair; Dvorsky and Ward
W. THOMAS PHILLIPS – Hogg, Chair; Dvorsky and Ward

As State Public Defender:

SAM LANGHOLZ – Hogg, Chair; Horn and Boettger

LABOR AND BUSINESS RELATIONS

As Director of Workforce Development:

TERESA WAHLERT – Dotzler, Chair; Courtney and Ward

As a member of the Iowa Workforce Development Board:

FRANCIS GIUNTA II – Jochum, Chair; Dotzler and Chelgren

NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

DIANA BRUEMMER – Black, Chair; Hogg and Kapucian
JOHN GLENN – Black, Chair; Hogg and Kapucian

As Director of the Department of Natural Resources:

ROGER LANDE – Dearden, Chair; Black and Hahn

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DAWN CARLSON – Bolkcom, Chair; Behn and Ragan

As a member of the Renewable Fuel Infrastructure Board:

CAROL BALVANZ – Bolkcom, Chair; Ragan and Behn

STATE GOVERNMENT

As Director of the Department of Administrative Services:

MICHAEL CARROLL – Danielson, Chair; Jochum and Dix

As members of the Generation Iowa Commission:

BRENT HINSON – Sodders, Chair; Dearden and Sorenson

BENJAMIN ROGERS – Sodders, Chair; Dearden and Sorenson

As Director of the Department of Human Rights:

ISAAH MCGEE – Jochum, Chair; Fraise and Feenstra

As Director of the Department of Inspections and Appeals:

ROD ROBERTS – Sodders, Chair; Jochum and Feenstra

As a member of the Iowa Lottery Authority Board of Directors:

MARY JUNGE – Horn, Chair; Courtney and Behn

As Director of the Department of Management:

DAVID ROEDERER – Danielson, Chair; Jochum and Feenstra

As Director of Office for State-Federal Relations:

DOUGLAS HOELSCHER – Hatch, Chair; Courtney and Dix

TRANSPORTATION

As Commissioner of Public Safety:

LARRY NOBLE – Hancock, Chair; Danielson and Kapucian

VETERANS AFFAIRS

As Executive Director of the Commission of Veterans Affairs:

BRIGADIER GENERAL JODI TYMESON – Beall, Chair; Seymour and Ragan

As a member of the Commission of Veterans Affairs:

WILLARD WALLACE – Black, Chair; Seymour and Horn

As Commandant of the Iowa Veterans Home:

DAVID WORLEY – Beall, Chair; Seymour and Sadders

WAYS AND MEANS

As Director of the Department of Revenue:

COURTNEY KAY-DECKER – Dandekar, Chair; Seng and Zaun