

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 16, 2011

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JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 16, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Owen Englin of the Church of Christ in Rockwell City, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jared Elm.

The Journal of Tuesday, March 15, 2011, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Mark Schuling, the governor's appointee to be the Consumer Advocate. He was the guest of Senators Bolkcom and Dandekar and the committee on Commerce.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:15 a.m., President Kibbie presiding.

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 March 15, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 345](#), a bill for an act relating to joint physical care of children.

Read first time and referred to committee on **Judiciary**.

[House File 462](#), a bill for an act allowing the operation of certain motorboats on lake Macbride at any time.

Read first time and referred to committee on **Natural Resources and Environment**.

[House File 537](#), a bill for an act relating to voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

Read first time and attached to **similar** [Senate File 465](#).

[House File 540](#), a bill for an act creating the health care professional lien Act.

Read first time and referred to committee on **Judiciary**.

[House File 562](#), a bill for an act relating to the child abuse registry administered by the department of human services.

Read first time and attached to **companion** [Senate File 491](#).

[House File 563](#), a bill for an act creating the transparency in private attorney contracts Act.

Read first time and referred to committee on **Judiciary**.

[House File 592](#), a bill for an act establishing the council for agricultural education.

Read first time and referred to committee on **Agriculture**.

[House File 617](#), a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, including alcoholic beverage permits and licenses and administrative provisions, modifying fees, and including effective date provisions.

Read first time and attached to **similar** [Senate File 242](#).

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:16 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:10 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Zaun and Ward, until they arrive, on request of Senator Kettering.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 482](#).

[Senate File 482](#)

On motion of Senator Dotzler, [Senate File 482](#), a bill for an act relating to requirements of the department of human services involving individuals and families, was taken up for consideration.

Senator Dotzler offered amendment [S-3107](#), filed by him on March 15, 2011, to page 1 of the bill, and moved its adoption.

Amendment [S-3107](#) was adopted by a voice vote.

Senator Dotzler 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. 482](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Ward Zaun

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 302](#).

[Senate File 302](#)

On motion of Senator McCoy, [Senate File 302](#), a bill for an act increasing the amount of tax credits available under the endow Iowa

program and including effective date and retroactive applicability provisions, was taken up for consideration.

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. 302](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Ward Zaun

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 Files 302** and **482** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:22 a.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:15 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:16 p.m. until 9:00 a.m., Thursday, March 17, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Colleen Crow, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/16/11).

Wayne Crow, Waterloo—For celebrating his 80th birthday. Senator Dotzler (3/16/11).

Shirley Elsberry, Waterloo—For celebrating her 80th birthday. Senator Dotzler (3/16/11).

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, March 16, 2011, 1:00 p.m.

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

Members Absent: Feenstra and Soddors (both excused).

Committee Business: Presentation by Iowa Area Education Agency. Approved governor's appointees.

Adjourned: 2:00 p.m.

TRANSPORTATION

Convened: Wednesday, March 16, 2011, 2:05 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun.

Members Absent: Danielson and McCoy (both excused).

Committee Business: Passed [HF 465](#). Approved governor's appointees.

Adjourned: 2:15 p.m.

VETERANS AFFAIRS

Convened: Wednesday, March 16, 2011, 10:20 a.m.

Members Present: Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders.

Members Absent: None.

Committee Business: Passed HF's 195, 363, 364, and 474. Subcommittee report on governor's appointees.

Adjourned: 10:40 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 10](#), by Boettger, Bacon, Smith, Greiner, Chelgren, Bartz, Houser, Seymour, Behn, Johnson, Kapucian, Anderson, Bertrand, Ernst, Hamerlinck, Hahn, Feenstra, Whitver, Kettering, McKinley, and Sorenson, a concurrent resolution urging the members of the Congress of the United States to propose a parental rights amendment to the Constitution of the United States for submission to the states for ratification.

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

[Senate Resolution 8](#), by Sodders and Dotzler, a resolution supporting the Republic of China on Taiwan as a part of the global community.

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

INTRODUCTION OF BILL

[Senate File 507](#), by Dearden, a bill for an act relating to the natural resources and outdoor recreation trust fund by increasing the sales and use tax rates and including effective date provisions.

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

STUDY BILL RECEIVED

SSB 1200 **Ways and Means**

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 446

APPROPRIATIONS: Danielson, Chair; Hatch and Johnson

Senate File 499

STATE GOVERNMENT: Kibbie, Chair; Jochum and Smith

House File 404

COMMERCE: Anderson, Chair; Dandekar and Schoenjahn

House File 405

COMMERCE: Dandekar, Chair; Beall and Kettering

House File 462

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Hahn and Hogg

House File 484

STATE GOVERNMENT: Kibbie, Chair; Behn and Horn

House File 499

STATE GOVERNMENT: Danielson, Chair; Dearden and Sorenson

House File 536

STATE GOVERNMENT: Danielson, Chair; Dix and Jochum

House File 592

AGRICULTURE: Hancock, Chair; Fraise and Johnson

SSB 1200

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

FINAL COMMITTEE REPORTS OF BILL ACTION

TRANSPORTATION

Bill Title: [HOUSE FILE 465](#) (formerly [HF 251](#)), a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rielly, Bowman, Kapucian, Beall, Dandekar, Dearden, Ernst, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 2: Danielson and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [HOUSE FILE 364](#) ([HSB 49](#)), a bill for an act relating to veterans records managed by the department of veterans affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 474](#) (formerly [HF 374](#)), a bill for an act to designate August 7 of each year as Purple Heart Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 363](#) (formerly [HF 256](#)), a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-3119](#).

Final Vote: Ayes, 11: Beall, Danielson, Seymour, Bacon, Black, Ernst, Greiner, Horn, Kibbie, Ragan, and Sodders. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

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 Governor for his approval on this 16th day of March, 2011.

[Senate File 72.](#)

MICHAEL E. MARSHALL
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

TRANSPORTATION

David Rose – State Transportation Commission
Charese Yanney – State Transportation Commission

VETERANS AFFAIRS

Dan Gannon – Commission of Veterans Affairs
Kathleen Myers – Commission of Veterans Affairs
Larry Spencer – Commission of Veterans Affairs

**WITHDRAWAL AND DEFERRAL OF
GOVERNOR'S APPOINTEES**

The following letters from the Governor were received in the office of the Secretary of the Senate on March 16, 2011:

I am withdrawing the name of Marla Ramaekers to serve as a Commission of Native American Affairs member from further consideration by the Senate.

Pursuant to Iowa Code section 216A.162, please accept this letter as the notice of deferment of the appointment to the Commission of Native American Affairs, formerly held by Vicky Apala-Cuevas. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

<u>S-3114</u>	<u>S.F. 397</u>	Dennis H. Black Shawn Hamerlinck Joni Ernst Steven J. Soddors Daryl Beall
<u>S-3115</u>	<u>S.F. 242</u>	Brian Schoenjahn
<u>S-3116</u>	<u>S.F. 312</u>	Tom Hancock
<u>S-3117</u>	<u>S.F. 435</u>	Bill Dix Jack Whitver Kent Sorenson Rick Bertrand Mark Chelgren Randy Feenstra James F. Hahn Merlin Bartz Nancy J. Boettger Shawn Hamerlinck Steve Kettering David Johnson Tim L. Kapucian Roby Smith Bill Anderson James A. Seymour Sandra Greiner Robert Bacon Hubert Houser Joni Ernst Paul McKinley Jerry Behn Brad Zaun
<u>S-3118</u>	<u>S.F. 312</u>	Matt McCoy
<u>S-3119</u>	<u>H.F. 363</u>	Veterans Affairs
<u>S-3120</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3121</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3122</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3123</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3124</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3125</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3126</u>	<u>S.F. 431</u>	Matt McCoy

<u>S-3127</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3128</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3129</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3130</u>	<u>S.F. 431</u>	Matt McCoy
<u>S-3131</u>	<u>S.F. 431</u>	Matt McCoy