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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 30, 2011**

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# JOURNAL OF THE SENATE

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EIGHTIETH CALENDAR DAY  
FORTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 30, 2011

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Burkhart of Glen Echo Christian Church in Des Moines, Iowa. He was the guest of Senator Zaun.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Tuesday, March 29, 2011, was approved.

## 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 29, 2011, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 124**, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

**Senate File 240**, a bill for an act relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

President Pro Tempore Danielson took the chair at 9:10 a.m.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

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

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 10:13 a.m. until 11:15 a.m.

#### AFTERNOON SESSION

The Senate reconvened at 11:34 a.m., President Kibbie presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Seymour, until he arrives, on request of Senator McKinley; and Senator Dandekar, until she returns, on request of Senator Gronstal.

#### UNFINISHED BUSINESS (Deferred March 29, 2011)

#### **Senate File 252**

The Senate resumed consideration of **Senate File 252**, a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions, deferred March 29, 2011.

Senator Feenstra offered amendment **S-3189**, filed by him from the floor to pages 5–12 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3189 be adopted?” (S.F. 252), the vote was:

Yeas, 24:

Anderson	Chelgren	Hamerlinck	McKinley
Bacon	Dix	Horn	Smith
Bartz	Ernst	Houser	Sorenson
Behn	Feenstra	Johnson	Ward
Bertrand	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	Zaun

Nays, 24:

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

Absent, 2:

Dandekar	Seymour
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Amendment S–3189 lost.

Senator Courtney 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. 252), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 23:

Beall	Dotzler	Hogg	Rielly
Bolkcom	Dvorsky	Jochum	Schoenjahn
Bowman	Fraise	Kibbie	Seng
Courtney	Gronstal	McCoy	Sodders
Danielson	Hancock	Quirnbach	Wilhelm
Dearden	Hatch	Ragan	

Nays, 25:

Anderson	Chelgren	Horn	Sorenson
Bacon	Dix	Houser	Ward
Bartz	Ernst	Johnson	Whitver

Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	
Black	Hahn	McKinley	
Boettger	Hamerlinck	Smith	

Absent, 2:

Dandekar	Seymour
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 478](#).

**Senate File 478**

On motion of Senator Rielly, [Senate File 478](#), a bill for an act relating to livestock by providing for their feeding and care when the livestock are deemed to be neglected, was taken up for consideration.

Senator Rielly offered amendment [S-3188](#), filed by Senators Rielly and Seng on March 29, 2011, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-3188](#) was adopted by a voice vote.

Senator Rielly 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. 478](#)), the vote was:

Yeas, 49:

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

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

Nays, none.

Absent, 1:

Seymour

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 478** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 466**.

#### **Senate File 466**

On motion of Senator Dandekar, **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, was taken up for consideration.

Senator Dandekar offered amendment **S-3190**, filed by her from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment **S-3190** was adopted by a voice vote.

Senator Dandekar moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 466), the vote was:

Yeas, 47:

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

Nays, 2:

Behn	Zaun
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Absent, 1:

Seymour

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 466** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:11 p.m. until 4:30 p.m.

#### RECONVENED

The Senate reconvened at 4:40 p.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 30, 2011, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 367**, a bill for an act concerning the protection of student athletes from concussions and other brain injuries.

**Senate File 396**, a bill for an act relating to the regulation of indemnification provisions in construction contracts.

ALSO: That the House has on March 30, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 524**, a bill for an act relating to the administration of the special appraiser's fund and the assessment expense fund.

Read first time and **passed on file**.

**House File 549**, a bill for an act relating to the use of automated traffic enforcement systems.

Read first time and **passed on file**.

**House File 642**, 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.

Read first time and **passed on file**.

**House File 654**, a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Read first time and **passed on file**.

**House File 655**, a bill for an act relating to the assessment of certain subdivided real property and including effective date and retroactive applicability and other applicability provisions.

Read first time and **passed on file**.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:42 p.m. until 8:00 a.m., Thursday, March 31, 2011.



**APPENDIX****CERTIFICATE OF RECOGNITION**

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

Eleanor Secrest, West Branch—For celebrating her 100<sup>th</sup> birthday. Senator Hahn (3/30/11).

**REPORTS OF COMMITTEE MEETINGS****ECONOMIC GROWTH/REBUILD IOWA**

**Convened:** Wednesday, March 30, 2011, 4:05 p.m.

**Members Present:** Sodders, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Hatch, Horn, Rielly, Ward, Whitver, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed [HF 590](#).

**Recessed:** 4:10 p.m.

**Reconvened:** 4:20 p.m.

**Adjourned:** 4:30 p.m.

**JUDICIARY**

**Convened:** Wednesday, March 30, 2011, 1:05 p.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Ward, and Whitver.

**Members Absent:** Sorenson (excused).

**Committee Business:** Approved governor's appointees.

**Recessed:** 1:10 p.m.

**Reconvened:** 1:20 p.m.

**Adjourned:** 1:30 p.m.

**LOCAL GOVERNMENT**

**Convened:** Wednesday, March 30, 2011, 10:15 a.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Schoenjahn.

**Members Absent:** Rielly (excused).

**Committee Business:** Passed HF 454 and 516.

**Adjourned:** 10:30 a.m.

**STUDY BILL RECEIVED****SSB 1204      Ways and Means**

Relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions.

**SUBCOMMITTEE ASSIGNMENT****SSB 1204**

WAYS AND MEANS: Dotzler, Chair; Anderson and Jochum

**FINAL COMMITTEE REPORTS OF BILL ACTION****AGRICULTURE**

**Bill Title:** HOUSE FILE 557 (formerly HF 369), a bill for an act relating to swine moved to and from exhibitions, and the duties of veterinarians, and including effective date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN S-3191.

**Final Vote:** Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 589 (formerly HF 431), a bill for an act relating to offenses involving agricultural operations, and providing penalties and remedies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 592](#) (formerly [HF 407](#)), a bill for an act establishing the council for agricultural education.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Seng, Fraise, Johnson, Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ECONOMIC GROWTH/REBUILD IOWA**

**Bill Title:** [HOUSE FILE 590](#) ([HSB 103](#)), a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 11: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Dandekar, Rielly, Ward, Whitver, and Wilhelm. Nays, 3: Chelgren, Danielson, and Horn. Present, 1: Hatch. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**LOCAL GOVERNMENT**

**Bill Title:** [HOUSE FILE 516](#) ([HSB 196](#)), a bill for an act relating to the construction of subdivision improvements and certain notice requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirmbach, and Schoenjahn. Nays, none. Absent, 1: Rielly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** [HOUSE FILE 454](#) ([HSB 81](#)), a bill for an act permitting city utilities and certain cities to delegate the authority to certify unpaid rates or charges for collection by the county treasurer.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Wilhelm, Beall, Bartz, Bacon, Bowman, Ernst, Hamerlinck, McCoy, Quirnbach, and Schoenjahn. Nays, none. Absent, 1: Rielly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### STATE GOVERNMENT

**Bill Title:** [HOUSE FILE 392](#) (formerly [HF 42](#)), a bill for an act relating to professional licensing by making changes to the Iowa plumber, mechanical professional, and contractor licensing Act and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** [HOUSE FILE 536](#) ([HSB 100](#)), a bill for an act concerning the duties and responsibilities of the auditor of state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** [HOUSE FILE 593](#) (formerly [HF 304](#)), a bill for an act relating to the education requirements for licensed massage therapists.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** [HOUSE FILE 618](#) (formerly [HF 10](#)), a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 15: Danielson, Kibbie, Feenstra, Behn, Bertrand, Courtney, Dearden, Dix, Fraise, Hatch, Horn, Jochum, Smith, Soddors, and Sorenson. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

**Senate File 149** – Allowing the department of transportation to accept reports from advanced registered nurse practitioners and physician assistants disclosing a physical or mental condition that renders a person incompetent to operate a motor vehicle.

**Senate File 244** – Relating to the release and satisfaction of judgments.

**Senate File 259** – Relating to mental health and substance abuse histories conducted in a presentence investigation report and the standards for release on probation in a criminal proceeding.

**Senate File 291** – Relating to the discovery of privileged medical records, including mental health records, in a criminal case and including effective date provisions.

**Senate File 299** – Relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

**Senate File 327** – Relating to the disposition of a child with mental illness or mental retardation in juvenile court.

**Senate File 400** – Relating to the conveyance or encumbrance of a homestead by a spouse.

**Senate File 402** – Relating to the injured veterans grant program.

**Senate File 429** – Placing the agricultural development authority within the department of agriculture and land stewardship.

**Senate File 483** – Relating to licensure by the board of educational examiners of persons who complete an administrator preparation program offered by a regionally accredited or board of educational examiners' approved non-Iowa institution.

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

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

**EDUCATION**

Gina Primmer – School Budget Review Committee  
Brian Thilges – School Budget Review Committee

**HUMAN RESOURCES**

David Hudson – Mental Health and Disability Services Commission  
Gary Lippe – Mental Health and Disability Services Commission

**JUDICIARY**

Warren Hunsberger – Iowa Drug Policy Advisory Council  
Helen Sinclair – State Judicial Nominating Commission  
Duane Cottingham – Commission on Judicial Qualifications  
Francis Donchez – Iowa Law Enforcement Academy Council

**NATURAL RESOURCES AND ENVIRONMENT**

Conrad Clement – Natural Resource Commission  
Sally Prickett – Natural Resource Commission  
Margo Underwood – Natural Resource Commission

Karen Andeweg – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board  
Dawn Carlson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Jill Reams-Widder – Renewable Fuel Infrastructure Board  
Eric Seuren – Renewable Fuel Infrastructure Board  
Keith Sexton – Renewable Fuel Infrastructure Board

**STATE GOVERNMENT**

Shelley Laracuente – Accountancy Examining Board  
Robert W. Williams – Accountancy Examining Board  
Richard Hunsaker – Alcoholic Beverages Commission

Terry Allers – Architectural Examining Board  
Thomas Clause – Architectural Examining Board  
Sue Jarboe – Architectural Examining Board

Steven Fuller – Board of Dentistry  
Mary Kelly Grief – Board of Dentistry  
Diane Meier – Board of Dentistry

Valynda Akin – Electrical Examining Board  
Ritchie Kurtenbach – Electrical Examining Board  
Chad Layland – Electrical Examining Board  
Lori Mease – Electrical Examining Board  
Barbara Mentzer – Electrical Examining Board  
Kay Pence – Electrical Examining Board  
Raymond Reynolds – Electrical Examining Board  
Randy VanVoorst – Electrical Examining Board

Jonathan Roos – Iowa Ethics and Campaign Disclosure Board  
Mary Rueter – Iowa Ethics and Campaign Disclosure Board

Katherine Erion – Interior Design Examining Board  
Dorothy Fowles – Interior Design Examining Board

Marlene Sprouse – Investment Board of the IPERS  
Lisa Stange – Investment Board of the IPERS

Adam Schweers – Board of Massage Therapy

Diane Clark – Board of Medicine  
Greg Hoversten – Board of Medicine  
Hamed Tewfik – Board of Medicine

Tiffany Lewis – Commission of Native American Affairs  
Franklin Phillips – Commission of Native American Affairs

LeRoy Strohman – Board of Nursing  
Gwen Suntken – Board of Nursing

LaDonna Gratias – Board of Pharmacy  
Edward Maier – Board of Pharmacy  
James Miller – Board of Pharmacy

Carl Heinrich – State Racing and Gaming Commission  
Jeffrey Lamberti – State Racing and Gaming Commission

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

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

**EDUCATION**

Gary Steinke – Iowa Higher Education Loan Authority

Nicole Carroll – State Board of Regents  
Kathleen Mulholland – State Board of Regents  
Bruce Rastetter – State Board of Regents

The following appointees, assigned to standing committee for investigation, were placed on the Individual Confirmation Calendar without recommendation for confirmation:

**NATURAL RESOURCES AND ENVIRONMENT**

Mary Boote – Environmental Protection Commission  
Dolores Mertz – Environmental Protection Commission  
Brent Rastetter – Environmental Protection Commission

**AMENDMENTS FILED**

S-3189	S.F.	252	Randy Feenstra
S-3190	S.F.	466	Swati A. Dandekar
S-3191	H.F.	557	Agriculture