

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 7, 2011

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JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 7, 2011

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

The Memorial Choir sang “The Battle Hymn of the Republic.” They performed at the Memorial Service held on Wednesday, April 6, 2011.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Quinn Hejlik.

The Journal of Wednesday, April 6, 2011, was approved.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:40 a.m., President Pro Tempore Danielson 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 April 6, 2011, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 243](#), a bill for an act expanding the definition of alternate energy production facility for purposes of compliance with electric utility rate regulation requirements.

[Senate File 279](#), a bill for an act relating to child support recovery.

[Senate File 406](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

[Senate File 438](#), a bill for an act relating to licensing by reciprocity for dentists.

[Senate File 460](#), a bill for an act relating to the licensing and regulation of real estate brokers and salespersons.

[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.

ALSO: That the House has on April 6, 2011, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 312](#), a bill for an act concerning special motor vehicle registration plates, including registration plates issued for business-trade trucks and special trucks, creating new combat infantryman badge, combat action badge, combat action ribbon, and combat medical badge registration plates, and including effective date and applicability provisions. ([S-3223](#))

[Senate File 326](#), a bill for an act relating to the appointment of judicial officers and senior judges. ([S-3222](#))

ALSO: That the House has on April 6, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 651](#), a bill for an act providing for a special civil war sesquicentennial motor vehicle registration plate, establishing fees, and making an appropriation.

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

[House File 658](#), a bill for an act providing for the transfer of duties relating to the certification of milk from the department of public health to the department of agriculture and land stewardship, providing for the transition, and providing an appropriation.

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

[House File 659](#), a bill for an act relating to the administration of prison industries established and maintained by the Iowa department of corrections, and including effective date provisions.

Read first time and referred to committee on **Government Oversight**.

[House File 661](#), a bill for an act relating to rulemaking authority of the department of natural resources and including effective date and applicability provisions.

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

ALSO: That the House has on April 7, 2011, **concurred in the Senate amendment and passed** the following bill in which the concurrence of the House was asked:

[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.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Tom Quiner, Commission on Community Action Agencies

Michael Coleman, Board of Corrections

Jennifer Keaton, Commission of Deaf Services

Ruth Randleman, Iowa Finance Authority

Jenifer Furness, Board of Physical and Occupational Therapy

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [House File 597](#).

[House File 597](#)

On motion of Senator McCoy, [House File 597](#), a bill for an act creating new procedures for external review of health care coverage decisions by health carriers and including transition and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment [S-3210](#), filed by the committee on Commerce on March 31, 2011, to page 1 of the bill, and moved its adoption.

Amendment [S-3210](#) was adopted by a voice vote.

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?" ([H.F. 597](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

HOUSE AMENDMENT CONSIDERED

[Senate File 453](#)

Senator Hogg called up for consideration [Senate File 453](#), a bill for an act relating to high school graduation requirements, amended by the House in House amendment [S-3217](#), filed April 5, 2011.

Senator Hogg moved that the Senate concur in the House amendment.

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

Senator Hogg moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 453](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
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	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

McKinley

Absent, none.

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [House File 516](#).

[House File 516](#)

On motion of Senator Bowman, [House File 516](#), a bill for an act relating to the construction of subdivision improvements and certain notice requirements, with report of committee recommending passage, was taken up for consideration.

Senator Bowman 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?" ([H.F. 516](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that [Senate File 453](#) and **House Files 516** and **597** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [Senate Resolution 7](#).

[Senate Resolution 7](#)

On motion of Senator Kibbie, [Senate Resolution 7](#), a resolution urging the nullification of rules adopted by the United States Environmental Protection Agency relating to national emissions

standards for hazardous air pollutants for reciprocating internal combustion engines, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment [S-3219](#), filed by Senators Kibbie and Bartz on April 6, 2011, to pages 1–3 of the resolution, and moved its adoption.

Amendment [S-3219](#) was adopted by a voice vote.

President Kibbie moved the adoption of [Senate Resolution 7](#), which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Courtney asked and received unanimous consent to take up for consideration [House File 536](#).

[House File 536](#)

On motion of Senator Jochum, [House File 536](#), a bill for an act concerning the duties and responsibilities of the auditor of state, with report of committee recommending passage, was taken up for consideration.

Senator Jochum 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?” ([H.F. 536](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm

Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that [House File 536](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Courtney, the Senate recessed at 11:28 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President Kibbie presiding.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Courtney asked and received unanimous consent that the following bills be referred from the Regular Calendar to the Unfinished Business Calendar:

[H.F. 126](#)

[H.F. 465](#)

[H.F. 148](#)

[H.F. 493](#)

[H.F. 254](#)

[H.F. 589](#)

[H.F. 328](#)

[H.F. 590](#)

[H.F. 392](#)

[H.F. 596](#)

[H.F. 405](#)

[H.F. 618](#)

[S.C.R. 9](#)

ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 1:35 p.m. until 1:00 p.m., Monday, April 11, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Thelma Crist, Morning Sun—For celebrating her 95th birthday. Senator Courtney (4/7/11).

Rex and Lois Jameson, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (4/7/11).

James and Lorraine Wirt, Burlington—For celebrating their 55th wedding anniversary. Senator Courtney (4/7/11).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: Wednesday, April 6, 2011, 10:20 a.m.

Members Present: Courtney, Chair; Sodders, Vice Chair; Sorenson, Ranking Member; Greiner and Kibbie.

Members Absent: None.

Committee Business: Discussed [SSB 1202](#) and [HSB 226](#).

Adjourned: 10:45 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, April 7, 2011, 12:30 p.m.

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

Members Absent: Hamerlinck, Kapucian, and Sorenson (all excused).

Committee Business: Interviews with governor's appointees.

Adjourned: 1:30 p.m.

WAYS AND MEANS

Convened: Thursday, April 7, 2011, 11:30 a.m.

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

Members Absent: None.

Committee Business: Passed [SF 463](#), as amended, and [HF 654](#). Approved [SSB 1204](#), as amended.

Recessed: 11:35 a.m.

Reconvened: 12:10 p.m.

Adjourned: 12:25 p.m.

INTRODUCTION OF BILL

[Senate File 519](#), by committee on Government Oversight, a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: *[SENATE FILE 519 \(SSB 1202\)](#), a bill for an act relating to membership in and membership dues paid to organizations representing school boards, board members, and administrators, and to the responsibilities and duties of such organizations, and providing penalties and remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Courtney, Soddors, Sorenson, Greiner, and Kibbie. 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 Government Oversight Committee on [Senate File 519](#), and they were attached to the committee report.

WAYS AND MEANS

Bill Title: [HOUSE FILE 654](#) (formerly [HF 211](#)), a bill for an act related to moneys administered by the board of trustees of a drainage or levee district.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, Seng, Zaun, Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, McCoy, Quirmbach, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 7, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 233](#) – Relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program.

[Senate File 240](#) – Relating to matters under the purview of the alcoholic beverages division of the department of commerce, and making penalties applicable.

[Senate File 321](#) – Relating to wastewater discharges by on-farm processing operations.

[Senate File 367](#) – Concerning the protection of student athletes from concussions and other brain injuries.

[Senate File 396](#) – Relating to the regulation of indemnification provisions in construction contracts.

[Senate File 475](#) – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and retroactive applicability provisions.

AMENDMENTS FILED

S-3221	H.F. 148	Jeff Danielson Bill Dix
S-3222	S.F. 326	House
S-3223	S.F. 312	House
S-3224	H.F. 392	Jeff Danielson
S-3225	H.F. 461	Jeff Danielson