

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 12, 2011

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JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 12, 2011

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

Prayer was offered by Candy Boucher, former associate minister of the First Evangelical Lutheran Church in Centerville, Iowa, who sang "All Good Gifts". She was the guest of Senator Jochum.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Austin Pappan.

The Journal of Monday, April, 11, 2011, was approved.

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 11, 2011, **passed** the following bills in which the concurrence of the House was asked:

Senate File 197, a bill for an act relating to the performance of routine maintenance of a fire protection system and including effective date provisions.

Senate File 260, a bill for an act eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

Senate File 315, a bill for an act relating to emergency management planning.

ALSO: That the House has on April 11, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 510, a bill for an act relating to and making appropriations to the justice system. (S-3233)

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 2:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Kibbie presiding.

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 April 12, 2011, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 363, a bill for an act relating to the duties and rulemaking authority of the commission on veterans affairs.

House File 484, a bill for an act concerning investment of certain public funds in companies doing business in Iran by the treasurer of state, public retirement systems in Iowa, and the state board of regents.

The Senate stood at ease at 2:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:29 p.m., President Kibbie presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of John Baldwin as Director of the Department of Corrections, placed on the Individual

Confirmation Calendar on March 28, 2011, found on page 816 of the Senate Journal.

Senator Fraise moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mark Schouten as Drug Policy Coordinator, placed on the Individual Confirmation Calendar on February 24, 2011, found on page 403 of the Senate Journal.

Senator Sodders moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

REFUSAL OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of William Gustoff as a member of the State Judicial Nominating Commission, placed on the Individual Confirmation Calendar on March 28, 2011, found on page 816 of the Senate Journal.

The Senate stood at ease at 3:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:44 p.m., President Kibbie presiding.

Senator Hogg moved that the foregoing appointment be refused confirmation by the Senate.

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

Yeas, 27:

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

Nays, 23:

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

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have been refused confirmation by the Senate.

Senator Gronstal called up the appointment of Isaiah McGee as Director of the Department of Human Rights, placed on the Individual Confirmation Calendar on March 1, 2011, found on page 444 of the Senate Journal.

Senator Jochum moved that the foregoing appointment be refused confirmation by the Senate.

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

Yeas, 30:

Anderson	Chelgren	Hamerlinck	Seymour
Bacon	Dandekar	Hogg	Smith
Bartz	Dearden	Horn	Sorenson
Behn	Dix	Houser	Ward
Bertrand	Ernst	Johnson	Whitver
Black	Feenstra	Kapucian	Zaun
Boettger	Greiner	Kettering	
Bolkcom	Hahn	Seng	

Nays, 20:

Beall	Dvorsky	Jochum	Ragan
Bowman	Fraise	Kibbie	Rielly
Courtney	Gronstal	McCoy	Schoenjahn
Danielson	Hancock	McKinley	Sodders
Dotzler	Hatch	Quirnbach	Wilhelm

Absent, none.

The appointee, having failed to receive a two-thirds vote, was declared to have been refused confirmation by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Mary Boote as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee 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	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

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

Senator Gronstal called up the appointment of Brent Rastetter as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 49:

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

Nays, 1:

Hogg

Absent, none.

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

Senator Gronstal called up the appointment of Dolores Mertz as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Black moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee 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 appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Dave Jamison as Executive Director of the Iowa Finance Authority, placed on the Individual Confirmation Calendar on February 24, 2011, found on page 403 of the Senate Journal.

Senator Danielson moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 46:

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

Nays, 3:

Dvorsky	Hogg	Quirnbach
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Present, 1:

Hatch

Absent, none.

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

Senator Gronstal called up the appointment of Gary Steinke as a member of the Iowa Higher Education Loan Authority, placed on the Individual Confirmation Calendar on March 30, 2011, found on page 849 of the Senate Journal.

Senator Quirmbach moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" 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	McKinley	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, 1:

Quirmbach

Absent, none.

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

Senator Gronstal called up the appointment of Teresa Wahlert as Director of Workforce Development, placed on the Individual Confirmation Calendar on February 23, 2011, found on page 392 of the Senate Journal.

Senator Dotzler moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 36:

Anderson	Dearden	Horn	Rielly
Bacon	Dix	Houser	Seng
Bartz	Ernst	Jochum	Seymour
Behn	Feenstra	Johnson	Smith
Bertrand	Greiner	Kapucian	Sodders
Boettger	Gronstal	Kettering	Sorenson
Chelgren	Hahn	McCoy	Ward
Dandekar	Hamerlinck	McKinley	Whitver
Danielson	Hancock	Ragan	Zaun

Nays, 14:

Beall	Courtney	Hatch	Schoenjahn
Black	Dotzler	Hogg	Wilhelm
Bolkcom	Dvorsky	Kibbie	
Bowman	Fraise	Quirnbach	

Absent, none.

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

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 521](#).

Senate File 521

On motion of Senator Dotzler, [Senate File 521](#), a bill for an act relating to the administration of the property rehabilitation tax credit program by the department of cultural affairs and including retroactive applicability provisions, was taken up for consideration.

Senator Chelgren withdrew amendment [S-3236](#), filed by him from the floor to pages 1 and 4 of the bill.

Senator Dotzler offered amendment [S-3232](#), filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment [S-3232](#) 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. 521), the vote was:

Yeas, 48:

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

Nays, 1:

Chelgren

Present, 1:

Hatch

Absent, none.

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

UNFINISHED BUSINESS
(Deferred April 11, 2011)

Senate File 519

The Senate resumed consideration of **Senate File 519**, 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, deferred April 11, 2011.

Senator Zaun asked and received unanimous consent that action on **Senate File 519** be **deferred**.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 517**.

Senate File 517

On motion of Senator Dotzler, **Senate File 517**, 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, the Iowa finance authority, and the public employment relations board, and related matters and including immediate effective date provisions, placed on the Unfinished Business Calendar on March 31, 2011, was taken up for consideration.

Senator Dotzler withdrew amendment **S-3184**, filed by him on March 29, 2011, to pages 11 and 13 of the bill.

Senator Dotzler withdrew amendment **S-3228**, filed by him on April 11, 2011, to pages 11 and 13-15 of the bill.

Senator Dotzler offered amendment **S-3237**, filed by him from the floor to pages 11-16 of the bill, and moved its adoption.

Amendment **S-3237** was adopted by a voice vote.

Senator Dix offered amendment **S-3240**, filed by Senators Dix and Dotzler from the floor to pages 14 and 16 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–3240 be adopted?” (S.F. 517), 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.

Amendment S–3240 was adopted.

With the adoption of amendment S–3240, the Chair ruled amendment S–3229, filed by Senator Dix on April 11, 2011, to page 16 of the bill, out of order.

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. 517), the vote was:

Yeas, 29:

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

Nays, 21:

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

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 517** and **521** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:19 p.m. until 9:00 a.m., Wednesday, April 13, 2011.

APPENDIX

COMMUNICATION RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

Direct Care Worker in Nursing Facilities Turnover Report, pursuant to 2008 Iowa Acts, [HF 2539](#), section 71. Report received on April 12, 2011.

CERTIFICATES OF RECOGNITION

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

Mr. Hamza Asanov, Khorog, Tajikistan—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

The Honorable Akram Chowdhury, Member of the Bangladesh National Parliament—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

The Honorable Harish Kamal Thakulla Kshetri, Member of the Parliament of Nepal—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

Mr. Timul Faridovich Shaikhutdinov, Bishkek, Kyrgyz Republic—For visiting the Iowa Legislature and being named an Honorary Iowan. Senator Beall (4/12/11).

Rob Enfield, Cedar Rapids—For achieving the rank of Eagle Scout. Senator Horn (4/12/11).

Josie England, Ruthven—For celebrating her 108th birthday. Senator Kibbie (4/12/11).

Sergeant Major Jerry Hansen, Le Mars—For his 31 years of dedicated service to the Iowa Army National Guard. Senator Anderson (4/12/11).

Kemin Industries—For 50 years of being a great corporate and global citizen. Senator Dearden (4/12/11).

Lutheran Retirement Home, Northwood—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Rockwell Community Nursing Home—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Stacyville Community Nursing Home—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

Westview Care Center, Britt—For being named by U.S. News and World Report as one of the Best Nursing Homes in Iowa. Senator Bartz (4/12/11).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, April 12, 2011, 10:40 a.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Bartz, Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Ragan, Schoenjahn, and Seymour.

Members Absent: Black and Houser (both excused).

Committee Business: Passed [HF 646](#), as amended.

Recessed: 10:45 a.m.

Reconvened: 11:15 a.m.

Adjourned: 11:20 a.m.

RULES AND ADMINISTRATION

Convened: Monday, April 11, 2011, 3:40 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, Kettering, Ragan, and Zaun.

Members Absent: None.

Committee Business: Assigned governor's appointees to committees.

Adjourned: 3:45 p.m.

WAYS AND MEANS

Convened: Tuesday, April 12, 2011, 1:30 p.m.

Members Present: Bolkcom, 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 300](#), as amended. Approved [SSB 1205](#).

Recessed: 1:35 p.m.

Reconvened: 2:05 p.m.

Adjourned: 2:25 p.m.

INTRODUCTION OF BILL

Senate File 522, by committee on Ways and Means, a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

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

SUBCOMMITTEE ASSIGNMENT

House File 649

APPROPRIATIONS: Hatch, Chair; Bolkcom, Johnson, Kettering, and Ragan

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 646 (HSB 189), 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 provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN S-3239.

Final Vote: Ayes, 12: Dvorsky, McCoy, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Johnson, Kapucian, and Seymour. Absent, 2: Black and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 522 (SSB 1205), a bill for an act establishing a property tax credit for certain commercial, industrial, and railway property, providing penalties, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

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.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the confirmation of Isaiah McGee as Director of the Department of Human Rights failed to be approved by the Senate on April 12, 2011.

PAUL MCKINLEY

GOVERNOR'S ITEM VETO MESSAGE

April 12, 2011

The Honorable John P. Kibbie
President of the Senate
State Capitol
Des Moines, Iowa 50319

Dear Mr. President:

I hereby transmit [Senate File 512](#), an act relating to public funding matters by updating the code references to the internal revenue code and by decoupling from certain federal bonus depreciation provisions, authorizing appropriation transfers, and including effective date and retroactive applicability provisions.

[Senate File 512](#) is, therefore, signed on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the item designated as Division IV, which includes Sections 26 and 27. This language would have provided the Governor with the specific authority to transfer funds to the office of the public defender for payment of court-appointed attorneys for indigent defense purposes. As I have made clear, I strongly support an appropriate supplemental appropriation to pay these court-appointed indigent defense attorneys the money that is owed to them and will continue to work with the General Assembly to resolve this matter.

The language I disapprove attempts to end the current legislative stalemate over supplemental appropriations for the provision of indigent defense services administered through the State Public Defender's office.

This current shortfall in the funds available to pay the state's indigent defense bills is the result of actions taken during the 2010 Session of the General Assembly wherein the Governor and General Assembly approved a budget for indigent defense that purposely underfunded this program by nearly \$20 million. This decision was made with the full knowledge the 2011 General Assembly would be forced to take action to provide supplemental funds to the State Public Defender's office for this purpose.

The method provided in [Senate File 512](#) provides the Governor with the specific authority to transfer funds to the State Public Defender for payment of court-appointed attorneys for indigent defense purposes. The funds transferred must come from any department, institution, or agency of the state and will reduce the funds available to those entities by a like amount.

In other words, in order to comply with the provisions of [Senate File 512](#) I would be asked to reduce by nearly \$20 million the current appropriations in other state agencies to secure the resources necessary to transfer to the State Public Defender's office. As there remain less than three months in the current fiscal year, any spending reduction in any agency has an effect nearly four times greater than if the reduction were made at the beginning of a fiscal year.

In [Senate File 512](#) the General Assembly provides the Governor with no guidance regarding which state agencies must be reduced to make this transfer possible.

This method is totally unacceptable and is a continuation of the numerous bad budgeting practices that has created the fiscal mess our state currently faces. It is this fiscal mess that I am committed to correct and I will not participate in a process that both continues those practices and undermines the constitutional responsibility of the General Assembly to make appropriations.

A Governor's transfer authority should be extremely limited during those time periods when the General Assembly is in session. The Iowa Constitution provides a clear method for the appropriation of state funds and I intend to honor that process and the General Assembly's role in spending state funds.

I specifically call on the members of the General Assembly to resume negotiations on legislation to provide a supplemental appropriation for indigent defense and other critical areas of state government that have been left critically short due to past bad budgeting practices.

I strongly support an appropriate supplemental appropriation to pay our indigent defense costs and will continue to work with the General Assembly to resolve this matter.

For the above reasons, I respectfully disapprove this item in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in [Senate File 512](#) are hereby approved as of this date.

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 April 12, 2011, to investigate the appointment and reappointment of the following appointees:

HUMAN RESOURCES

As a member of the Health Facilities Council:

ROBERTA CHAMBERS – Bacon; Chair; Ragan and Wilhelm

STATE GOVERNMENT

As a member of the Investment Board of the IPERS:

DENNIS YOUNG – Danielson; Chair; Kibbie and Feenstra

As a member of the Board of Mortuary Science:

TODD KALE – Courtney; Chair; Dearden and Feenstra

AMENDMENTS FILED

S-3232	S.F.	521	William A. Dotzler, Jr.
S-3233	S.F.	510	House
S-3234	H.F.	392	Jeff Danielson
S-3235	S.F.	520	Mark Chelgren
S-3236	S.F.	521	Mark Chelgren
S-3237	S.F.	517	William A. Dotzler, Jr.
S-3238	H.F.	254	Matt McCoy Swati A. Dandekar
S-3239	H.F.	646	Appropriations
S-3240	S.F.	517	Bill Dix William A. Dotzler, Jr.
S-3241	S.F.	520	Robert M. Hogg