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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 19, 2011**

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# JOURNAL OF THE SENATE

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ONE HUNDREDTH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 19, 2011

The Senate met in regular session at 9:02 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Father Dennis Miller of St. James Catholic Church in Forest City, Iowa. He was the guest of Senator Bartz.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Monday, April 18, 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 18, 2011, **adopted** the conference committee report **and passed Senate File 209**, a bill for an act relating to public funding and regulatory matters by making appropriations, providing for updated Code references to the Internal Revenue Code, increasing the state earned income tax credit, and including effective date and retroactive applicability provisions.

ALSO: That the House has on April 18, 2011, **passed** the following bill in which the concurrence of the House was asked:

**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.

ALSO: That the House has on April 18, 2011, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 254**, a bill for an act relating to the Iowa communications network by removing waiver provisions applicable to utilization of the network.

**House File 392**, 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.

**House File 493**, a bill for an act requiring faculty members of regents institutions and community colleges and teachers employed by school districts charged with a crime to repay all salary received during a paid leave of absence if convicted.

**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.

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

ALSO: That the House has on April 18, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 653**, a bill for an act relating to the assessment and taxation of qualifying local exchange carrier property.

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

**House File 672**, a bill for an act relating to wind and other sources of renewable energy development and production.

Read first time and attached to **similar Senate File 524**.

**House File 673**, a bill for an act relating to the assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

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

**House File 679**, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

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

**House File 684**, a bill for an act relating to the property tax exemptions for cemetery associations.

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

The Senate stood at ease at 9:47 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:39 a.m., President Kibbie presiding.

#### RECESS

On motion of Senator Courtney, the Senate recessed at 10:40 a.m. until 3:00 p.m.

#### RECONVENED

The Senate reconvened at 3:20 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 April 19, 2011, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

**Senate Concurrent Resolution 7**, a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives of the Eighty-fourth General Assembly. (S-3270)

ALSO: That the House has on April 19, 2011, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 410**, 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. (S-3269)

The Senate stood at ease at 3:23 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:07 p.m., President Kibbie presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Kettering.

#### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 405](#).

#### **House File 405**

On motion of Senator Dandekar, **House File 405**, a bill for an act relating to records requirements applicable to state banks and state credit unions, and causes of action and duties in relation thereto, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee recommending passage, was taken up for consideration.

Senator Danielson offered amendment [S-3265](#), filed by Senators Danielson and Sorenson from the floor to page 1 and amending the title page of the bill.

Senator Feenstra raised the point of order that amendment [S-3265](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3265](#) out of order.

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?" (H.F. 405), 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	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Kapucian

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 **House File 405** be **immediately messaged** to the House.

#### HOUSE AMENDMENT CONSIDERED

#### Senate File 236

Senator Hancock called up for consideration **Senate File 236**, a bill for an act relating to the practices and procedures of the department of public safety including the state fire service and emergency response council, the state building code commissioner, fingerprint records, disposition records, the sex offender registry, and

access to deferred judgment docket records, amended by the House in House amendment [S-3258](#), filed April 13, 2011.

Senator Hancock 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 Hancock 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. 236](#)), 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	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Greiner	McCoy	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

Kapucian

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 File 236](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 618](#).

**House File 618**

On motion of Senator Sodders, [House File 618](#), a bill for an act modifying licensing provisions applicable to fire extinguishing and alarm systems contractors and installers, and electricians and electrical contractors, placed on the Unfinished Business Calendar on April 7, 2011, with report of committee without recommendation, was taken up for consideration.

Senator Sodders offered amendment [S-3264](#), filed by him from the floor to page 1 of the bill.

Senator Seng asked and received unanimous consent to withdraw amendment [S-3268](#), filed by Senators Seng and Black from the floor to page 1 of amendment [S-3264](#).

Senator Sodders moved the adoption of amendment [S-3264](#).

A record roll call was requested.

On the question "Shall amendment [S-3264](#) be adopted?" ([H.F. 618](#)), the vote was:

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

Yeas, 23:

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



Nays, 26:

Anderson	Bowman	Hahn	Smith
Bacon	Chelgren	Hamerlinck	Sorenson
Bartz	Dandekar	Houser	Ward
Behn	Dix	Johnson	Whitver
Bertrand	Ernst	Kettering	Zaun
Black	Feenstra	McKinley	
Boettger	Greiner	Seymour	

Absent, 1:

Kapucian

Amendment S-3264 lost.

Senator Gronstal asked and received unanimous consent that action on **House File 618** be **deferred**.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:30 p.m. until 9:00 a.m., Wednesday, April 20, 2011.

#### APPENDIX

##### COMMUNICATIONS RECEIVED

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

##### DEPARTMENT OF EDUCATION

Modified Allowable Growth for Dropout Prevention Annual Report, pursuant to Iowa Code section 257.40. Report received on April 19, 2011.

##### DEPARTMENT OF HUMAN SERVICES

Report of the Remedial Services Transition Committee, pursuant to 2010 Iowa Acts, **HF 2526**, section 31. Report received on December 30, 2010.

##### DEPARTMENT OF REVENUE

2010 Research Activities Credit Annual Report, pursuant to 2009 Iowa Acts, **SF 478**, sections 232 through 234. Report received on February 10, 2011.

## AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF HUMAN SERVICES – Report received on January 25, 2011.

## CERTIFICATE OF RECOGNITION

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

Bryor Joseph McMillen, Fort Madison—For achieving the rank of Eagle Scout, Troop 39. Senator Fraise (4/19/11).

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** Tuesday, April 19, 2011, 10:45 a.m.

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

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

**Committee Business:** Approved [SSB 1207](#).

**Recessed:** 10:50 a.m.

**Reconvened:** 11:00 a.m.

**Adjourned:** 11:05 a.m.

### RULES AND ADMINISTRATION

**Convened:** Tuesday, April 19, 2011, 3:15 p.m.

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

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

**Committee Business:** Passed [SR 9](#). Assigned governor's appointees to committees.

**Adjourned:** 3:20 p.m.

## INTRODUCTION OF BILL

**Senate File 527**, by committee on Appropriations, a bill for an act relating to the administration of the Iowa finance authority and making appropriations.

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

## STUDY BILL RECEIVED

**SSB 1209 Appropriations**

Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, and including effective date provisions.

## SUBCOMMITTEE ASSIGNMENTS

**House File 653**

WAYS AND MEANS: Jochum, Chair; Bolkecom and Zaun

**House File 673**

WAYS AND MEANS: Jochum, Chair; Bolkecom and Zaun

**House File 679**

WAYS AND MEANS: McCoy, Chair; Anderson and Dandekar

**House File 684**

WAYS AND MEANS: Quirnbach, Chair; Bartz and McCoy

**SSB 1209**

APPROPRIATIONS: Hogg, Chair; Bartz, Danielson, Dix, and Dvorsky

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** [SENATE FILE 527 \(SSB 1207\)](#), by committee on Appropriations, a bill for an act relating to the administration of the Iowa finance authority and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Kettering, Bartz, Boettger, Dix, Houser, Johnson, and Seymour. Present, 1: Hatch. Absent, 1: Kapucian.

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

## RULES AND ADMINISTRATION

**Bill Title:** [SENATE RESOLUTION 9](#), a resolution to recognize the positive impact of the community services block grant program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Kibbie, McKinley, Bartz, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

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

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 209](#), the following corrections were made:

1. Page 2, line 26: strike "section", and insert "sections".
2. Page 2, line 29: strike "section", and insert "sections".

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 19<sup>th</sup> day of April, 2011.

[Senate File 209](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2011, the Governor approved and transmitted to the Secretary of State the following bills:

**Senate File 197** – Relating to and modifying provisions applicable to fire protection systems and electrician licensure requirements, and including effective date provisions.

**Senate File 260** – Eliminating the transfer tax imposed on insurers organized in other states who elect to become domestic insurers in Iowa.

**Senate File 279** – Relating to child support recovery.

**Senate File 312** – 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.

**Senate File 315** – Relating to emergency management planning.

**Senate File 406** – Relating to various matters under the purview of the insurance division of the department of commerce and including effective date provisions.

**Senate File 453** – Relating to high school graduation requirements.

**Senate File 456** – Relating to persons prohibited from possessing or receiving firearms because of mental health commitments or adjudications and to petitions for relief from such prohibitions, and including effective date and applicability provisions.

**Senate File 460** – Relating to the licensing and regulation of real estate brokers and salespersons.

## APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

### BY THE GOVERNOR

### TERM

AGING, COMMISSION ON (231.11)  
Carole Dunkin, De Witt

05/01/2011 – 04/30/2015

ATHLETIC TRAINING, BOARD OF (147.14(1)(r))  
Geoff Jensen, Urbandale

04/14/2011 – 04/30/2012

BARBERING, BOARD OF (147.14(1)(a)) John Anderson, Nevada	05/01/2011 – 04/30/2014
COUNTY FINANCE COMMITTEE (333A.2) Alan Soukup, Fairfax	05/01/2011 – 04/30/2015
ENVIRONMENTAL PROTECTION COMMISSION (455A.6) Nancy Couser, Nevada	05/01/2011 – 04/30/2015
JUDICIAL NOMINATING COMMISSION, STATE (46.1) Jim Kersten, Fort Dodge	05/01/2011 – 04/30/2017
JUDICIAL QUALIFICATIONS, COMMISSION ON (602.2102) Sandra Blodgett, Clear Lake	04/15/2011 – 04/30/2013
MASSAGE THERAPY, BOARD OF (147.14(1)(q)) Jill Ellsworth, Grimes	05/01/2011 – 04/30/2014
RENEWABLE FUEL INFRASTRUCTURE BOARD (15G.202) Gloria Johnson, Forest City	05/01/2011 – 04/30/2016

The appointments were referred to the committee on **Rules and Administration**.

#### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on April 19, 2011:

##### HUMAN RESOURCES

Carole Dunkin – Commission on Aging

Geoff Jensen – Board of Athletic Training

##### JUDICIARY

Jim Kersten – State Judicial Nominating Commission

Sandra Blodgett – Commission on Judicial Qualifications

##### LOCAL GOVERNMENT

Alan Soukup – County Finance Committee

**NATURAL RESOURCES AND ENVIRONMENT**

Nancy Couser – Environmental Protection Commission

Gloria Johnson – Renewable Fuel Infrastructure Board

**STATE GOVERNMENT**

John Anderson – Board of Barbering

Jill Ellsworth – Board of Massage Therapy

**AMENDMENTS FILED**

S-3263	H.F.	328	William A. Dotzler, Jr.
S-3264	H.F.	618	Steven J. Sodders
S-3265	H.F.	405	Jeff Danielson Kent Sorenson
S-3266	S.F.	525	Jack Hatch
S-3267	S.F.	524	Robert M. Hogg
S-3268	H.F.	618	Joe M. Seng Dennis H. Black
S-3269	S.F.	410	House
S-3270	S.C.R.	7	House
S-3271	H.F.	672	Mark Chelgren
S-3272	H.F.	646	Herman C. Quirnbach