

PROOF

STATE OF IOWA

Senate Journal

FRIDAY, JUNE 24, 2011

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JOURNAL OF THE SENATE

ONE HUNDRED SIXTY-SIXTH CALENDAR DAY
EIGHTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, June 24, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Kibbie.

On the question “Are there corrections to the Journal?” Senator Bartz requested a correction to the vote recorded to adjourn on Wednesday, June 22, 2011 (S.J. p. 1201). The voting system record indicated Senator Hahn had been excused, but the Journal did not so indicate.

The Chair stated the correction would be made and appear in the hardbound and Internet versions of the Journal.

The Journal of Wednesday, June 22, 2011, was approved.

INTRODUCTION OF GOVERNOR’S APPOINTEE

The Secretary of the Senate introduced Paul Trombino III, the governor’s appointee to be the Director of the Department of Transportation. He was the guest of Senators Rielly and Kapucian and the committee on Transportation.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:30 a.m. until the completion of a meeting of the committee on Rules and Administration

RECONVENED

The Senate reconvened at 9:37 a.m., President Kibbie presiding.

The Senate stood at ease at 9:38 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:50 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bacon, Bertrand, Feenstra, and Sorenson, until they arrive, on request of Senator Kettering.

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:

Carole Dunkin, Commission on Aging

Geoffrey Jensen, Board of Athletic Training

John Anderson, Board of Barbering

Alan Soukup, County Finance Committee

Roberta Chambers, Health Facilities Council

Dennis Young, Investment Board of the IPERS

Alejandro Pino, Commission of Latino Affairs

Todd Kale, Board of Mortuary

Vicky Apala-Cuevas, Commission of Native American Affairs
Keith Carpenter, Commission of Native American Affairs

Debra Larson, Board of Nursing

Gloria Johnson, Renewable Fuel Infrastructure Board

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

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

Yeas, 46:

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

Nays, none.

Absent, 4:

| | | | |
|-------|----------|----------|----------|
| Bacon | Bertrand | Feenstra | Sorenson |
|-------|----------|----------|----------|

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

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

[Senate File 525](#)

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on [Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for

adult disability services, making appropriations, and including effective date provisions:

On the part of the Senate:

JACK HATCH, Chair
JOE BOLKCOM
DAVID JOHNSON
AMANDA RAGAN
PAT WARD

On the part of the House:

LINDA UPMEYER, Chair
LISA HEDDENS
RENEE SCHULTE
MARK SMITH

[Senate File 525](#)

Senator Hatch called up the conference committee report on [Senate File 525](#), a bill for an act relating to reforming state and county responsibilities for adult disability services, making appropriations, and including effective date provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hatch 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. 525](#)), the vote was:

Yeas, 46:

| | | | |
|----------|----------|-----------|------------|
| Anderson | Dearden | Hogg | Rielly |
| Bartz | Dix | Horn | Schoenjahn |
| Beall | Dotzler | Houser | Seng |
| Behn | Dvorsky | Jochum | Seymour |
| Black | Ernst | Johnson | Smith |
| Boettger | Fraise | Kapucian | Sodders |
| Bolkcom | Greiner | Kettering | Ward |
| Bowman | Gronstal | Kibbie | Whitver |
| Chelgren | Hahn | McCoy | Wilhelm |

| | | | |
|-----------|------------|-----------|------|
| Courtney | Hamerlinck | McKinley | Zaun |
| Dandekar | Hancock | Quirnbach | |
| Danielson | Hatch | Ragan | |

Nays, none.

Absent, 4:

| | | | |
|-------|----------|----------|----------|
| Bacon | Bertrand | Feenstra | Sorenson |
|-------|----------|----------|----------|

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

CONFERENCE COMMITTEE REPORT RECEIVED AND
CONSIDERED

[Senate File 517](#)

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on [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 and retroactive applicability provisions:

On the part of the Senate:

WILLIAM A. DOTZLER, Chair
NANCY J. BOETTGER
SWATI A. DANDEKAR
ROBERT E. DVORSKY

On the part of the House:

JASON SCHULTZ, Chair
MARK LOFGREN
CHUCK SODERBERG

[Senate File 517](#)

Senator Dotzler called up the conference committee report on [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 and retroactive applicability provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

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, 36:

| | | | |
|----------|-----------|-----------|------------|
| Anderson | Dandekar | Hancock | McCoy |
| Bartz | Danielson | Hatch | Quirmbach |
| Beall | Dearden | Hogg | Ragan |
| Behn | Dotzler | Horn | Rielly |
| Black | Dvorsky | Houser | Schoenjahn |
| Boettger | Ernst | Jochum | Seng |
| Bolkcom | Fraise | Johnson | Sodders |
| Bowman | Greiner | Kettering | Ward |
| Courtney | Gronstal | Kibbie | Wilhelm |

Nays, 11:

| | | | |
|----------|------------|----------|---------|
| Chelgren | Hamerlinck | Seymour | Whitver |
| Dix | Kapucian | Smith | Zaun |
| Hahn | McKinley | Sorenson | |

Absent, 3:

| | | |
|-------|----------|----------|
| Bacon | Bertrand | Feenstra |
|-------|----------|----------|

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

CONFERENCE COMMITTEE REPORT RECEIVED AND CONSIDERED

[Senate File 510](#)

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on [Senate File 510](#), a bill for an act relating to and making appropriations to the justice system:

On the part of the Senate:

TOM HANCOCK, Chair
MERLIN BARTZ
EUGENE S. FRAISE
ROBERT M. HOGG

On the part of the House:

GARY WORTHAN, Chair
JULIAN GARRETT
LANCE HORBACH

Senate File 510

Senator Hancock called up the conference committee report on Senate File 510, a bill for an act relating to and making appropriations to the justice system, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hancock 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. 510), the vote was:

Yeas, 38:

| | | | |
|-----------|----------|-----------|------------|
| Anderson | Dearden | Horn | Rielly |
| Bartz | Dotzler | Houser | Schoenjahn |
| Beall | Dvorsky | Jochum | Seng |
| Black | Ernst | Johnson | Seymour |
| Boettger | Fraise | Kettering | Sodders |
| Bolkcom | Greiner | Kibbie | Ward |
| Bowman | Gronstal | McCoy | Wilhelm |
| Courtney | Hancock | McKinley | Zaun |
| Dandekar | Hatch | Quirmbach | |
| Danielson | Hogg | Ragan | |

Nays, 9:

| | | |
|----------|------------|----------|
| Behn | Hahn | Smith |
| Chelgren | Hamerlinck | Sorenson |
| Dix | Kapucian | Whitver |

Absent, 3:

| | | |
|-------|----------|----------|
| Bacon | Bertrand | Feenstra |
|-------|----------|----------|

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

CONFERENCE COMMITTEE REPORT RECEIVED AND
CONSIDERED

[Senate File 509](#)

A conference committee report, signed by the following Senate and House members, was filed June 24, 2011, on [Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions:

On the part of the Senate:

DENNIS BLACK, Chair
DICK L. DEARDEN
JAMES F. HAHN
HUBERT HOUSER
MARY JO WILHELM

On the part of the House:

JACK DRAKE, Chair
DWAYNE ALONS
ROSS PAUSTIAN

[Senate File 509](#)

Senator Black called up the conference committee report on [Senate File 509](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, filed on June 24, 2011, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Black 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. 509](#)), the vote was:

Yeas, 34:

| | | | |
|----------|---------|---------|------------|
| Bartz | Dearden | Hogg | Ragan |
| Beall | Dotzler | Horn | Rielly |
| Black | Dvorsky | Houser | Schoenjahn |
| Boettger | Ernst | Jochum | Seng |
| Bolkcom | Fraise | Johnson | Seymour |

| | | | |
|-----------|----------|-----------|---------|
| Bowman | Gronstal | Kettering | Sodders |
| Courtney | Hahn | Kibbie | Wilhelm |
| Dandekar | Hancock | McCoy | |
| Danielson | Hatch | Quirmbach | |

Nays, 13:

| | | | |
|----------|------------|----------|------|
| Anderson | Greiner | Smith | Zaun |
| Behn | Hamerlinck | Sorenson | |
| Chelgren | Kapucian | Ward | |
| Dix | McKinley | Whitver | |

Absent, 3:

| | | |
|-------|----------|----------|
| Bacon | Bertrand | Feenstra |
|-------|----------|----------|

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 509, 510, 517, and 525** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:28 a.m. until 10:00 a.m., Monday, June 27, 2011.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

From Nanning, in the Guangxi Province of China: Xuelin Zhao, Fengying Long, Kunlun Long, and Deying Lee. Senator Beall.

CERTIFICATES OF RECOGNITION

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

Xuelin Zhao and Fengying Long, Nanning—For being recognized and honored as distinguished guests of the people of Iowa. Senator Beall (6/24/11).

Kunlun Long and Deying Lee, Nanning—For being recognized and honored as distinguished guests of the people of Iowa. Senator Beall (6/24/11).

Randie Dixon, Oskaloosa—For being chosen to attend Iowa Girls State. Senator Rielly (6/24/11).

Jim Patton, Rockwell City—Thanking him for his ISU Extension service to countless Iowans and wishing him the very best in his retirement. Senator Beall (6/24/11).

West High School, Iowa City—For being named the best high school in Iowa by *Newsweek Magazine*. Senator Dvorsky (6/24/11).

INTRODUCTION OF RESOLUTION

[Senate Resolution 15](#), by McCoy, Beall, Black, Bolkcom, Bowman, Courtney, Dandekar, Danielson, Dearden, Dotzler, Dvorsky, Fraise, Gronstal, Hancock, Hatch, Hogg, Horn, Jochum, Kibbie, Quirmbach, Ragan, Rielly, Schoenjahn, Seng, Soddors, and Wilhelm, a resolution opposing proposed Congressional changes to the Medicare and Medicaid programs.

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

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Friday, June 24, 2011, 9:30 a.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. Passed [SR 15](#).

Adjourned: 9:35 a.m.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 15](#), a resolution opposing proposed Congressional changes to the Medicare and Medicaid programs.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Dvorsky, and Ragan. Nays, 4: McKinley, Bartz, Kettering, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on June 22, 2011, when the vote was taken on the Motion to Adjourn. Had I been present, I would have voted "Nay."

MARK CHELGREN

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 GOVERNORTERM

HUMAN RIGHTS, DIRECTOR OF DEPARTMENT OF (Sec. 216A.2)

| | |
|-------------------------------------|---------------------------------------|
| San Wong, Urbandale (recvd 6/23/11) | 07/11/2011 – Pleasure of the Governor |
|-------------------------------------|---------------------------------------|

JOBS BOARD, IOWA (Sec. 16.191)

| | |
|---|-------------------------|
| Brenda Neville, Cambridge (recvd 5/27/11) | 05/27/2011 – 04/30/2014 |
| Robert Taylor, Jr., West Des Moines (recvd 5/27/11) | 05/27/2011 – 04/30/2014 |

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 June 24, 2011:

ECONOMIC GROWTH/REBUILD IOWA

Brenda Neville – Iowa Jobs Board
Robert Taylor, Jr. – Iowa Jobs Board

STATE GOVERNMENT

San Wong – Director of Department of Human Rights