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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 12, 2012**

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# JOURNAL OF THE SENATE

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NINETY-FIFTH CALENDAR DAY  
FIFTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 12, 2012

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

Prayer was offered by Mary Mathis from Xavier High School in Cedar Rapids, Iowa. She was the daughter and guest of Senator Mathis.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Rachel Mortimer.

The Journal of Wednesday, April 11, 2012, 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 April 11, 2012, appointed the conference committee to [House File 2335](#), a bill for an act relating to appropriations to the justice system, and providing effective dates, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Lucas, Representative Arnold; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Clinton, Representative Wolfe.

ALSO: That the House has on April 11, 2012, appointed the conference committee to [House File 2336](#), a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and the conference committee members on the part of the House are: the representative from Cass, Representative Drake, Chair; the representative from Sioux, Representative Alons; the representative from Scott, Representative Lykam; the representative from Crawford, Representative Muhlbauer; the representative from Scott, Representative Paustian.

ALSO: That the House has on April 11, 2012, appointed the conference committee to [House File 2337](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, including effective date and retroactive and other applicability provisions, and the conference committee members on the part of the House are: the representative from Crawford, Representative Schultz, Chair; the representative from Boone, Representative Baltimore; the representative from Woodbury, Representative Hall; the representative from Johnson, Representative Jacoby; the representative from Woodbury, Representative Jeremy Taylor.

ALSO: That the House has on April 11, 2012, appointed the conference committee to [House File 2338](#), a bill for an act relating to appropriations to the judicial branch, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Lucas, Representative Arnold; the representative from Tama, Representative Horbach; the representative from Linn, Representative Todd Taylor; the representative from Clinton, Representative Wolfe.

The Senate stood at ease at 9:19 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:38 a.m., President Kibbie presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kapucian, Houser, and Greiner, until they arrive, on request of Senator Behn.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2331](#).

#### [Senate File 2331](#)

On motion of Senator Black, [Senate File 2331](#), a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable, with report of committee without recommendation, was taken up for consideration.

Senator Black asked and received unanimous consent that [House File 2467](#) be **substituted** for [Senate File 2331](#).

[House File 2467](#)

On motion of Senator Black, [House File 2467](#), a bill for an act relating to the regulation of snowmobiles, all-terrain vehicles, and watercraft by the department of natural resources, establishing fees, and making penalties applicable, was taken up for consideration.

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?" ([H.F. 2467](#)), the vote was:

Yeas, 29:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Boettger	Ernst	Johnson	Seng
Bolkcom	Fraise	Kibbie	Wilhelm
Bowman	Gronstal	Mathis	
Courtney	Hahn	McCoy	
Danielson	Hancock	Quirnbach	

Nays, 18:

Anderson	Dix	McKinley	Ward
Bacon	Feenstra	Seymour	Whitver
Behn	Hamerlinck	Smith	Zaun
Bertrand	Hatch	Sodders	
Chelgren	Kettering	Sorenson	

Absent, 3:

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

WITHDRAWN

Senator Black asked and received unanimous consent that [Senate File 2331](#) be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2467](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2336](#).

[Senate File 2336](#)

On motion of Senator Hatch, [Senate File 2336](#), a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, was taken up for consideration.

Senator Hatch withdrew amendment [S-5199](#), filed by him on April 11, 2012, to pages 1–3, 11, 12, 15–16, 18, 19, 32, 34, 37, 41, 42, 48, 53–58, 62, 64, 68, 69, 74–75, 77, 79, and 85 of the bill.

Senator Chelgren withdrew amendment [S-5197](#), filed by him on April 11, 2012, to page 77 of the bill.

Senator Kettering withdrew amendment [S-5200](#), filed by him on April 11, 2012, to page 77 of the bill.

Senator Hatch offered amendment [S-5201](#), filed by him from the floor to pages 1–3, 11, 12, 14–16, 18, 19, 32, 34, 37, 41, 42, 54, 56–58, 63, 64, 66, 67, 69, 70, 74, 75, 78, 80, 84, and 85 of the bill, and moved its adoption.

Amendment [S-5201](#) was adopted by a voice vote.

Senator Kettering offered amendment [S-5202](#), filed by him from the floor to page 78 of the bill, and moved its adoption.

Amendment [S-5202](#) was adopted by a voice vote.

Senator Chelgren offered amendment [S-5203](#), filed by him from the floor to page 78 of the bill.

Senator Hogg asked and received unanimous consent that action on amendment [S-5203](#) be deferred.

Senator Chelgren offered amendment [S-5204](#), filed by him from the floor to page 80 of the bill.

Senator Dvorsky raised the point of order that amendment [S-5204](#) was not germane to the bill.

Senator Dvorsky withdrew his point of order.

Senator Chelgren withdrew amendment [S-5204](#).

Senator Gronstal asked and received unanimous consent that action on [Senate File 2336](#) be **deferred**.

#### 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:

Cindy Greiman, Environmental Protection Commission  
Max Smith, Environmental Protection Commission

Maria Lara, Commission of Latino Affairs

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

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

Yeas, 47:

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

Bowman	Hahn	McKinley	Wilhelm
Chelgren	Hamerlinck	Quirnbach	Zaun
Courtney	Hancock	Ragan	

Nays, none.

Absent, 3:

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

The Senate stood at ease at 11:34 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:52 p.m., President Kibbie presiding.

#### BUSINESS PENDING

#### [Senate File 2336](#)

The Senate resumed consideration of [Senate File 2336](#), a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions, previously deferred.

The Senate resumed consideration of amendment [S-5203](#), previously deferred.

Senator Chelgren offered amendment [S-5209](#), filed by him from the floor to pages 1–3 of amendment [S-5203](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5209](#) to amendment [S-5203](#) be adopted?” ([S.F. 2336](#)), the vote was:

Yeas, 21:

Anderson	Chelgren	Johnson	Ward
Bacon	Dix	Kettering	Whitver
Bartz	Ernst	McKinley	Zaun

Behn	Feenstra	Seymour
Bertrand	Hahn	Smith
Boettger	Hamerlinck	Sorenson

Nays, 26:

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

Absent, 3:

Greiner	Houser	Kapucian
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Amendment [S-5209](#) to amendment [S-5203](#) lost.

Senator Hogg offered amendment [S-5208](#), filed by Senators Hogg and Hatch from the floor to pages 1–3 of amendment [S-5203](#).

Senator Bartz raised the point of order that amendment [S-5208](#) to amendment [S-5203](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5208](#) to amendment [S-5203](#) out of order.

The Senate resumed consideration of amendment [S-5203](#).

Senator Hogg raised the point of order that amendment [S-5203](#) was not germane to the bill.

Senator Hogg withdrew his point of order.

Senator Hatch asked and received unanimous consent that action on amendment [S-5203](#) and [Senate File 2336](#) be **deferred**.

The Senate stood at ease at 2:13 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:34 p.m., President Kibbie presiding.



The Senate resumed consideration of amendment [S-5203](#) and [Senate File 2336](#), previously deferred.

Senator Chelgren withdrew amendment [S-5203](#).

Senator Johnson offered amendment [S-5206](#), filed by Senator Johnson, et al., from the floor to pages 32 and 60 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5206](#) be adopted?" ([S.F. 2336](#)), the vote was:

Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Dix	Kettering	Ward
Bartz	Ernst	McKinley	Whitver
Behn	Feenstra	Seng	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Nays, 25:

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

Absent, 3:

Greiner	Houser	Kapucian
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Amendment [S-5206](#) lost.

Senator Johnson offered amendment [S-5207](#), filed by Senator Johnson, et al., from the floor to pages 32, 59, and 60 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5207](#) be adopted?" ([S.F. 2336](#)), the vote was:

Yeas, 22:

Anderson	Chelgren	Johnson	Sorenson
Bacon	Dix	Kettering	Ward
Bartz	Ernst	McKinley	Whitver
Behn	Feenstra	Seng	Zaun
Bertrand	Hahn	Seymour	
Boettger	Hamerlinck	Smith	

Nays, 25:

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

Absent, 3:

Greiner	Houser	Kapucian
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Amendment [S-5207](#) lost.

Senator Hogg offered amendment [S-5210](#), filed by Senators Hogg and Hatch from the floor to page 78 of the bill.

(Amendment [S-5210](#) and [Senate File 2336](#) were deferred.)

The Senate stood at ease at 2:51 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:59 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 2336](#) and amendment [S-5210](#), previously deferred.

Senator Hogg moved the adoption of amendment [S-5210](#).

A record roll call was requested.

On the question "Shall amendment [S-5210](#) be adopted?" ([S.F. 2336](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Greiner	Houser	Kapucian
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Amendment [S-5210](#) 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. 2336](#)), the vote was:

Yeas, 26:

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

Nays, 21:

Anderson	Chelgren	Johnson	Ward
Bacon	Dix	Kettering	Whitver
Bartz	Ernst	McKinley	Zaun

Behn	Feenstra	Seymour
Bertrand	Hahn	Smith
Boettger	Hamerlinck	Sorenson

Absent, 3:

Greiner	Houser	Kapucian
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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 2336](#) be **immediately messaged** to the House.

#### REFUSAL OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Colleen Pasnik as a member of the Board of Medicine, placed on the Individual Confirmation Calendar on March 22, 2012, found on page 649 of the Senate Journal.

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

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

Yeas, 29:

Anderson	Chelgren	Hancock	Smith
Bacon	Dix	Jochum	Sorenson
Bartz	Ernst	Johnson	Ward
Behn	Feenstra	Kettering	Whitver
Bertrand	Fraise	McKinley	Zaun
Black	Gronstal	Schoenjahn	
Boettger	Hahn	Seng	
Bowman	Hamerlinck	Seymour	

Nays, 18:

Beall	Dotzler	Kibbie	Rielly
Bolkcom	Dvorsky	Mathis	Sodders
Courtney	Hatch	McCoy	Wilhelm

Danielson	Hogg	Quirnbach
Dearden	Horn	Ragan

Absent, 3:

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:34 p.m. until 1:00 p.m., Monday, April 16, 2012.

#### APPENDIX

##### CERTIFICATE OF RECOGNITION

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

Mike Glover, Associated Press, Des Moines—For nearly 30 years of covering the Iowa Legislature and for his widely recognized campaign and election expertise. Senator Kibbie (4/12/12).

##### REPORT OF COMMITTEE MEETING

###### STATE GOVERNMENT

**Convened:** Tuesday, April 10, 2012, 11:50 a.m.

**Members Present:** Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Bertrand, Chelgren, Dearden, Feenstra, Fraise, Horn, Jochum, McCoy, Smith, and Sodders.

**Members Absent:** Dix and Hatch (excused).

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

**Adjourned:** 11:55 a.m.

## INTRODUCTION OF RESOLUTION

[Senate Resolution 118](#), by Kibbie, Gronstal, and Behn, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

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

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 2264](#)  
(Reassigned)

APPROPRIATIONS: McCoy, Chair; Dix and Dvorsky

[House File 2458](#)

APPROPRIATIONS: Schoenjahn, Chair; Ragan and Seymour

[House File 2460](#)

WAYS AND MEANS: Dotzler, Chair; Bolckcom and Feenstra

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 12, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 413](#) – Relating to financial responsibilities of local emergency management commissions.

[Senate File 2097](#) – Relating to the department of public defense by making changes regarding the Iowa military code and military service, including terminology modifications and leases entered into by the department of public defense and the armory board, and including effective date provisions.

[Senate File 2126](#) – Providing for the funding of the duties of the state's social security administrator.

[Senate File 2164](#) – Relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

[Senate File 2208](#) – Relating to the confidentiality of an arrest warrant.

[Senate File 2245](#) – Requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

[Senate File 2267](#) – Concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

[Senate File 2289](#) – Relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

[Senate File 2312](#) – Relating to persons with mental health illnesses and substance-related disorders.

[Senate File 2318](#) – Relating to the Iowa health information network, providing for fees, and including effective date provisions.

#### AMENDMENTS FILED

<a href="#">S-5201</a>	<a href="#">S.F. 2336</a>	Jack Hatch
<a href="#">S-5202</a>	<a href="#">S.F. 2336</a>	Steve Kettering
<a href="#">S-5203</a>	<a href="#">S.F. 2336</a>	Mark Chelgren
<a href="#">S-5204</a>	<a href="#">S.F. 2336</a>	Mark Chelgren
<a href="#">S-5205</a>	<a href="#">H.F. 2459</a>	Thomas G. Courtney
<a href="#">S-5206</a>	<a href="#">S.F. 2336</a>	David Johnson
		Steve Kettering
		Paul McKinley
		James F. Hahn
		Bill Anderson
		Kent Sorenson
		Jerry Behn
		Joni Ernst
		Brad Zaun
		Rick Bertrand
		Randy Feenstra
		Roby Smith
		Jack Whitver
<a href="#">S-5207</a>	<a href="#">S.F. 2336</a>	David Johnson
		Roby Smith
		Randy Feenstra
		James F. Hahn
		Steve Kettering
		Joni Ernst
		Rick Bertrand
		Bill Anderson
		Kent Sorenson
		Brad Zaun
		Jerry Behn

<a href="#"><u>S-5208</u></a>	<a href="#"><u>S.F. 2336</u></a>	Paul McKinley Mark Chelgren Jack Whitver
<a href="#"><u>S-5209</u></a>	<a href="#"><u>S.F. 2336</u></a>	Robert M. Hogg Jack Hatch
<a href="#"><u>S-5210</u></a>	<a href="#"><u>S.F. 2336</u></a>	Mark Chelgren
<a href="#"><u>S-5211</u></a>	<a href="#"><u>S.F. 2283</u></a>	Robert M. Hogg Jack Hatch Dennis H. Black