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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, APRIL 11, 2012**

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# JOURNAL OF THE SENATE

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NINETY-FOURTH CALENDAR DAY  
FIFTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 11, 2012

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Father Ken Gehling, Chaplain of Mercy Medical Center in Mason City, Iowa. He was the guest of Senator Ragan.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hailey Albert.

The Journal of Tuesday, April 10, 2012, 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 10, 2012, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2325](#), a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

ALSO: That the House has on April 10, 2012, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the Senate is asked:

[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.

ALSO: That the House has on April 10, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2462](#), a bill for an act relating to early school start date provisions, and including effective date and applicability provisions.

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

[House File 2464](#), a bill for an act relating to department of public health programs and activities, providing for a penalty, and including effective and applicability date provisions.

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

[House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

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

The Senate stood at ease at 9:13 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.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## HOUSE AMENDMENT CONSIDERED

[Senate File 466](#)

Senator McCoy called up for consideration [Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty, amended by the House in House amendment [S-3329](#), filed May 3, 2011.

Senator McCoy offered amendment [S-5194](#), filed by him on April 10, 2012, to page 2 of House amendment [S-3329](#), and moved its adoption.

Amendment [S-5194](#) to House amendment [S-3329](#) was adopted by a voice vote.

Senator McCoy moved that the Senate concur in the House amendment, as amended.

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

Senator McCoy moved that the bill, as amended by the House, further amended 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. 466](#)), the vote was:

Yeas, 47:

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

Nays, 2:

Sorenson            Zaun

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.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 364](#)

Senator Sodders called up for consideration [Senate File 364](#), a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties, amended by the House in House amendment [S-5193](#), filed April 10, 2012.

Senator Sodders offered amendment [S-5196](#), filed by him from the floor to page 1 of House amendment [S-5193](#), and moved its adoption.

Amendment [S-5196](#) to House amendment [S-5193](#) was adopted by a voice vote.

Senator Sodders moved that the Senate concur in the House amendment, as amended.

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

Senator Sodders moved that the bill, as amended by the House, further amended 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. 364](#)), the vote was:

Yeas, 39:

Bacon	Dearden	Hatch	Ragan
Bartz	Dix	Hogg	Rielly
Beall	Dotzler	Horn	Schoenjahn
Behn	Dvorsky	Houser	Seng

Black	Ernst	Jochum	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Wilhelm
Courtney	Hahn	McCoy	Zaun
Danielson	Hancock	Quirnbach	

Nays, 10:

Anderson	Feenstra	McKinley	Whitver
Bertrand	Hamerlinck	Seymour	
Chelgren	Johnson	Smith	

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.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2334](#).

#### [Senate File 2334](#)

On motion of Senator Danielson, [Senate File 2334](#), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, was taken up for consideration.

Senator Zaun asked and received unanimous consent that action on [Senate File 2334](#) be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 364** and **466** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 10:57 a.m. until 1:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 1:18 p.m., President Kibbie presiding.

The Senate stood at ease at 1:19 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:27 p.m., President Kibbie presiding.

## 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:

Anna Hilpipre, Commission on Community Action Agencies

Dolores Mertz, State Racing and Gaming Commission

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

Kapucian

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of James Van Fossen as a member of the Public Employment Relations Board, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

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

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

Yeas, 43:

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

Nays, 6:

Black	Danielson	Quirnbach
Courtney	Dotzler	Sodders

Absent, 1:

Kapucian

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

Senator Gronstal called up the appointment of Donald Zuck as a member of the the Iowa Great Places Board, placed on the Individual Confirmation Calendar on March 14, 2012, found on page 569 of the Senate Journal.

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

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

Yeas, 49:

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

Nays, none.

Absent, 1:

Kapucian

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

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 2:49 p.m. until the fall of the gavel.

#### RECONVENED

The Senate reconvened at 3:02 p.m., President Kibbie presiding.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 3:03 p.m. until 3:30 p.m.

#### RECONVENED

The Senate reconvened at 3:47 p.m., President Kibbie presiding.

The Senate stood at ease at 3:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:25 p.m., President Kibbie presiding.

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was 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, passed the following bill in which the concurrence of the Senate is asked:

[House File 2460](#), a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

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

#### SENATE INSISTS

#### [House File 2338](#)

Senator Hogg called up for consideration [House File 2338](#), a bill for an act relating to appropriations to the judicial branch, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2338](#) on the part of the Senate: Senators Hogg, Chair; Hancock, Fraise, Kettering, and Smith.

## SENATE INSISTS

[House File 2336](#)

Senator Black called up for consideration [House File 2336](#), a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2336](#) on the part of the Senate: Senators Black, Chair; Dearden, Wilhelm, Houser, and Greiner.

## SENATE INSISTS

[House File 2335](#)

Senator Hancock called up for consideration [House File 2335](#), a bill for an act relating to appropriations to the justice system, and providing effective dates, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2335](#) on the part of the Senate: Senators Hancock, Chair; Hogg, Fraise, Seymour, and Whitver.

## SENATE INSISTS

[House File 2337](#)

Senator Dotzler called up for consideration [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, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2337](#) on the part of the Senate: Senators Dotzler, Chair; Seng, Mathis, Dix, and Bertrand.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2335, 2336, 2337, and 2338** be **immediately messaged** to the House.

## 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, 2012, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was asked:

[Senate File 364](#), a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties.

ALSO: That the House has on April 11, 2012, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2333](#), a bill for an act providing a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to [Senate File 2313](#), a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and the conference committee members on the part of the House are: the representative from Dallas, Representative Watts, Chair; the representative from Polk, Representative Hunter; the representative from Jasper, Representative Kelley; the representative from Black Hawk, Representative Rogers; the representative from Dickinson, Representative Jeff Smith.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to [Senate File 2316](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Cherokee, Representative Huseman, Chair; the representative from O'Brien, Representative Chambers; the representative from Des Moines, Representative Cohoon; the representative from Jones, Representative Hein; the representative from Chickasaw, Representative Quirk.

ALSO: That the House has on April 11, 2012, **insisted** on its amendment to [Senate File 2321](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, and including effective date and retroactive applicability provisions, and the conference committee members on the part of the House are: the representative from Ringgold, Representative Dolecheck, Chair; the representative from Polk, Representative Cownie; the representative from Woodbury, Representative Jorgensen; the representative from Cerro Gordo, Representative Steckman; the representative from Scott, Representative Winckler.

ALSO: That the House has on April 11, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2466](#), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

Read first time and **attached to similar** [Senate File 2334](#).

[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.

Read first time and **attached to companion [Senate File 2331](#)**.

#### APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on [Senate File 2313](#) on the part of the Senate: Senators Jochum, Chair; Danielson, Bowman, Bartz, and Ernst.

The Chair announced the following conference committee on [Senate File 2316](#) on the part of the Senate: Senators McCoy, Chair; Beall, Dvorsky, Kapucian, and Anderson.

The Chair announced the following conference committee on [Senate File 2321](#) on the part of the Senate: Senators Schoenjahn, Chair; Quirnbach, Horn, Hamerlinck, and McKinley.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2313, 2316, and 2321** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:53 p.m. until 9:00 a.m., Thursday, April 12, 2012.

#### APPENDIX

##### CERTIFICATE OF RECOGNITION

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

The University of Northern Iowa Women's Rugby Team, Cedar Falls—For achieving their 8<sup>th</sup> consecutive year of heading to the National Collegiate Sweet 16. Senator Danielson (4/11/12).

## PRESENTATION OF VISITORS

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

Sixteen students from Des Moines Area Community College, accompanied by Kim Heidemann. Senator Beall.

## REPORTS OF COMMITTEE MEETINGS

### GOVERNMENT OVERSIGHT

**Convened:** Wednesday, April 11, 2012, 10:30 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [HF 2455](#).

**Adjourned:** 11:15 a.m.

### HUMAN RESOURCES

**Convened:** Wednesday, April 11, 2012, 2:50 p.m.

**Members Present:** Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver.

**Members Absent:** None.

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

**Adjourned:** 2:55 p.m.

### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Tuesday, April 10, 2012, 2:55 p.m.

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

**Members Absent:** Kapucian and Sorenson (both excused).

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

**Adjourned:** 3:00 p.m.

## INTRODUCTION OF BILL

[Senate File 2337](#), by committee on Ways and Means, a bill for an act relating to health care cost containment measures and providing for a fee.

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

## SUBCOMMITTEE ASSIGNMENT

[House File 2464](#)

WAYS AND MEANS: Mathis, Chair; Feenstra and Hogg

## FINAL COMMITTEE REPORTS OF BILL ACTION

## GOVERNMENT OVERSIGHT

**Bill Title:** [HOUSE FILE 2455](#), a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 5: Courtney, Soddors, Sorenson, Greiner, and Kibbie. Nays, none. Absent, none.

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

## WAYS AND MEANS

**Bill Title:** [SENATE FILE 2337](#) (formerly [SF 2230](#)), a bill for an act relating to health care cost containment measures and providing for a fee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Bolkcom, Seng, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, and Zaun. Nays, 5: Feenstra, Anderson, Bartz, Chelgren, and Smith. Absent, none.

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

**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 11<sup>th</sup> day of April, 2012.

[Senate File 2318](#).

MICHAEL E. MARSHALL  
Secretary of the Senate

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

**HUMAN RESOURCES**

Maria Lara – Commission of Latino Affairs

**NATURAL RESOURCES AND ENVIRONMENT**

Cindy Greiman – Environmental Protection Commission  
Max Smith – Environmental Protection Commission

**AMENDMENTS FILED**

<a href="#">S-5196</a>	<a href="#">S.F. 364</a>	Steven Sadders
<a href="#">S-5197</a>	<a href="#">S.F. 2336</a>	Mark Chelgren
<a href="#">S-5198</a>	<a href="#">S.F. 2334</a>	Tim L. Kapucian
		Steve Kettering
		Paul McKinley
		Brad Zaun
		Joni Ernst
		Robert Bacon
		Merlin Bartz
		Nancy J. Boettger
		James A. Seymour
		Hubert Houser
		Jerry Behn

Shawn Hamerlinck  
Kent Sorenson  
Rick Bertrand  
Bill Anderson  
Pat Ward  
Mark Chelgren  
David Johnson  
Roby Smith  
James F. Hahn  
Sandra Greiner  
Jack Whitver  
Bill Dix  
Randy Feenstra  
Jack Hatch  
Steve Kettering

[S-5199](#)

[S.F. 2336](#)

[S-5200](#)

[S.F. 2336](#)