

SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2010 Regular Session.

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 ADMINISTRATIVE SERVICES

FY 2009 IowAccess Revolving Fund Annual Report, pursuant to Iowa Code section 8A.224(2). Report received on April 13, 2010.

DEPARTMENT OF EDUCATION

Pay for Performance and Career Ladder Final Report, pursuant to Iowa Code sections 284.14(4) and 284.14A(3). Report received on April 9, 2010.

DEPARTMENT OF NATURAL RESOURCES

2010 State of the Environment Report. Report received on April 21, 2010.

DEPARTMENT OF REVENUE

2009 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 1, 2010.

IOWA WORKFORCE DEVELOPMENT

Unemployment Compensation Trust Fund Annual Status Report, pursuant to Iowa Code section 96.35. Report received on March 25, 2010.

SENATE BILLS APPROVED, ITEM VETOED, AND
VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2010 Regular Session:

SENATE BILLS APPROVED

Senate Joint Resolution 2007 – Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved April 12, 2010.

Senate File 153 – To allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations. Approved April 13, 2010.

Senate File 285 – Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved April 21, 2010.

Senate File 393 – Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved April 23, 2010.

Senate File 431 – Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved April 12, 2010.

Senate File 2156 – Relating to the IowaCare program, and providing for repeals. Approved April 21, 2010.

Senate File 2158 – Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved April 21, 2010.

Senate File 2175 – Providing for representation of military veterans on certain mental health policy bodies. Approved April 6, 2010.

Senate File 2192 – Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved April 23, 2010.

Senate File 2199 – Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

Senate File 2200 – Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved April 21, 2010.

Senate File 2201 – Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable. Approved April 9, 2010.

Senate File 2215 – Relating to the use of genetic information and samples for genetic testing and providing for civil enforcement. Approved April 23, 2010.

Senate File 2216 – Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved April 23, 2010.

Senate File 2220 – Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved April 23, 2010.

Senate File 2226 – Relating to custody, physical care, and visitation provisions relating to a child of a parent who is serving active duty in the military service of the United States and including effective date provisions. Approved April 27, 2010.

Senate File 2250 – Creating the criminal offense of robbery in the third degree, and providing a penalty. Approved April 12, 2010.

Senate File 2254 – Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts. Approved April 8, 2010.

Senate File 2267 – Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved April 23, 2010.

Senate File 2273 – Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved April 7, 2010.

Senate File 2274 – Relating to certain national security and military education benefits and programs. Approved April 27, 2010.

Senate File 2279 – Relating to voluntary shared work plans under the unemployment compensation program. Approved April 7, 2010.

Senate File 2286 – Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved April 9, 2010.

Senate File 2297 – Concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains. Approved April 27, 2010.

Senate File 2304 – Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved April 23, 2010.

Senate File 2310 – Creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of the State of Iowa, and providing for contingent implementation. Approved April 23, 2010.

Senate File 2318 – Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved April 27, 2010.

Senate File 2324 – Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved April 12, 2010.

Senate File 2331 – Relating to participation of chiropractors in the hawk-i program. Approved April 14, 2010.

Senate File 2333 – Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse. Approved April 29, 2010.

Senate File 2344 – Relating to the violator facility established within the department of corrections. Approved April 21, 2010.

Senate File 2345 – Relating to judicial branch administration, child custody and visitation matters. Approved April 23, 2010.

Senate File 2348 – Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

Senate File 2354 – Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved April 8, 2010.

Senate File 2356 – Relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange. Approved April 14, 2010.

Senate File 2366 – Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved April 15, 2010.

Senate File 2371 – Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved April 23, 2010.

Senate File 2373 – Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved April 23, 2010.

Senate File 2375 – Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved April 21, 2010.

Senate File 2376 – 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, providing for related matters, and including effective date and applicability provisions. Approved April 22, 2010.

Senate File 2377 – Relating to and making appropriations to the judicial branch. Approved April 28, 2010.

Senate File 2379 – Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved April 29, 2010.

Senate File 2380 – Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved April 15, 2010.

Senate File 2381 – Relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for properly related matters, and making penalties applicable. Approved April 28, 2010.

Senate File 2383 – Relating to the collection of debt obligations owed the state and cities and establishing a state debt coordinator, providing a fee, and including effective date provisions. Approved April 21, 2010.

Senate File 2384 – Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved April 21, 2010.

Senate File 2387 – Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved April 21, 2010.

Senate File 2388 – Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions. Approved April 14, 2010.

GOVERNOR'S ITEM VETO MESSAGES

Senate File 2389

April 26, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2389**, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 2367

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2367**, 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 and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs, and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to

assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

Senate File 2378

April 29, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2378**, an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,
CHESTER J. CULVER
Governor

GOVERNOR'S VETO MESSAGE

Senate File 2343

April 28, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you **Senate File 2343**, an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of Senate File 2343 including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve Senate File 2343 for the following reasons.

Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the

General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for "budgetary reasons" with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for "budgetary reasons" without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice's leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, Senate File 2343, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,
CHESTER J. CULVER
Governor