

PROOF

STATE OF IOWA

Senate Journal

MONDAY, MARCH 12, 2012

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JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 12, 2012

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by Pastor Bob Speirs of St. John's Lutheran Church in Des Moines, Iowa. He was the guest of Senator Hatch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Thursday, March 8, 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 March 8, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2146, a bill for an act relating to meeting requirements for rural water districts.

ALSO: That the House has on March 8, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 2283, a bill for an act relating to various recreation and conservation activities under the purview of the department of natural resources, providing for repeals, and making penalties applicable. (S-5062)

ALSO: That the House has on March 8, 2012, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 106, a concurrent resolution recognizing National Agriculture Day.

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

ALSO: That the House has on March 8, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2092, a bill for an act providing for the year-round operation of farmers markets, and including effective date provisions.

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

House File 2306, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time and referred to committee on **Human Resources**.

House File 2329, a bill for an act providing for the issuance of special hunting licenses to certain nonresident disabled veterans and disabled members of the armed forces serving on active federal service.

Read first time and attached to **similar Senate File 2254**.

House File 2367, a bill for an act relating to the liability of an owner, lessee, or occupant of land for injury to a trespasser on the land and including an applicability provision.

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

House File 2390, a bill for an act relating to obscene material, commercial sexual activity, and human trafficking, and providing penalties and making penalties applicable.

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

House File 2397, a bill for an act relating to horses and dogs engaged in police service by providing for acts involving injury or interference, and providing for penalties.

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:18 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:23 p.m., President Kibbie presiding.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:17 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2137, 2287, and 2298.

Senate File 2137

On motion of Senator Beall, **Senate File 2137**, a bill for an act relating to certain property taxes for joint county-city buildings and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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. 2137), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

Senate File 2287

On motion of Senator Dotzler, **Senate File 2287**, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions, was taken up for consideration.

President Kibbie asked and received unanimous consent that action on **Senate File 2287** be **deferred**.

Senate File 2298

On motion of Senator Jochum, **Senate File 2298**, a bill for an act relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions, was taken up for consideration.

Senator Jochum offered amendment [S-5063](#), filed by Senators Jochum and Hatch from the floor to pages 2–5 and 7–9 of the bill, and moved its adoption.

Amendment [S-5063](#) was adopted by a voice vote.

Senator Jochum 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. 2298](#)), 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, 24:

| | | | |
|----------|----------|------------|----------|
| Anderson | Chelgren | Hamerlinck | Seymour |
| Bacon | Dix | Houser | Smith |
| Bartz | Ernst | Johnson | Sorenson |
| Behn | Feenstra | Kapucian | Ward |
| Bertrand | Greiner | Kettering | Whitver |
| Boettger | Hahn | McKinley | Zaun |

Absent, none.

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 2137** and **2298** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2315 and 2301.

Senate File 2315

On motion of Senator Hatch, **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, was taken up for consideration.

Senator Hatch offered amendment **S-5061**, filed by him on March 8, 2012, to pages 2, 4-8, 11-14, 16-26, 28-32, 38, 44, and 47 of the bill.

Senator Hatch offered amendment **S-5070**, filed by him from the floor to pages 2 and 4 of amendment **S-5061**.

(**Senate File 2315** and amendment **S-5070** to amendment **S-5061** were deferred.)

The Senate stood at ease at 3:49 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

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

The Senate resumed consideration of **Senate File 2315** and amendment **S-5070** to amendment **S-5061**.

Senator Hatch moved the adoption of amendment **S-5070** to amendment **S-5061**.

Amendment **S-5070** to amendment **S-5061** was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S-5061, as amended.

Amendment S-5061, as amended, was adopted by a voice vote.

Senator Hatch offered amendment S-5072, filed by him from the floor to page 73 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5072 be adopted?" (S.F. 2315), the vote was:

Yeas, 49:

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

Nays, 1:

Bolkcom

Absent, none.

Amendment S-5072 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. 2315), the vote was:

Yeas, 32:

| | | | |
|----------|-----------|--------|------------|
| Bacon | Danielson | Hogg | Rielly |
| Bartz | Dearden | Horn | Schoenjahn |
| Beall | Dotzler | Jochum | Seng |
| Black | Dvorsky | Kibbie | Seymour |
| Boettger | Ernst | Mathis | Sodders |

| | | | |
|----------|----------|-----------|---------|
| Bolkcom | Gronstal | McCoy | Ward |
| Bowman | Hancock | Quirnbach | Wilhelm |
| Courtney | Hatch | Ragan | Zaun |

Nays, 18:

| | | | |
|----------|------------|-----------|----------|
| Anderson | Feenstra | Houser | Smith |
| Behn | Fraise | Johnson | Sorenson |
| Bertrand | Greiner | Kapucian | Whitver |
| Chelgren | Hahn | Kettering | |
| Dix | Hamerlinck | McKinley | |

Absent, none.

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

Senate File 2301

On motion of Senator McCoy, **Senate File 2301**, a bill for an act requiring a commercial breeder of dogs and cats to file evidence of financial responsibility with the department of agriculture and land stewardship, and making penalties applicable, was taken up for consideration.

Senator McCoy withdrew amendment **S-5046**, filed by him on March 6, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy offered amendment **S-5074**, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment **S-5074** was adopted by a voice vote.

Senator McCoy 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. 2301**), the vote was:

Yeas, 30:

| | | | |
|---------|----------|--------|----------|
| Bartz | Dotzler | Jochum | Seng |
| Beall | Dvorsky | Kibbie | Soddors |
| Black | Fraise | Mathis | Sorenson |
| Bolkcom | Gronstal | McCoy | Ward |

| | | | |
|-----------|---------|------------|---------|
| Bowman | Hancock | Quirnbach | Wilhelm |
| Danielson | Hatch | Ragan | Zaun |
| Dearden | Hogg | Rielly | |
| Dix | Horn | Schoenjahn | |

Nays, 20:

| | | | |
|----------|----------|------------|-----------|
| Anderson | Chelgren | Hahn | Kettering |
| Bacon | Courtney | Hamerlinck | McKinley |
| Behn | Ernst | Houser | Seymour |
| Bertrand | Feenstra | Johnson | Smith |
| Boettger | Greiner | Kapucian | Whitver |

Absent, none.

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

BUSINESS PENDING

Senate File 2287

The Senate resumed consideration of **Senate File 2287**, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions, previously deferred.

Senator Bartz offered amendment **S-5071**, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5071** be adopted?" (S.F. 2287), the vote was:

Yeas, 23:

| | | | |
|----------|------------|-----------|----------|
| Anderson | Chelgren | Houser | Smith |
| Bacon | Ernst | Johnson | Sorenson |
| Bartz | Feenstra | Kapucian | Ward |
| Behn | Greiner | Kettering | Whitver |
| Bertrand | Hahn | McKinley | Zaun |
| Boettger | Hamerlinck | Seymour | |

Nays, 27:

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

Absent, none.

Amendment S-5071 lost.

Senator Chelgren offered amendment S-5073, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5073 lost by a voice vote.

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. 2287), the vote was:

Yeas, 37:

| | | | |
|----------|------------|-----------|------------|
| Anderson | Danielson | Hogg | Schoenjahn |
| Bacon | Dearden | Horn | Seng |
| Bartz | Dotzler | Jochum | Smith |
| Beall | Dvorsky | Kapucian | Sodders |
| Bertrand | Ernst | Kibbie | Sorenson |
| Black | Fraise | Mathis | Ward |
| Boettger | Gronstal | McCoy | Wilhelm |
| Bolkcom | Hamerlinck | Quirnbach | |
| Bowman | Hancock | Ragan | |
| Courtney | Hatch | Rielly | |

Nays, 13:

| | | | |
|----------|---------|-----------|------|
| Behn | Greiner | Kettering | Zaun |
| Chelgren | Hahn | McKinley | |
| Dix | Houser | Seymour | |
| Feenstra | Johnson | Whitver | |

Absent, none.

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 2287, 2301, and 2315** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:56 p.m. until 9:00 a.m., Tuesday, March 13, 2012.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Helen Blunt, Mason City—For celebrating her 105th birthday. Senator Bartz (3/12/12).

Iowa City West High School Boys' Basketball Team—For winning the Class 4A Boys' State Basketball Championship. Senator Dvorsky (3/12/12).

Nora Moen, Decorah—For celebrating her 103th birthday. Senator Bartz (3/12/12).

Mount Vernon High School Boys' Basketball Team—For winning the Class 2A Boys' State Basketball Championship. Senator Dvorsky (3/12/12).

Glenn Puffett, Dundee—For celebrating his 80th birthday. Senator Schoenjahn (3/12/12).

REPORT OF COMMITTEE MEETING**RULES AND ADMINISTRATION**

Convened: Monday, March 12, 2012, 1:20 p.m.

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

Members Absent: None.

Committee Business: Passed SRs 113 and 115.

Adjourned: 1:25 p.m.

INTRODUCTION OF BILL

Senate File 2321, by committee on Appropriations, 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.

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

SUBCOMMITTEE ASSIGNMENTS

House File 2275

ECONOMIC GROWTH/REBUILD IOWA: Danielson, Chair; Bacon and Hatch

House File 2301

COMMERCE: Wilhelm, Chair; Anderson and McCoy

House File 2306

HUMAN RESOURCES: Ragan, Chair; Johnson and Mathis

House File 2367

JUDICIARY: Fraise, Chair; Dix and Dvorsky

House File 2383

EDUCATION: Bowman, Chair; Schoenjahn and Smith

House File 2390

JUDICIARY: Fraise, Chair; Boettger and Hogg

House File 2397

JUDICIARY: Fraise, Chair; Horn and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2321 (SSB 3172), 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 8: Dix, Bartz, Boettger, Houser, Johnson, Kapucian, Kettering, and Seymour. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 2321](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 113](#), a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 115](#), a resolution to recognize March 2012 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS 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 bills have 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 12th day of March, 2012.

Senate Files 2058, 2092, 2244, 2282, and 2292.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------------------------------|
| S-5062 | S.F. | 2283 | House |
| S-5063 | S.F. | 2298 | Pam Jochum Jack Hatch |
| S-5064 | S.F. | 2275 | Jeff Danielson |
| S-5065 | S.F. | 2128 | Daryl Beall |
| S-5066 | S.F. | 2293 | Matt McCoy |
| S-5067 | S.F. | 2042 | Matt McCoy |
| S-5068 | S.F. | 2275 | Robert E. Dvorsky Randy Feenstra |
| S-5069 | S.F. | 2302 | Liz Mathis |
| S-5070 | S.F. | 2315 | Jack Hatch |
| S-5071 | S.F. | 2287 | Merlin Bartz |
| S-5072 | S.F. | 2315 | Jack Hatch |
| S-5073 | S.F. | 2287 | Mark Chelgren |
| S-5074 | S.F. | 2301 | Matt McCoy |
| S-5075 | S.F. | 2302 | Bill Dix |
| S-5076 | S.F. | 2254 | Dick L. Dearden |
| S-5077 | H.F. | 2329 | Dick L. Dearden |
| S-5078 | S.F. | 2317 | Dick L. Dearden |
| S-5079 | S.F. | 2302 | Roby Smith |