

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MARCH 28, 2012

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JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 28, 2012

The Senate met in regular session at 9:05 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Adam Pitts.

The Journal of Tuesday, March 27, 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 27, 2012, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2097, a bill for an act 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 2165, a bill for an act relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.

Senate File 2220, a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

Senate File 2231, a bill for an act relating to the practices and procedures of the state public defender.

ALSO: That the House has on March 27, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 413, a bill for an act relating to financial responsibilities of local emergency management commissions. (S-5142)

Senate File 2208, a bill for an act relating to the confidentiality of an arrest warrant. (S-5143)

Senate File 2216, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions. (S-5144)

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. (S-5145)

ALSO: That the House has on March 28, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

House File 2168, a bill for an act relating to the authorized deposit of public funds.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Keith Kreiman, former member of the Senate from Davis County, Bloomfield, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Kibbie presiding.

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 28, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2267, a bill for an act concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

ALSO: That the House has on March 28, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

Senate File 2245, a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home. (S-5149)

Senate File 2289, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services. (S-5150)

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. (S-5148)

The Senate stood at ease at 4:11 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:39 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Doris Kelley as Chairperson of the Board of Parole, placed on the Individual Confirmation Calendar on March 13, 2012, found on page 553 of the Senate Journal.

Senator Hogg 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	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	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:

Houser

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

Senator Gronstal called up the appointment of Thomas Greene as a member of the Commission on Tobacco Use Prevention and Control, placed on the Individual Confirmation Calendar on March 13, 2012, found on page 553 of the Senate Journal.

Senator Quirnbach 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	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	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:

Houser

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

UNFINISHED BUSINESS
(Deferred March 6, 2012)

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, deferred March 6, 2012.

Senator Sodders offered amendment **S-5147**, filed by him from the floor, striking and replacing everything after the enacting clause of the bill.

Senator Bertrand asked and received unanimous consent that action on amendment **S-5147** and **Senate File 2286** be **deferred**.

INTRODUCTION OF BILL

Senate File 2324, by committee on Appropriations, a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

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

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2324 (SSB 3198), a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Dvorsky, Dix, Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 2: McCoy and Houser.

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 2324**, and they were attached to the committee report.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 2324**.

Senate File 2324

On motion of Senator Dotzler, **Senate File 2324**, a bill for an act making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions, was taken up for consideration.

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. 2324), the vote was:

Yeas, 48:

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

Nays, 1:

Chelgren

Absent, 1:

Houser

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 2324** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2427, 2323, and 609.

House File 2427

On motion of Senator Danielson, **House File 2427**, a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler offered amendment [S-5141](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5141](#) was adopted by a voice vote.

Senator Danielson 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. 2427](#)), the vote was:

Yeas, 38:

Anderson	Dearden	Horn	Schoenjahn
Bacon	Dix	Jochum	Seng
Bartz	Dotzler	Kapucian	Sodders
Beall	Dvorsky	Kibbie	Sorenson
Bertrand	Fraise	Mathis	Ward
Black	Gronstal	McCoy	Whitver
Bolkcom	Hahn	McKinley	Wilhelm
Bowman	Hancock	Quirnbach	Zaun
Courtney	Hatch	Ragan	
Danielson	Hogg	Rielly	

Nays, 11:

Behn	Ernst	Hamerlinck	Seymour
Boettger	Feenstra	Johnson	Smith
Chelgren	Greiner	Kettering	

Absent, 1:

Houser

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

House File 2323

On motion of Senator Wilhelm, [House File 2323](#), a bill for an act relating to city utilities and city enterprises by making changes to requirements related to residential rental property, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm offered amendment [S-5140](#), filed by her from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5140](#) was adopted by a voice vote.

Senator Wilhelm 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. 2323](#)), the vote was:

Yeas, 49:

Anderson	Dearden	Hogg	Schoenjahn
Bacon	Dix	Horn	Seng
Bartz	Dotzler	Jochum	Seymour
Beall	Dvorsky	Johnson	Smith
Behn	Ernst	Kapucian	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:

Houser

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

House File 609

On motion of Senator Hogg, [House File 609](#), a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions, placed on the Unfinished Business Calendar on March 22, 2012, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment S-5052, filed by the committee on Judiciary on March 7, 2012, to pages 1, 2, 7, 12, 18, and amending the title page of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Hogg 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. 609), the vote was:

Yeas, 48:

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

Nays, 1:

Dvorsky

Absent, 1:

Houser

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 609, 2323, and 2427** be **immediately messaged** to the House.

The Senate stood at ease at 5:18 p.m. until the fall of the gavel.

The Senate resumed session at 6:00 p.m., President Kibbie presiding.

BUSINESS PENDING

Senate File 2286

The Senate resumed consideration of **Senate File 2286**, a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, and amendment **S-5147**, previously deferred.

Senator Seng offered amendment **S-5151**, filed by Senators Seng and Johnson from the floor to page 2 of amendment **S-5147**, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5151** to amendment **S-5147** be adopted?" (S.F. 2286), the vote was:

Yeas, 22:

Anderson	Bowman	Hamerlinck	Seymour
Bacon	Dix	Johnson	Smith
Bartz	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Whitver
Bertrand	Greiner	McKinley	
Boettger	Hahn	Seng	

Nays, 27:

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

Absent, 1:

Houser

Amendment **S-5151** to amendment **S-5147** lost.

Senator Sodders moved the adoption of amendment S-5147.

Amendment S-5147 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. 2286), the vote was:

Yeas, 35:

Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schoenjahn
Black	Feenstra	Kettering	Seng
Boettger	Fraise	Kibbie	Seymour
Bolkcom	Gronstal	Mathis	Sodders
Chelgren	Hamerlinck	McCoy	Ward
Courtney	Hancock	McKinley	Wilhelm
Danielson	Hatch	Quirnbach	Zaun
Dearden	Hogg	Ragan	

Nays, 14:

Anderson	Bowman	Hahn	Sorenson
Bacon	Dix	Johnson	Whitver
Behn	Ernst	Kapucian	
Bertrand	Greiner	Smith	

Absent, 1:

Houser

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 2286** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:11 p.m. until 9:00 a.m., Thursday, March 29, 2012.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Cooking with Kids Foundation—For addressing childhood obesity by encouraging families to cook at home with their children. Senators Mathis, Sodders, and Horn (3/28/12).

PRESENTATION OF VISITORS

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

Thirteen International Fulbright Scholars from Kirkwood Community College, Cedar Rapids, accompanied by Steve Ovel. Senator Beall.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Wednesday, March 28, 2012, 2:05 p.m.

Members Present: Dvorsky, Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: McCoy, Vice Chair; and Houser (both excused).

Committee Business: Approved [SSB 3198](#).

Adjourned: 2:15 p.m.

AMENDMENTS FILED

S-5140	H.F.	2323	Mary Jo Wilhelm
S-5141	H.F.	2427	William Dotzler
S-5142	S.F.	413	House
S-5143	S.F.	2208	House
S-5144	S.F.	2216	House
S-5145	S.F.	2321	House
S-5146	H.F.	561	Joe Bolkcom
S-5147	S.F.	2286	Steven Sodders

S-5148	S.F.	2316	House
S-5149	S.F.	2245	House
S-5150	S.F.	2289	House
S-5151	S.F.	2286	Joe M. Seng David Johnson