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**STATE OF IOWA**

**Senate Journal**

**MONDAY, APRIL 2, 2012**

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# JOURNAL OF THE SENATE

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EIGHTY-FIFTH CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 2, 2012

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

Prayer was offered by Pastor Rich Taylor of Samuel Lutheran Church in Eagle Grove, Iowa. He was the guest of Senator Bacon.

## PLEDGE OF ALLEGIANCE

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

The Journal of Thursday, March 29, 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 29, 2012, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2126**, a bill for an act providing for the funding of the duties of the state's social security administrator.

**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.

ALSO: That the House has on March 29, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2123**, a bill for an act making changes to the controlled substance schedules, and making penalties applicable. (~~S-5157~~)

ALSO: That the House has on March 29, 2012, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 2226**, a bill for an act relating to child abuse reports and disposition data.

**House File 2305**, a bill for an act relating to the powers and duties of the department on aging.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:24 p.m. until 9:00 a.m., Tuesday, April 3, 2012.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### GOVERNMENT OVERSIGHT

**Convened:** Tuesday, March 27, 2012, 10:00 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by UNI.

**Adjourned:** 12:00 p.m.

#### INTRODUCTION OF BILLS

**Senate File 2327**, by committee on Appropriations, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions.

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

**Senate File 2328**, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

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

**Senate File 2329**, by committee on Ways and Means, a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

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

**Senate File 2330**, by committee on Ways and Means, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2327 (formerly SF 2323), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 20: Dvorsky, McCoy, Dix, Bartz, Black, Boettger, Bolkom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 1: 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 2327](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [SENATE FILE 2284](#), a bill for an act relating to programs and activities under the purview of the department of education, the state board of education, the board of educational examiners, the state board of regents, school districts, and accredited nonpublic schools.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 7: Dix, Bartz, Boettger, Johnson, Kapucian, Kettering, and Seymour. Absent, 1: Houser.

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

**WAYS AND MEANS**

**Bill Title:** [\\*SENATE FILE 2328 \(SSB 3131\)](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, notification of annexation or severance by cities, and cigarette and tobacco taxes, and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, Smith, and Zaun. Nays, none. 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 Ways and Means Committee on [Senate File 2328](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [\\*SENATE FILE 2329](#) (formerly [SF 2168](#)), a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, and Quirnbach. Nays, 3: Chelgren, Smith, and Zaun. 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 Ways and Means Committee on [Senate File 2329](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2330 (formerly SF 2309), a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Bolkom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, none. 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 Ways and Means Committee on Senate File 2330, and they were attached to the committee report.

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

**Senate File 2096** – Relating to reimbursements for certain state prisoners confined in a county jail.

**Senate File 2122** – Exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

**Senate File 2153** – Increasing the size of the commercial and industrial highway network.

**Senate File 2159** – Relating to child support enforcement including protection of child support information.

**Senate File 2160** – Relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

**Senate File 2163** – Relating to an exception from state certification for adult day services programs.

**Senate File 2172** – Relating to management of swine, including by providing for biosecurity and development in a farrowing and gestating operation which is part of a confinement feeding operation, and making penalties applicable.

**Senate File 2185** – Relating to the supervision of physician assistants.

**Senate File 2186** – Relating to medical assistance eligibility for inmates of public institutions.

**Senate File 2188** – Relating to the renewal period for foster care licensing.

**Senate File 2225** – Relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.

**Senate File 2248** – Relating to the licensed professionals authorized to prescribe respiratory care services.

**Senate File 2269** – Relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

**Senate File 2280** – Relating to boiler inspections.

**Senate File 2288** – Relating to requirements for drivers of vehicles at railroad grade crossings upon the approach or presence of railroad track equipment, and making a penalty applicable.

**Senate File 2294** – Relating to the authorized activities of auctioneers in conducting a public sale or auction of real estate.

**Senate File 2296** – Relating to the criminal offense of solicitation to commit murder and providing a penalty.

#### REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling **Senate File 2265**, the following correction was made:

1. Page 13, line 18: corrected dash.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling **Senate File 2314**, the following correction was made:

1. Page 6, line 24: add quotes around “a” and “c”.

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 2<sup>nd</sup> day of April, 2012.

Senate Files 2221, 2249, 2260, 2265, and 2314.

MICHAEL E. MARSHALL  
Secretary of the Senate

## APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 2, 2012, to investigate the appointment and reappointment of the following appointees:

### HUMAN RESOURCES

As a member of the Commission of Latino Affairs:

Maria Lara – Boettger, Chair; Mathis and Jochum

### NATURAL RESOURCES AND ENVIRONMENT

As members of the Environmental Protection Commission:

Cindy Greiman – Dearden, Chair; Black and Hahn  
Max Smith – Dearden, Chair; Black and Hahn

### STATE GOVERNMENT

As a member of the Commission on Community Action Agencies:

Anna Hilpipre – Jochum, Chair; Hatch and Dix

## AMENDMENTS FILED

S-5155	H.F.	561	Robert M. Hogg
S-5156	H.F.	561	Robert M. Hogg
S-5157	S.F.	2123	House
S-5158	H.F.	561	Joe Bolkcom