

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 10, 2012

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JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 10, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dr. Scott Paczkowski, pastor of the Westminster Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

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

The Journal of Monday, April 9, 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 3, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

Senate File 364, a bill for an act relating to the licensure of orthotists, prosthetists, and pedorthists and providing for fees and penalties. (S-5193)

ALSO: That the House has on April 9, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2455, a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions.

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

House File 2458, a bill for an act establishing a rural Iowa primary care loan repayment program and trust fund to be administered by the college student aid commission.

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

The Senate stood at ease at 10:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:45 a.m., President Pro Tempore Danielson presiding.

UNFINISHED BUSINESS
(Deferred April 9, 2012)

Senate File 451

The Senate resumed consideration of **Senate File 451**, a bill for an act relating to the allowable uses for modified allowable growth for programs for returning dropouts and dropout prevention, and House amendment **S-5170**, deferred April 9, 2012.

President Kibbie took the chair at 10:48 a.m.

Senator McKinley offered amendment **S-5191**, filed by him from the floor to page 1 of House amendment **S-5170**, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment **S-5191** to House amendment **S-5170** be adopted?" (S.F. 451), the vote was:

Yeas, 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

Nays, 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	

Absent, none.

Amendment S-5191 to House amendment S-5170 lost.

Senator Hogg moved that the Senate concur in the House amendment.

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

Senator Hogg moved that the bill, as amended by the House 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. 451), 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, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2326](#).

Senate File 2326

On motion of Senator Hogg, [Senate File 2326](#), a bill for an act increasing the amount of generating capacity eligible for the renewable energy tax credit, was taken up for consideration.

Senator Bartz withdrew amendment [S-5187](#), filed by him on April 9, 2012, to pages 1 and 2 and amending the title page of the bill.

Senator Bartz offered amendment [S-5188](#), filed by him on April 9, 2012, to page 1 and amending the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment [S-5188](#) lost.

Senator Hogg offered amendment [S-5192](#), filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment [S-5192](#) was adopted by a voice vote.

With the adoption of amendment [S-5192](#), the Chair ruled amendment [S-5184](#), filed by Senator Hogg on April 9, 2012, to pages 1 and 2 and amending the title page of the bill; and

amendment [S-5189](#), filed by Senator Bartz on April 9, 2012, to page 1 of amendment [S-5184](#), out of order.

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?" (S.F. 2326), the vote was:

Yeas, 41:

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

Nays, 9:

Behn	Greiner	McKinley
Chelgren	Hahn	Seymour
Feenstra	Kettering	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.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 451** and **2326** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2332](#).

[Senate File 2332](#)

On motion of Senator Danielson, [Senate File 2332](#), a bill for an act relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges and replacing the existing surcharge on prepaid wireless service with a new surcharge collected at the point of retail sale, and including effective and applicability date provisions, was taken up for consideration.

Senator Fraise withdrew amendment [S-5185](#), filed by him on April 9, 2012, to page 16 and amending the title page of the bill.

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?" ([S.F. 2332](#)), 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.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2332](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:47 a.m. until 9:00 a.m., Wednesday, April 11, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Kathy Bresnahan, Iowa City—For achieving the Children of Promise Coach of the Year Award. Senator Dvorsky (4/10/12).

Tulani Gillum, Waterloo—For being named the Youth of the Year by the Boys & Girls Club. Senator Dotzler (4/10/12).

Theresa Kapler, Waterloo—For celebrating her 95th birthday. Senator Dotzler (4/10/12).

The city of Lamoni, Iowa, and its residents—For being selected as one of five “America’s Best Intergenerational Communities.” Senator Ernst (4/10/12).

Sheila Lundt, Assistant City Manager of the City of Ames—For 28 years of outstanding service to the people of Ames. Senator Quirnbach (4/10/12).

Bill and Millie Valline, Ames—For celebrating their 65th wedding anniversary. Senator Quirnbach (4/10/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, April 10, 2012, 2:25 p.m.

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

Members Absent: None.

Committee Business: Approved [SSB 3201](#).

Recessed: 2:30 p.m.

Reconvened: 3:10 p.m.

Adjourned: 3:20 p.m.

WAYS AND MEANS

Convened: Tuesday, April 10, 2012, 1:00 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: None.

Committee Business: Passed HFs 675 and 2459, and SF 2230.

Recessed: 1:35 p.m.

Reconvened: 1:55 p.m.

Adjourned: 2:15 p.m.

INTRODUCTION OF BILL

Senate File 2336, by committee on Appropriations, a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability date provisions.

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

STUDY BILL RECEIVED**SSB 3202 Ways and Means**

Increasing the amount available for allocation to the brownfields and grayfields redevelopment tax credits under the aggregate tax credit limit and including effective date provisions.

SUBCOMMITTEE ASSIGNMENT**SSB 3202**

WAYS AND MEANS: Dotzler, Chair; Feenstra and Mathis

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2336 \(SSB 3201\)](#), a bill for an act relating to appropriations for health and human services and including other related provisions and appropriations, making penalties applicable, and including effective, retroactive, and applicability 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.

WAYS AND MEANS

Bill Title: [HOUSE FILE 2459](#), a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, McCoy, and Quirmbach. Nays, 3: Chelgren, Smith, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 675](#), a bill for an act concerning mechanics' liens including the establishment of a state construction registry for residential construction property, and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-5195](#).

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Anderson, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun. Nays, 1: Bartz. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR

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

STATE GOVERNMENT

Anna Hilpipre – Commission on Community Action Agencies

Dolores Mertz – State Racing and Gaming Commission

AMENDMENTS FILED

S-5191	S.F.	451	Paul McKinley
S-5192	S.F.	2326	Robert M. Hogg
S-5193	S.F.	364	House
S-5194	S.F.	466	Matt McCoy
S-5195	H.F.	675	Ways and Means