

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 16, 2012

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JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 16, 2012

The Senate met in regular session at 1:12 p.m., President Kibbie presiding.

Prayer was offered by Father Ray Atwood of St. Peter's Catholic Church in New Haven, Iowa. He was the guest of Senator Bartz.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Thursday, April 12, 2012, was approved.

SPECIAL GUEST

President Kibbie introduced to the Senate chamber the Honorable Richard Running, former member of the Senate from Linn County, Cedar Rapids, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Horn, until he arrives, on request of Senator Dearden; and Senator Ward, until she arrives, on request of Senator Zaun.

HOUSE AMENDMENT CONSIDERED

[Senate File 2283](#)

Senator Black called up for consideration [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, amended by the House in House amendment [S-5062](#), filed March 12, 2012.

Senator Black offered amendment [S-5211](#), filed by him on April 12, 2012, to pages 1 and 2 of House amendment [S-5062](#), and moved its adoption.

Amendment [S-5211](#) was adopted by a voice vote.

Senator Black moved that the Senate concur in the House amendment, as amended.

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

Senator Black moved that the bill, as amended by the House, further amended 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. 2283](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Horn Ward

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
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2455](#).

[House File 2455](#)

On motion of Senator Courtney, [House File 2455](#), a bill for an act relating to the examinations of the finances of certain cities and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney 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. 2455](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

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

UNFINISHED BUSINESS
(Deferred April 11, 2012)

[Senate File 2334](#)

The Senate resumed consideration of [Senate File 2334](#), a bill for an act making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions, deferred April 11, 2012.

Senator Danielson asked and received unanimous consent that action on [Senate File 2334](#) be **deferred**.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2283](#) and [House File 2455](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:57 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 3:18 p.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Danielson asked and received unanimous consent to take up for consideration [House File 675](#).

[House File 675](#)

On motion of Senator Hogg, [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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment [S-5195](#), filed by the committee on Ways and Means on April 10, 2012, to pages 5–8 and 20 of the bill.

Senator Hogg offered amendment [S-5212](#), filed by him from the floor to pages 1 and 2 of amendment [S-5195](#), and moved its adoption.

Amendment [S-5212](#) to amendment [S-5195](#) was adopted by a voice vote.

Senator Hogg moved the adoption of amendment [S-5195](#), as amended.

Amendment [S-5195](#), as amended, 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. 675](#)), the vote was:

Yeas, 46:

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

Nays, 2:

Bartz	Kettering
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Absent, 2:

Horn	Ward
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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 [House File 675](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:27 p.m. until 9:00 a.m., Tuesday, April 16, 2012.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

LAW ENFORCEMENT ACADEMY

FY 2011 Annual Report, pursuant to Iowa Code section 80B.10. Report received on April 13, 2012.

CERTIFICATES OF RECOGNITION

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

Ryan Fouts, Merville—For achieving the rank of Eagle Scout. Senator Anderson (4/16/12).

Catherine Lawrence, Muscatine—For winning Second Place in Level III in the 2012 Iowa Letters About Literature contest. Senator Hahn (4/16/12).

Jerry and Virginia Olmsted Campbell, Urbandale—For celebrating their 50th wedding anniversary. Senator Zaun (4/16/12).

Hazel See, Tama—For celebrating her 90th birthday. Senator Kapucian (4/16/12).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Monday, April 16, 2012, 2:55 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 106, 119, 120, 121, 122, 123, 124, 125, 126, 127, and 128.

Adjourned: 3:00 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 119](#), by committee on Rules and Administration, a resolution thanking Senator Robert Bacon for his service in the Iowa Senate.

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

[Senate Resolution 120](#), by committee on Rules and Administration, a resolution to honor Senator James A. Seymour on his retirement from the Senate.

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

[Senate Resolution 121](#), by committee on Rules and Administration, a resolution honoring the public service of Senator Thomas J. Rielly.

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

[Senate Resolution 122](#), by committee on Rules and Administration, a resolution thanking Senator Tom Hancock for his service in the Iowa Senate.

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

[Senate Resolution 123](#), by committee on Rules and Administration, a resolution to honor Senator Eugene Fraise for over a quarter of a century of public service.

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

[Senate Resolution 124](#), by committee on Rules and Administration, a resolution to honor Senator John Patrick “Jack” Kibbie on his retirement from the Senate.

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

[Senate Resolution 125](#), by committee on Rules and Administration, a resolution honoring Senator Paul McKinley on his retirement from the Iowa Senate.

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

[Senate Resolution 126](#), by Kibbie, Gronstal, and Behn, a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 127](#), by committee on Rules and Administration, a resolution to honor Steve Conway for over a quarter of a century of service to the Senate.

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

[Senate Resolution 128](#), by committee on Rules and Administration, a resolution honoring the public service of Senator Steve Kettering.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 106](#), a resolution honoring Art Pennington, an American baseball great.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 119](#), a resolution thanking Senator Robert Bacon for his service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 120](#), a resolution to honor Senator James A. Seymour on his retirement from the Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 121](#), a resolution honoring the public service of Senator Thomas J. Rielly.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 122](#), a resolution thanking Senator Tom Hancock for his service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 123](#), a resolution to honor Senator Eugene Fraise for over a quarter of a century of public service.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 124](#), a resolution to honor Senator John Patrick "Jack" Kibbie on his retirement from the Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 125](#), a resolution honoring Senator Paul McKinley on his retirement from the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 126](#), a resolution honoring William L. Krieg for more than two decades of service to the Iowa Senate.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 127](#), a resolution to honor Steve Conway for over a quarter of a century of service to the Senate.

Recommendation: APPROVED COMMITTEE BILL.

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.

ALSO:

Bill Title: [SENATE RESOLUTION 128](#), a resolution honoring the public service of Senator Steve Kettering.

Recommendation: APPROVED COMMITTEE BILL.

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.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2317](#), the following corrections were made:

1. Page 3, line 16 through page 4, line 12: renumbered paragraphs "Oh-y" to "h-aa".
2. Page 5, line 13 through page 6, line 2: renumbered paragraphs "Op-z" to "p-aa".
3. Page 7, line 22: changed internal reference from paragraph "h" to paragraph "I".

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 16th day of April, 2012.

Senate Files 2112, 2158, 2216, 2217, 2311, 2317, 2325, and 2329.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

<u>S-5212</u>	<u>H.F. 675</u>	Robert M. Hogg
<u>S-5213</u>	<u>S.F. 2334</u>	Jeff Danielson