

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 19, 2012

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JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 19, 2012

The Senate met in regular session at 9:16 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Wednesday, April 18, 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 18, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2336](#), 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. ([S-5221](#))

ALSO: That the House has on April 18, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2470](#), a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 18, 2012, **insisted** on its amendment to [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, and including effective date provisions, and the conference committee members on the part of the House are: the representative from O'Brien, Representative Chambers, Chair; the representative from Ringgold, Representative Dolecheck; the representative from Pottawattamie, Representative Forristall; the representative from Johnson, Representative Mascher; the representative from Cerro Gordo, Representative Steckman.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 2284](#) on the part of the Senate: Senators Quirnbach, Chair; Schoenjahn, Bowman, Hamerlinck, and Boettger.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2284](#) be **immediately messaged** to the House.

The Senate stood at ease at 10:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:52 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Ward, and Kapucian, until they arrive, on request of Senator Behn.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2338](#).

[Senate File 2338](#)

On motion of Senator Danielson, [Senate File 2338](#), a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions, was taken up for consideration.

Senator Dix withdrew amendment [S-5222](#), filed by him from the floor to pages 39–42 of the bill.

Senator Danielson offered amendment [S-5223](#), filed by him from the floor to pages 2, 52, 53, and 55 of the bill, and moved its adoption.

Amendment [S-5223](#) was adopted by a voice vote.

Senator Whitver asked and received unanimous consent that action on [Senate File 2338](#) be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2459](#).

[House File 2459](#)

On motion of Senator Seng, [House File 2459](#), a bill for an act relating to the assessment of moneys on sheep and wool production, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney withdrew amendment [S-5205](#), filed by him on April 12, 2012, to page 3 of the bill.

Senator Seng 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. 2459](#)), the vote was:

Yeas, 31:

Bacon	Danielson	Hogg	Quirnbach
Bartz	Ernst	Horn	Ragan
Beall	Fraise	Jochum	Rielly
Behn	Greiner	Johnson	Schoenjahn
Black	Gronstal	Kettering	Seng
Boettger	Hahn	Kibbie	Seymour
Bolkcom	Hancock	Mathis	Wilhelm
Bowman	Hatch	McKinley	

Nays, 16:

Anderson	Dearden	Feenstra	Sodders
Bertrand	Dix	Hamerlinck	Sorenson
Chelgren	Dotzler	McCoy	Whitver
Courtney	Dvorsky	Smith	Zaun

Absent, 3:

Houser	Kapucian	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.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2458](#).

[House File 2458](#)

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

Senator Schoenjahn 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. 2458](#)), the vote was:

Yeas, 47:

Anderson	Danielson	Hancock	Ragan
Bacon	Dearden	Hatch	Rielly
Bartz	Dix	Hogg	Schoenjahn
Beall	Dotzler	Horn	Seng
Behn	Dvorsky	Jochum	Seymour
Bertrand	Ernst	Johnson	Smith
Black	Feenstra	Kettering	Sodders
Boettger	Fraise	Kibbie	Sorenson
Bolkcom	Greiner	Mathis	Whitver

Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	

Nays, none.

Absent, 3:

Houser	Kapucian	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.

HOUSE AMENDMENT CONSIDERED

[Senate File 2336](#)

Senator Hatch called up for consideration [Senate File 2336](#), 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, amended by the House in House amendment [S-5221](#), filed April 19, 2012.

([Senate File 2336](#) and amendment [S-5221](#) were deferred.)

The Senate stood at ease at 12:21 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:26 p.m., President Kibbie presiding.

QUORUM CALL

Senator Gronstal requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 50 members present and a quorum present.

The Senate resumed consideration of [Senate File 2336](#) and amendment [S-5221](#), previously deferred.

Senator Johnson offered amendment [S-5227](#), filed by Senator Johnson, et al., from the floor to pages 1–63 of House amendment [S-5221](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5227](#) to House amendment [S-5221](#) be adopted?” ([S.F. 2336](#)), the vote was:

Yeas, 25:

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

Nays, 25:

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

Absent, none.

Amendment [S-5227](#) to amendment [S-5221](#) lost.

Senator Hatch moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate refused to concur in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2336](#) be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 2338](#)

The Senate resumed consideration of [Senate File 2338](#), a bill for an act relating to government operations and efficiency and other related matters, providing penalties, and including effective date and applicability provisions, previously deferred.

Senator Danielson offered amendment [S-5226](#), filed by Senators Danielson and Kettering from the floor to page 50 and amending the title page of the bill, and moved its adoption.

Amendment [S-5226](#) was adopted by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley and Ward, until they return, on request of Senator Zaun.

Senator Whitver offered amendment [S-5224](#), filed by Senator Whitver, et al., from the floor to page 56 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5224](#) be adopted?" ([S.F. 2338](#)), the vote was:

Yeas, 24:

Anderson	Dix	Johnson	Whitver
Bacon	Ernst	Kapucian	Wilhelm
Bartz	Feenstra	Kettering	Zaun
Behn	Greiner	Seymour	
Bertrand	Hahn	Smith	
Boettger	Hamerlinck	Sodders	
Chelgren	Houser	Sorenson	

Nays, 24:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis
Courtney	Hancock	McCoy
Danielson	Hatch	Quirnbach
Dearden	Hogg	Ragan

Absent, 2:

McKinley	Ward
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Amendment [S-5224](#) lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

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. 2338](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser	McKinley	Ward
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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 File 2338](#) and **House Files 2458** and **2459** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:41 p.m. until 12:00 p.m., Monday, April 23, 2012.

APPENDIX

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Wednesday, April 18, 2012, 2:40 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 HF's 2460 and 2464. Approved [SSB 3202](#).

Recessed: 2:45 p.m.

Reconvened: 3:25 p.m.

Adjourned: 4:10 p.m.

INTRODUCTION OF BILLS

[Senate File 2339](#), by committee on Ways and Means, a bill for an act 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.

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

[Senate File 2340](#), by Gronstal, a bill for an act extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

SUBCOMMITTEE ASSIGNMENT

[House File 2470](#)

WAYS AND MEANS: Hogg, Chair; Bartz and Black

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 2339 \(SSB 3202\)](#), a bill for an act 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.

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.

ALSO:

Bill Title: [HOUSE FILE 2460](#), a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-5220](#).

Final Vote: Ayes, 11: Bolkcom, Seng, Feenstra, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, and Zaun. Nays, 3: Anderson, Bartz, and Smith. Present, 1: Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 2464](#), a bill for an act relating to department of public health programs and activities, providing for a penalty, and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Bolkcom, 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.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 19, 2012, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 2112](#) – Relating to transportation, including by providing for the registration and titling of military vehicles and allowing a veteran to request that the veteran’s driver’s license or nonoperator’s identification card be marked with the word “VETERAN” to indicate veteran status and allowing the commission of veterans affairs to allocate certain funds.

[Senate File 2158](#) – Relating to reimbursement of speech pathology services under the medical assistance program.

[Senate File 2216](#) – Relating to apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

[Senate File 2217](#) – Relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

[Senate File 2311](#) – Revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne’s disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions.

[Senate File 2317](#) – Relating to the issuance of hunting, fur dealer, fur harvester, and fishing licenses, providing for fees, and including effective date provisions.”

[Senate File 2325](#) – Relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions.

[Senate File 2329](#) – Relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site.

AMENDMENTS FILED

S-5220	H.F. 2460	Ways and Means
S-5221	S.F. 2336	House
S-5222	S.F. 2338	Bill Dix
S-5223	S.F. 2338	Jeff Danielson
S-5224	S.F. 2338	Jack Whitver
		Shawn Hamerlinck
		Mark Chelgren
		Robert Bacon
		Nancy J. Boettger
		Joni Ernst
		Sandra Greiner
		James F. Hahn
		Kent Sorenson
		Bill Anderson
		Rick Bertrand
		Roby Smith
		David Johnson
		Merlin Bartz
S-5225	H.F. 2460	Merlin Bartz
S-5226	S.F. 2338	Jeff Danielson
		Steve Kettering
S-5227	S.F. 2336	David Johnson
		Nancy J. Boettger
		James A. Seymour
		Jerry Behn
		Brad Zaun
		Rick Bertrand
		Steve Kettering
		James F. Hahn
		Robert Bacon
		Bill Anderson

Randy Feenstra
Roby Smith
Jack Whitver
Tim Kapucian
Merlin Bartz
Sandra Greiner
Mark Chelgren
Hubert Houser
Kent Sorenson
Joni Ernst
Pat Ward
Bill Dix