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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MAY 1, 2012**

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# JOURNAL OF THE SENATE

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ONE HUNDRED FOURTEENTH CALENDAR DAY  
SIXTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, May 1, 2012

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Robert Bacon, member of the Senate from Story County, Maxwell, Iowa.

## PLEDGE OF ALLEGIANCE

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

The Journal of Monday, April 30, 2012, was approved.

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:21 p.m., President Kibbie presiding.

## QUORUM CALL

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

The vote revealed 46 present, 4 absent, and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and McKinley, until they arrive, on request of Senator Zaun.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2465](#).

[House File 2465](#)

On motion of Senator Dvorsky, [House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky offered amendment [S-5236](#), filed by the committee on Appropriations on April 26, 2012, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dix offered amendment [S-5238](#), filed by him from the floor to page 2 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5238](#) to amendment [S-5236](#) be adopted?" ([H.F. 2465](#)), the vote was:

Yeas, 22:

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

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, 2:

Houser	McKinley
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Amendment [S-5238](#) to amendment [S-5236](#) lost.

Senator Dvorsky offered amendment [S-5240](#), filed by him from the floor to pages 2–4, 9, 10, 12, 23, 26, and 30 of amendment [S-5236](#), and moved its adoption.

Amendment [S-5240](#) to amendment [S-5236](#) was adopted by a voice vote.

Senator Ernst offered amendment [S-5247](#), filed by Senator Ernst, et al., from the floor to pages 3 and 12 of amendment [S-5236](#), and moved its adoption.

Amendment [S-5247](#) to amendment [S-5236](#) was adopted by a voice vote.

Senator Bertrand offered amendment [S-5243](#), filed by him from the floor to page 6 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5243](#) to amendment [S-5236](#) be adopted?” ([H.F. 2465](#)), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 46:

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

Bowman	Hahn	McCoy	Zaun
Chelgren	Hamerlinck	Quirnbach	
Courtney	Hancock	Ragan	

Nays, 2:

Dearden                Sodders

Absent, 2:

Houser                McKinley

Amendment [S-5243](#) to amendment [S-5236](#) was adopted.

Senator Danielson offered amendment [S-5251](#), filed by him from the floor to page 7 of amendment [S-5236](#), and moved its adoption.

Amendment [S-5251](#) to amendment [S-5236](#) was adopted by a voice vote.

Senator Bertrand offered amendment [S-5245](#), filed by Senators Bertrand and Anderson from the floor to page 9 of amendment [S-5236](#).

Senator Hogg raised the point of order that amendment [S-5245](#) to amendment [S-5236](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-5245](#) in order.

Senator Bertrand moved the adoption of amendment [S-5245](#) to amendment [S-5236](#).

Amendment [S-5245](#) to amendment [S-5236](#) lost by a voice vote.

Senator Bacon asked and received unanimous consent to withdraw amendment [S-5246](#), filed by Senator Bacon, et al., from the floor to pages 9 and 12 of amendment [S-5236](#).

Senator Zaun offered amendment [S-5242](#), filed by Senators Zaun and Seymour from the floor to page 10 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5242](#) to amendment [S-5236](#) be adopted?” ([H.F. 2465](#)), the vote was:

Yeas, 19:

Anderson	Boettger	Hahn	Seymour
Bacon	Chelgren	Hamerlinck	Sorenson
Bartz	Ernst	Johnson	Whitver
Behn	Feenstra	Kapucian	Zaun
Bertrand	Greiner	Kettering	

Nays, 29:

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

Absent, 2:

Houser	McKinley
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Amendment [S-5242](#) to amendment [S-5236](#) lost.

Senator Kapucian offered amendment [S-5244](#), filed by Senator Kapucian, et al., from the floor to page 10 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5244](#) to amendment [S-5236](#) be adopted?” ([H.F. 2465](#)), the vote was:

Yeas, 23:

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

Nays, 25:

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

Absent, 2:

Houser                      McKinley

Amendment [S-5244](#) to amendment [S-5236](#) lost.

Senator Johnson offered amendment [S-5250](#), filed by him from the floor to page 10 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5250](#) to amendment [S-5236](#) be adopted?” ([H.F. 2465](#)), the vote was:

Yeas, 23:

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

Nays, 25:

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

Absent, 2:

Houser                      McKinley

Amendment [S-5250](#) to amendment [S-5236](#) lost.

Senator Whitver offered amendment [S-5239](#), filed by Senators Whitver and Dotzler from the floor to page 11 of amendment [S-5236](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5239](#) to amendment [S-5236](#) be adopted?” ([H.F. 2465](#)), the vote was:

Yeas, 48:

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	Kapucian	Sodders
Boettger	Fraise	Kettering	Sorenson
Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Whitver
Chelgren	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	Quirmbach	Zaun

Nays, none.

Absent, 2:

Houser	McKinley
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Amendment [S-5239](#) to amendment [S-5236](#) was adopted.

Senator Chelgren offered amendment [S-5253](#), filed by him from the floor to page 39 of amendment [S-5236](#), and moved its adoption.

Amendment [S-5253](#) to amendment [S-5236](#) lost by a voice vote.

Senator Seng offered amendment [S-5254](#), filed by Senators Seng and Dvorsky from the floor to page 52 of amendment [S-5236](#), and moved its adoption.

Amendment [S-5254](#) to amendment [S-5236](#) was adopted by a voice vote.

Senator Zaun offered amendment [S-5241](#), filed by Senator Zaun, et al., from the floor to page 54 of amendment [S-5236](#).



Senator Hogg raised the point of order that amendment [S-5241](#) to amendment [S-5236](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5241](#) out of order.

Senator Boettger offered amendment [S-5248](#), filed by Senator Boettger, et al., from the floor to page 54 of amendment [S-5236](#).

Senator Hogg raised the point of order that amendment [S-5248](#) to amendment [S-5236](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5248](#) out of order.

Senator Johnson offered amendment [S-5249](#), filed by Senator Johnson, et al., from the floor to page 54 of amendment [S-5236](#).

Senator Hogg raised the point of order that amendment [S-5249](#) to amendment [S-5236](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5249](#) out of order.

Senator Sorenson offered amendment [S-5252](#), filed by Senator Sorenson, et al., from the floor to page 54 of amendment [S-5236](#).

Senator Hogg raised the point of order that amendment [S-5252](#) to amendment [S-5236](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5252](#) out of order.

Senator Dvorsky moved the adoption of amendment [S-5236](#), as amended.

Amendment [S-5236](#), as amended, was adopted by a voice vote.

Senator Dvorsky 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. 2465](#)), 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, 22:

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

Absent, 2:

Houser	McKinley
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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 [House File 2465](#) be **immediately messaged** to the House.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 2293](#)

Senator McCoy called up for consideration [Senate File 2293](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions, amended by the House in House amendment [S-5183](#), filed April 5, 2012.

Senator McCoy offered amendment [S-5237](#), filed by Senators McCoy and Hatch on April 26, 2012, to page 1 of House amendment [S-5183](#), and moved its adoption.

Amendment [S-5237](#) to amendment [S-5183](#) was adopted by a voice vote.

Senator McCoy 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 McCoy 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. 2293](#)), 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, 23:

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

Absent, 1:

McKinley

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 2293](#) be **immediately messaged** to the House.

The Senate stood at ease at 2:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:54 p.m., President Kibbie presiding.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:55 p.m. until 9:00 a.m., Thursday, May 3, 2012.

#### APPENDIX

##### CERTIFICATES OF RECOGNITION

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

Lola Bossler, Van Horne—For celebrating her 90<sup>th</sup> birthday. Senator Kapucian (5/1/12).

Representative Dave Jacoby, Coralville—International Association of Workforce Professionals Public Policy Award for 2012. Senator Dvorsky (5/1/12).

Tanner Knowlton, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (5/1/12).

Aaron E. Van Beek, Maurice—For achieving the rank of Eagle Scout, Troop 211. Senator Feenstra (5/1/12).

Patrick William Van Muyden, Sioux Center—For achieving the rank of Eagle Scout, Troop 211. Senator Feenstra (5/1/12).

##### INTRODUCTION OF BILL

[Senate File 2343](#), by Gronstal and Behn, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

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

##### BILL 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 bill has 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 1st day of May, 2012.

[Senate File 430.](#)

MICHAEL E. MARSHALL  
Secretary of the Senate

### ARTICLE 3, SECTION 10 PROTEST/REASONS FOR DISSENT

The following reasons for dissent were received in the office of the Secretary of the Senate for entry hereon:

I am submitting my official protest vote with regards to [House File 2465](#) on the first day of May in the 2012 year of our Lord Jesus Christ.

This bill is injurious to the voters of Iowa not because of any specific content in the bill, instead because of the title of the bill and the fact that it does not comport to Article III, Section 29 of the Iowa Constitution. Section 29 states: "Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." I believe it is my duty to remind my fellow legislators of our oath to support the Constitution of the United States, and the Constitution of the State of Iowa.

MARK CHELGREN  
DISTRICT 47

### AMENDMENTS FILED

<a href="#">S-5238</a>	<a href="#">H.F. 2465</a>	Bill Dix
<a href="#">S-5239</a>	<a href="#">H.F. 2465</a>	Jack Whitver
		Bill Dotzler
<a href="#">S-5240</a>	<a href="#">H.F. 2465</a>	Robert E. Dvorsky
<a href="#">S-5241</a>	<a href="#">H.F. 2465</a>	Brad Zaun
		James F. Hahn
		Mark Chelgren
		Kent Sorenson
		Sandra Greiner
		Pat Ward
		Jack Whitver
		James A. Seymour
		Robert Bacon
		Nancy J. Boettger
		David Johnson
		Jerry Behn

<u>S-5242</u>	<u>H.F. 2465</u>	Brad Zaun James A. Seymour
<u>S-5243</u>	<u>H.F. 2465</u>	Rick Bertrand
<u>S-5244</u>	<u>H.F. 2465</u>	Tim L. Kapucian Robert Bacon Nancy J. Boettger James A. Seymour Sandra Greiner Mark Chelgren Kent Sorenson Rick Bertrand James F. Hahn Joni Ernst Bill Anderson
<u>S-5245</u>	<u>H.F. 2465</u>	Rick Bertrand Bill Anderson
<u>S-5246</u>	<u>H.F. 2465</u>	Robert Bacon Tim L. Kapucian Mark Chelgren Sandra Greiner Pat Ward Merlin Bartz Nancy J. Boettger Kent Sorenson Jack Whitver James A. Seymour Joni Ernst Bill Anderson James F. Hahn Roby Smith Jerry Behn David Johnson
<u>S-5247</u>	<u>H.F. 2465</u>	Joni Ernst Bill Anderson Steve Kettering James F. Hahn Rick Bertrand Kent Sorenson Roby Smith Sandra Greiner Pat Ward

<u>S-5248</u>	<u>H.F. 2465</u>	James A. Seymour David Johnson Brad Zaun Nancy J. Boettger Robert Bacon Tim L. Kapucian Mark Chelgren Roby Smith Sandra Greiner Pat Ward Jack Whitver James A. Seymour Joni Ernst Bill Anderson James F. Hahn Rick Bertrand Kent Sorenson Brad Zaun Jerry Behn
<u>S-5249</u>	<u>H.F. 2465</u>	David Johnson David Johnson Tim L. Kapucian Bill Dotzler Dick Dearden
<u>S-5250</u>	<u>H.F. 2465</u>	David Johnson
<u>S-5251</u>	<u>H.F. 2465</u>	Jeff Danielson
<u>S-5252</u>	<u>H.F. 2465</u>	Kent Sorenson Rick Bertrand Jerry Behn Bill Anderson Sandra Greiner Nancy J. Boettger James F. Hahn Randy Feenstra Brad Zaun Tim L. Kapucian Pat Ward
<u>S-5253</u>	<u>H.F. 2465</u>	Mark Chelgren
<u>S-5254</u>	<u>H.F. 2465</u>	Joe M. Seng Robert E. Dvorsky