

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 8, 2012

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JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-FIRST CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 8, 2012

The Senate met in regular session at 8:32 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Monday, May 7, 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 May 7, 2012, **adopted** the conference committee report **and passed Senate File 2316**, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions.

ALSO: That the House has on May 7, 2012, **receded** from the House amendment to the Senate amendment, **and passed** the following bill in which the concurrence of the House was asked:

House File 609, a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

ALSO: That the House has on May 7, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2475, a bill for an act relating to taxation and local government budgets by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, providing for certain property tax replacement payments, modifying the assessment and taxation of telecommunications company property, establishing budget limitations for counties and cities, modifying certain reporting requirements, establishing a property tax credit for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

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

The Senate stood at ease at 8:37 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:56 a.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley, Behn, Chelgren, Bacon, and Hamerlinck, until they arrive, on request of Senator Zaun.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2336

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection:

On the part of the Senate:

DENNIS H. BLACK, Chair
DICK L. DEARDEN
HUBERT HOUSER
MARY JO WILHELM

On the part of the House:

JACK DRAKE, Chair
ROSS PAUSTIAN
NICK WAGNER

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2336

Senator Black called up the conference committee report on **House File 2336**, a bill for an act relating to appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Black 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. 2336**), the vote was:

Yeas, 33:

Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Houser	Schoenjahn
Black	Ernst	Jochum	Seng
Boettger	Fraise	Kapucian	Seymour
Bolkcom	Gronstal	Kibbie	Sodders
Bowman	Hahn	Mathis	Wilhelm

Courtney Danielson Dearden	Hancock Hatch Hogg	McCoy Quirnbach Ragan
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Nays, 12:

Anderson Bertrand Dix	Feenstra Greiner Johnson	Kettering Smith Sorenson	Ward Whitver Zaun
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Absent, 5:

Bacon Behn	Chelgren Hamerlinck	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.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2335

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates:

On the part of the Senate:

TOM HANCOCK, Chair
EUGENE S. FRAISE
ROBERT M. HOGG

On the part of the House:

GARY WORTHAN, Chair
RICHARD ARNOLD
LANCE HORBACH

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2335

Senator Hancock called up the conference committee report on **House File 2335**, a bill for an act relating to appropriations to the justice system, and providing effective dates, filed on May 7, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Hancock 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. 2335), 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, 19:

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

Absent, 5:

Bacon	Chelgren	McKinley
Behn	Hamerlinck	

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 Files 2335** and **2336** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:14 a.m. until 10:30 a.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2392](#), a bill for an act to legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Bolkcom, Seng, Feenstra, Bartz, Black, Hogg, Jochum, Mathis, and Zaun. Nays, 4: Anderson, Dotzler, McCoy, and Smith. Absent, 2: Chelgren and Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2392](#).

House File 2392

On motion of Senator Jochum, [House File 2392](#), a bill for an act to legalize and validate the proceedings preliminary to and in connection with a special election held to authorize the imposition of a local option sales and services tax within the City of Adel, Iowa under Iowa Code Chapter 423B, declaring the validity of said proceedings and the legality of the local option sales and services tax authorized by the special election, and providing an effective date and for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

([House File 2392](#) was deferred.)

The Senate stood at ease at 1:18 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:19 p.m., President Kibbie presiding.

The Senate resumed consideration of [House File 2392](#), previously deferred.

Senator Jochum 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. 2392](#)), the vote was:

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

Yeas, 22:

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

Nays, 24:

Anderson	Dix	Houser	Smith
Bartz	Ernst	Johnson	Sorenson
Bertrand	Feenstra	Kapucian	Ward
Boettger	Greiner	Kettering	Whitver
Bowman	Hahn	McCoy	Wilhelm
Danielson	Hamerlinck	Seymour	Zaun

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

CONFERENCE COMMITTEE REPORT RECEIVED

[Senate File 2284](#)

A conference committee report, signed by the following Senate and House members, was filed May 8, 2012, on [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:

On the part of the Senate:

HERMAN C. QUIRMBACH, Chair
NANCY J. BOETTGER
TOD R. BOWMAN
SHAWN HAMERLINCK
BRIAN SCHOENJAHN

On the part of the House:

ROYD CHAMBERS, Chair
CECIL DOLECHECK
GREG FORRISTALL
MARY MASCHER
SHARON STECKMAN

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 2284

Senator Quirmbach called up the conference committee report on **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, filed on May 8, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Quirmbach 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. 2284), the vote was:

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

Yeas, 31:

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

Nays, 15:

Anderson	Feenstra	Johnson	Sorenson
Bertrand	Greiner	Kapucian	Whitver
Dix	Hahn	Kettering	Zaun
Ernst	Hamerlinck	Smith	

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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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 **Senate File 2284** and **House File 2392** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2343, a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

INTRODUCTION OF BILL

Senate File 2344, by committee on Ways and Means, a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

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

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2344 (SSB 3205), a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Bolkcom, Seng, Black, Dotzler, Jochum, Mathis, McCoy, and Quirnbach. Nays, 5: Feenstra, Anderson, Hogg, Smith, and Zaun. Present, 1: Bartz. Absent, 1: Chelgren.

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 2344](#), and they were attached to the committee report.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2344](#) be referred from the Regular Calendar to the committee on **Appropriations**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:40 p.m. until the fall of the gavel.

RECONVENED

The Senate reconvened at 3:34 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2473, a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions.

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

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:35 p.m., President Kibbie presiding.

CONFERENCE COMMITTEE REPORT RECEIVED

Senate File 466

A conference committee report, signed by the following Senate and House members, was filed May 8, 2012, on **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty:

On the part of the Senate:

MATT MCCOY, Chair
BILL ANDERSON
RICK BERTRAND
THOMAS G. COURTNEY
PAM JOCHUM

On the part of the House:

STEWART IVERSON, Chair
JEFF KAUFMANN
DAN MUHLBAUER
JO OLDSON

CONFERENCE COMMITTEE REPORT CONSIDERED

Senate File 466

Senator McCoy called up the conference committee report on **Senate File 466**, a bill for an act relating to residential contractors and providing a penalty, filed on May 8, 2012, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator McCoy 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. 466), the vote was:

Yeas, 45:

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

Nays, 1:

Zaun

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2470](#), a bill for an act providing for sales and use taxes collected on farm machinery and equipment.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-5256](#).

Final Vote: Ayes, 12: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Dotzler, Hogg, Jochum, Mathis, Smith and Zaun. Nays, 1: McCoy. Absent, 2: Chelgren and Quirmbach.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2470](#).

[House File 2470](#)

On motion of Senator Hogg, [House File 2470](#), a bill for an act providing for sales and use taxes collected on farm machinery and equipment, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hogg offered amendment [S-5256](#), filed by the committee on Ways and Means from the floor to page 1 of the bill, and moved its adoption.

Amendment [S-5256](#) 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. 2470](#)), the vote was:

Yeas, 43:

Anderson	Dvorsky	Horn	Schoenjahn
Bartz	Ernst	Houser	Seng
Beall	Feenstra	Jochum	Seymour
Bertrand	Fraise	Johnson	Smith

Black	Greiner	Kapucian	Sodders
Boettger	Gronstal	Kettering	Sorenson
Bowman	Hahn	Kibbie	Ward
Courtney	Hamerlinck	Mathis	Whitver
Danielson	Hancock	Quirnbach	Wilhelm
Dix	Hatch	Ragan	Zaun
Dotzler	Hogg	Rielly	

Nays, 3:

Bolkcom	Dearden	McCoy
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Absent, 4:

Bacon	Behn	Chelgren	McKinley
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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 2315

Senator Hatch called up for consideration **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, amended by the House in House amendment **S-5234**, filed April 24, 2012.

Senator Hatch offered amendment **S-5255**, filed by him from the floor to pages 5, 7, 10, 12, 15, and 24–28 of House amendment **S-5234**, and moved its adoption.

Amendment **S-5255** to amendment **S-5234** was adopted by a voice vote.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2315), 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, 20:

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

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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The motion prevailed and the Senate **concurred** in the House amendment, as amended.

Senator Hatch 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. 2315), the vote was:

Yeas, 28:

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

Nays, 18:

Anderson	Ernst	Houser	Sorenson
Bartz	Feenstra	Johnson	Ward
Bertrand	Greiner	Kapucian	Whitver
Boettger	Hahn	Kettering	
Dix	Hamerlinck	Smith	

Absent, 4:

Bacon	Behn	Chelgren	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 **Senate Files 466** and **2315** and **House File 2470** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 2344 \(SSB 3205\)](#), a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Fraise, Hancock, Jochum, Ragan, and Schoenjahn. Nays, 9: Dix, Boettger, Hatch, Hogg, Houser, Johnson, Kapucian, Kettering, and Seymour. Present, 1: Bartz. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECESS

On motion of Senator Gronstal, the Senate recessed at 5:03 p.m. until the completion of a meeting of the committee on Ways and Means.

EVENING SESSION

The Senate reconvened at 5:54 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **adopted** the conference committee report **and passed 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.

The Senate stood at ease at 5:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:06 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2344](#) and [House File 2473](#).

Senate File 2344

On motion of Senator Bolkcom, [Senate File 2344](#), a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator McCoy offered amendment [S-5257](#), filed by him from the floor to page 31 and amending the title page of the bill.

Senator Feenstra asked and received unanimous consent that action on amendment [S-5257](#) and [Senate File 2344](#) be **deferred**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [HOUSE FILE 2473](#), a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

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

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

[House File 2473](#)

On motion of Senator Dotzler, [House File 2473](#), a bill for an act relating to economic development and the use of funds by establishing programs and funds, affecting programs, tax incentives, and project completion and other assistance administered by the economic development authority, by replacing references to the economic development fund and financial assistance program, and by providing spending authority, by providing for properly related matters, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler 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. 2473), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bacon	Behn	Chelgren	McKinley
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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 2473** be **immediately messaged** to the House.

SPECIAL GUESTS

Senator Black introduced to the Senate chamber the Honorable Mark Shearer, former member of the Senate from Washington County, Washington, Iowa. He was accompanied by his family.

The Senate rose and expressed its welcome.

The Senate stood at ease at 7:19 p.m. until the fall of the gavel.

The Senate resumed session at 8:15 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **adopted** the conference committee report and passed **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.

BUSINESS PENDING

Senate File 2344

The Senate resumed consideration of **Senate File 2344**, a bill for an act relating to state and local taxation by providing for an increase in the amount of the earned income tax credit, establishing and modifying property assessment limitations, modifying the assessment and taxation of telecommunications company property, establishing property tax credits for certain commercial, industrial, and railway property, establishing a multiresidential property classification, providing penalties, making appropriations, and including effective date, retroactive applicability, and other applicability provisions, previously deferred.

Senator Feenstra offered amendment **S-5258**, filed by Senator Feenstra, et al., from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

(**Senate File 2344** and amendment **S-5258** were deferred.)

The Senate stood at ease at 8:16 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 8:33 p.m., President Kibbie presiding.

The Senate resumed consideration of **Senate File 2344** and amendment **S-5258**, previously deferred.

Senator Feenstra moved the adoption of amendment **S-5258**.

A record roll call was requested.

On the question "Shall amendment S-5258 be adopted?" (S.F. 2344), the vote was:

Yeas, 21:

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

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, 3:

Behn	Chelgren	McKinley
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Amendment S-5258 lost.

The Senate resumed consideration of amendment S-5257, previously deferred.

Senator McCoy moved the adoption of amendment S-5257.

Amendment S-5257 was adopted by a voice vote.

The Senate stood at ease at 9:40 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 9:46 p.m., President Kibbie presiding.

Senator Bolkcom 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. 2344), the vote was:

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

Yeas, 24:

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

Nays, 23:

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

Absent, 3:

Behn	Chelgren	McKinley
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The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the Senate is asked:

Senate File 2315, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

SENATE INSISTS

Senate File 2315

Senator Hatch called up for consideration **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2315** on the part of the Senate: Senators Hatch, Chair; Bolkom, Ragan, Johnson, and Ernst.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2315** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 8, 2012, appointed the conference committee to **Senate File 2315**, a bill for an act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions, and the conference committee members on the part of the House are: the representative from Linn, Representative Schulte, Chair; the representative from Story, Representative Heddens, the representative from Marshall, Representative Mark Smith, the representative from Hancock, Representative Upmeyer, the representative from Linn, Representative Wagner.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:57 p.m. until 9:00 a.m., Wednesday, May 9, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Epworth Fire Department—For providing outstanding, professional and dedicated Emergency Services for over 100 years. Senator Hancock (5/8/12).

Dr. Magdi Ghali, West Des Moines—For achieving a hole in one on Hole #7 at Heron Point in Hilton Head, SC. Senator Whitver (5/8/12).

Vicki Leonard—For 37 dedicated years as a 911 Dispatcher for Dubuque County. Senators Hancock and Jochum (5/8/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, May 8, 2012, 2:45 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: Passed [SF 2344](#).

Recessed: 2:50 p.m.

Reconvened: 3:20 p.m.

Adjourned: 3:30 p.m.

WAYS AND MEANS

Convened: Tuesday, May 8, 2012, 10:35 a.m.

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

Members Absent: Chelgren (excused).

Committee Business: Passed HF's 2392 and 2470. Approved [SSB 3205](#).

Recessed: 10:40 a.m.

Reconvened: 11:05 a.m.

Adjourned: 12:25 p.m.

ALSO:

Convened: Tuesday, May 8, 2012, 5:10 p.m.

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

Members Absent: Chelgren (excused).

Committee Business: Passed [HF 2473](#).

Recessed: 5:15 p.m.

Reconvened: 5:35 p.m.

Adjourned: 5:40 p.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on May 8, 2012, when the votes were taken on Senate Files 466 and 2315. Had I been present, I would have voted "Aye" on both. In addition, I was necessarily absent when the vote was taken on [House File 2335](#). Had I been present, I would have voted "Nay."

ROBERT BACON

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which [Senate File 2344](#) failed to be adopted by the Senate on May 8, 2012.

ROBERT M. HOGG

AMENDMENTS FILED

S-5255	S.F.	2315	Jack Hatch
S-5256	H.F.	2470	Ways and Means
S-5257	S.F.	2344	Matt McCoy
S-5258	S.F.	2344	Randy Feenstra
			James F. Hahn
			Steve Kettering
			Joni K. Ernst
			Bill Anderson

Rick Bertrand
Kent Sorenson
David Johnson
Hubert Houser
James A. Seymour
Bill Dix
Tim Kapucian
Nancy J. Boettger
Shawn Hamerlinck
Jack Whitver
Roby Smith
Merlin Bartz
Sandra Greiner
Pat Ward
Brad Zaun