

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 16, 2013

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JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 16, 2013

The Senate met in regular session at 9:05 a.m., President Pro Tempore Sodders presiding.

Prayer was offered by Reverend Jessica Peterson-Orwenyo, pastor of the Congregational United Church of Christ in Newton, Iowa. She was the guest of Senator Black.

PLEDGE OF ALLEGIANCE

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

The Journal of Monday, April 15, 2013, was approved.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:27 a.m., President Jochum presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 440](#).

[Senate File 440](#)

On motion of Senator Hatch, [Senate File 440](#), a bill for an act relating to human services involving mental health and disability services and children's services, making appropriations, and including effective dates, was taken up for consideration.

Senator Whitver offered amendment [S-3154](#), filed by him on April 15, 2013, to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-154 be adopted?” ([S.F. 440](#)), the vote was:

Yeas, 24:

Anderson	Chelgren	Houser	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Sorenson
Boettger	Feenstra	Rozenboom	Whitver
Breitbach	Greiner	Schneider	Zaun
Chapman	Guth	Segebart	Zumbach

Nays, 26:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	
Danielson	Hogg	Ragan	

Absent, none.

Amendment [S-3154](#) lost.

Senator Hatch offered amendment [S-3150](#), filed by him on April 15, 2013, to pages 6–8, 10, and 15 of the bill.

Senator Hatch offered amendment [S-3156](#), filed by him on April 15, 2013, to page 1 of amendment [S-3150](#), and moved its adoption.

Amendment [S-3156](#) to amendment [S-3150](#) was adopted by a voice vote.

Senator Hatch moved the adoption of amendment [S-3150](#), as amended.

Amendment [S-3150](#), as amended, was adopted by a voice vote.

Senator Hatch 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. 440](#)), the vote was:

Yeas, 33:

Beall	Dearden	Jochum	Seng
Bertrand	Dotzler	Mathis	Sinclair
Black	Dvorsky	McCoy	Sodders
Bolkcom	Ernst	Petersen	Taylor
Bowman	Gronstal	Quirnbach	Wilhelm
Brase	Hart	Ragan	Zaun
Chelgren	Hatch	Rozenboom	
Courtney	Hogg	Schoenjahn	
Danielson	Horn	Segebart	

Nays, 17:

Anderson	Dix	Johnson	Whitver
Behn	Feenstra	Kapucian	Zumbach
Boettger	Greiner	Schneider	
Breitbach	Guth	Smith	
Chapman	Houser	Sorenson	

Absent, none.

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

CONSIDERATION OF RESOLUTION (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 5](#).

[Senate Concurrent Resolution 5](#)

On motion of Senator Beall, [Senate Concurrent Resolution 5](#), a concurrent resolution urging the United States government to renew its commitment to this nation's energy security, with report of committee recommending passage, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of [Senate Concurrent Resolution 5](#).

A record roll call was requested.

On the question "Shall the resolution be adopted?" ([S.C.R. 5](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Houser	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Sorenson
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Greiner	Petersen	Whitver
Brase	Gronstal	Quirmbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

Nays, none.

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 566 and 495.

[House File 566](#)

On motion of Senator Taylor, [House File 566](#), a bill for an act to establish requirements relating to the transfer of an interest in real estate by or on behalf of certain entities formed or organized on a profit, cooperative, or not-for-profit basis, and including warranties and a limitation on actions, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Taylor offered amendment [S-3128](#), filed by the committee on Judiciary on April 4, 2013, to page 4 of the bill, and moved its adoption.

Amendment [S-3128](#) was adopted by a voice vote.

Senator Taylor 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. 566](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Houser	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Sorenson
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Greiner	Petersen	Whitver
Brase	Gronstal	Quirnbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

Nays, none.

Absent, none.

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

[House File 495](#)

On motion of Senator Sodders, [House File 495](#), a bill for an act relating to the residential landlord and tenant laws and related forcible entry and detainer laws and making penalties applicable, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Sodders offered amendment [S-3149](#), filed by him on April 15, 2013, to pages 2–4 of the bill, and moved its adoption.

Amendment [S-3149](#) was adopted by a voice vote.

Senator Courtney withdrew amendment [S-3133](#), filed by him on April 9, 2013, to page 4 of the bill.

Senator Sodders 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. 495](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Houser	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Sorenson
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Greiner	Petersen	Whitver
Brase	Gronstal	Quirnbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

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 Concurrent Resolution 5](#), [Senate File 440](#), and **House Files 495** and **566** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 439](#).

[Senate File 439](#)

On motion of Senator Petersen, [Senate File 439](#), a bill for an act relating to charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit, and including applicability provisions, was taken up for consideration.

Senator Behn offered amendment [S-3151](#), filed by him on April 15, 2013, to pages 1–7 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3151](#) be adopted?” ([S.F. 439](#)), the vote was:

Yeas, 17:

Behn	Guth	Schneider	Zaun
Boettger	Houser	Segebart	Zumbach
Chapman	Johnson	Sinclair	
Feenstra	Kapucian	Smith	
Greiner	Rozenboom	Whitver	

Nays, 33:

Anderson	Courtney	Hatch	Schoenjahn
Beall	Danielson	Hogg	Seng
Bertrand	Dearden	Horn	Sodders
Black	Dix	Jochum	Sorenson
Bolkcom	Dotzler	Mathis	Taylor
Bowman	Dvorsky	McCoy	Wilhelm
Brase	Ernst	Petersen	
Breitbach	Gronstal	Quirnbach	
Chelgren	Hart	Ragan	

Absent, none.

Amendment [S-3151](#) lost.

Senator Behn asked and received unanimous consent that action on [Senate File 439](#) be **deferred**.

HOUSE AMENDMENT CONSIDERED

[Senate File 202](#)

Senator Wilhelm called up for consideration [Senate File 202](#), a bill for an act relating to programs and services under the purview of the department of public health, amended by the House in House amendment [S-3085](#), filed March 26, 2013.

Senator Wilhelm 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 Wilhelm 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 202](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Houser	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith
Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Sorenson
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Greiner	Petersen	Whitver
Brase	Gronstal	Quirnbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

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

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:09 p.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:18 p.m., President Jochum presiding.

QUORUM CALL

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

The vote revealed 49 present, 1 absent, and a quorum present.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 2013, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 368](#), a bill for an act relating to the consumer credit code by modifying a reference to the federal Truth in Lending Act.

[Senate File 445](#), a bill for an act relating to the transfer of real estate and the filing of a mortgage release certificate, providing for a fee and making remedies applicable, and including effective date provisions.

ALSO: That the House has on April 16, 2013, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

[House File 533](#), a bill for an act providing for entrepreneurial education funds for student organizations and clubs and including effective date and applicability provisions.

ALSO: That the House has on April 16, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

House File 627, a bill for an act establishing a property tax exemption for fairgrounds owned by a county or a fair and including applicability provisions.

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

House File 630, a bill for an act providing a sales tax exemption for hydroelectricity conversion property.

Read first time and attached to **companion Senate File 444**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration **Senate File 444**.

Senate File 444

On motion of Senator Dotzler, **Senate File 444**, a bill for an act providing a sales tax exemption for hydroelectricity conversion property, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that **House File 630** be **substituted** for **Senate File 444**.

House File 630

On motion of Senator Dotzler, **House File 630**, a bill for an act providing a sales tax exemption for hydroelectricity conversion property, 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. 630**), the vote was:

Yeas, 50:

Anderson	Danielson	Horn	Segebart
Beall	Dearden	Houser	Seng
Behn	Dix	Jochum	Sinclair
Bertrand	Dotzler	Johnson	Smith

Black	Dvorsky	Kapucian	Sodders
Boettger	Ernst	Mathis	Sorenson
Bolkcom	Feenstra	McCoy	Taylor
Bowman	Greiner	Petersen	Whitver
Brase	Gronstal	Quirnbach	Wilhelm
Breitbach	Guth	Ragan	Zaun
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

Nays, none.

Absent, none.

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

WITHDRAWN

Senator Dotzler asked and received unanimous consent that [Senate File 444](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 630](#) be **immediately messaged** to the House.

The Senate stood at ease at 1:33 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:12 p.m., President Jochum presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 224](#)

Senator Taylor called up for consideration [Senate File 224](#), a bill for an act relating to the fee charged for the issuance of duplicate driver's licenses and nonoperator's identification cards, amended by the House in House amendment [S-3143](#), filed April 10, 2013.

Senator Taylor 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 Taylor 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 a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 224](#)), the vote was:

Yeas, 38:

Beall	Dearden	Houser	Schneider
Behn	Dotzler	Jochum	Schoenjahn
Black	Dvorsky	Johnson	Segebart
Boettger	Ernst	Kapucian	Seng
Bolkcom	Greiner	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Breitbach	Hatch	Quirnbach	Zumbach
Courtney	Hogg	Ragan	
Danielson	Horn	Rozenboom	

Nays, 12:

Anderson	Chelgren	Guth	Sorenson
Bertrand	Dix	Sinclair	Whitver
Chapman	Feenstra	Smith	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.

BUSINESS PENDING

[Senate File 439](#)

The Senate resumed consideration of [Senate File 439](#), a bill for an act relating to charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit, and including applicability provisions, previously deferred.

Senator Petersen 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. 439](#)), the vote was:

Yeas, 34:

Beall	Dearden	Houser	Schoenjahn
Bertrand	Dotzler	Jochum	Segebart
Black	Dvorsky	Kapucian	Seng
Bolkcom	Greiner	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Chelgren	Hatch	Quirnbach	Zumbach
Courtney	Hogg	Ragan	
Danielson	Horn	Rozenboom	

Nays, 15:

Anderson	Chapman	Johnson	Sorenson
Behn	Ernst	Schneider	Whitver
Boettger	Feenstra	Sinclair	Zaun
Breitbach	Guth	Smith	

Present, 1:

Dix

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 Files 224** and **439** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 592](#).

House File 592

On motion of Senator Taylor, [House File 592](#), a bill for an act relating to payments from the indigent defense fund by the state public defender, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Taylor withdrew amendment [S-3157](#), filed by him from the floor to pages 1–4 of the bill.

Senator Taylor offered amendment [S-3160](#), filed by him from the floor to pages 1–4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3160](#) be adopted?” ([H.F. 592](#)), the vote was:

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

Yeas, 26:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirnbach	
Danielson	Hogg	Ragan	

Nays, 24:

Anderson	Chelgren	Houser	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Sorenson
Boettger	Feenstra	Rozenboom	Whitver
Breitbach	Greiner	Schneider	Zaun
Chapman	Guth	Segebart	Zumbach

Absent, none.

Amendment [S-3160](#) was adopted.

Senator Hogg asked and received unanimous consent that action on [House File 592](#) be **deferred**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:10 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 4:38 p.m., President Jochum presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 2013, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 430](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, the board of regents and certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, and including effective date and retroactive applicability provisions. ([S-3161](#))

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:39 p.m. until 9:00 a.m., Wednesday, April 17, 2013.

APPENDIX

COMMUNICATIONS RECEIVED

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

ECONOMIC DEVELOPMENT AUTHORITY

Iowa Commission on Volunteer Services Report, pursuant to Iowa Code section 15H.2(2)(h). Report received on April 16, 2013.

DEPARTMENT OF EDUCATION

Kindergarten Literacy Assessment Report, pursuant to Iowa Code section 279.60. Report received on April 16, 2013.

Returning Dropout and Dropout Prevention Report, pursuant to Iowa Code section 257.40(2). Report received on April 16, 2013.

CERTIFICATE OF RECOGNITION

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

The City of Anthon – For celebrating their Quasiquicentennial, 125th anniversary. Senator Anderson.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Monday, April 15, 2013, 4:30 p.m.

Recessed: 4:35 p.m.

Reconvened: 4:55 p.m.

Members Present: Dvorsky, Chair; Danielson, Vice Chair; Whitver, Ranking Member; Black, Boettger, Bolkom, Courtney, Dotzler, Ernst, Guth, Hatch, Hogg, Mathis, McCoy, Petersen, Ragan, Rozenboom, Schoenjahn, Segebart, and Smith.

Members Absent: Kapucian (excused).

Committee Business: Discussed [HF 604](#).

Adjourned: 5:00 p.m.

WAYS AND MEANS

Convened: Tuesday, April 16, 2013, 4:00 p.m.

Recessed: 4:05 p.m.

Reconvened: 4:25 p.m.

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, Petersen, Quirmbach, Schneider, and Smith.

Members Absent: McCoy (excused).

Committee Business: Discussed [SSB 1250](#).

Adjourned: 4:40 p.m.

INTRODUCTION OF BILLS

[Senate File 448](#), by Zaun, a bill for an act relating to state taxes by eliminating the individual income tax, increasing the sales and use tax rates, making conforming changes, and including effective date and applicability provisions.

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

[Senate File 449](#), by committee on Ways and Means, a bill for an act providing for a small employer health insurance tax credit against the individual and corporate income tax, the franchise tax, the insurance premium tax, the county and state mutual insurance associations premium taxes, and the moneys and credits tax, and including retroactive applicability provisions.

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

SUBCOMMITTEE ASSIGNMENT

[House File 625](#)
(Reassigned)

WAYS AND MEANS: Seng, Chair; Feenstra and Hogg

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 449](#) (formerly [SF 412](#)), a bill for an act providing for a small employer health insurance tax credit against the individual and corporate income tax, the franchise tax, the insurance premium tax, the county and state mutual insurance associations premium taxes, and the moneys and credits tax, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bolkcom, Seng, Feenstra, Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3157	H.F. 592	Rich Taylor
S-3158	H.F. 603	Liz Mathis
S-3159	H.F. 603	Jeff Danielson
S-3160	H.F. 592	Rich Taylor
S-3161	S.F. 430	House