

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 24, 2013

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JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 24, 2013

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

Prayer was offered by Pastor Bob Dodge of the United Methodist Church in Britt, Iowa. He was the guest of Senator Guth.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jennifer Brookhart.

The Journal of Tuesday, April 23, 2013, was approved.

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 23, 2013, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 386](#), a bill for an act relating to matters under the purview of the department of transportation, including the use of information contained in electronic driver and nonoperator identification records, the form of motor vehicle financial liability coverage cards, motor truck registration periods, grounds for disqualification of commercial vehicle operators, provisions for the issuance of temporary restricted licenses for persons convicted of operating while intoxicated, county issuance of driver's licenses, and the administration of highway contracts. ([S-3180](#))

[Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection. ([S-3178](#))

[Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates. ([S-3179](#))

ALSO: That the House has on April 23, 2013, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

[House File 602](#), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund. ([S-3181](#))

ALSO: That the House has on April 23, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 633](#), a bill for an act providing an exemption from the computation of net income for the individual income tax of net capital gain from the sale or exchange of qualified capital stock and including effective date and retroactive applicability provisions.

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

ALSO: That the House has on April 23, 2013, appointed the conference committee to [House File 604](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters, and the conference committee members on the part of the House are: the representative from Ringgold, Representative Dolecheck, Chair; the representative from Jefferson, Representative Hanson; the representative from Woodbury, Representative Jorgenson; the representative from Dallas, Representative Taylor, R.; and the representative from Scott, Representative Winckler.

ALSO: That the House has on April 23, 2013, appointed the conference committee to [House File 603](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and the conference committee members on the part of the House are: the representative from Dallas, Representative Watts, Chair; the representative from Winnebago, Representative Gassman; the representative from Polk, Representative Hunter; the representative from Jasper, Representative Kelley; and the representative from Mahaska, Representative Vander Linden.

The Senate stood at ease at 9:41 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:16 a.m., President Jochum presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Johnson, until he arrives, on request of Senator Dix.

UNFINISHED BUSINESS (Deferred April 23, 2013)

[House File 565](#)

The Senate resumed consideration of [House File 565](#), a bill for an act relating to mechanic's liens and the mechanics' notice and lien registry, deferred April 23, 2013.

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

Yeas, 49:

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

Nays, none.

Absent, 1:

Johnson

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

WITHDRAWN

Senator Hogg asked and received unanimous consent that [Senate File 360](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 607](#).

[House File 607](#)

On motion of Senator Seng, [House File 607](#), a bill for an act relating to the state government, by providing for the transfer of powers and duties from the agricultural development authority to the Iowa finance authority, the composition of the Iowa finance authority board of directors, implementation of law by the board, and including effective date provisions, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

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

Yeas, 49:

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

Nays, none.

Absent, 1:

Johnson

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 565** and **607** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:33 a.m. until 1:30 p.m.

RECONVENED

The Senate reconvened at 1:35 p.m., President Jochum presiding.

The Senate stood at ease at 1:36 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:59 p.m., President Jochum presiding.

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 24, 2013, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

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.

ALSO: That the House has on April 24, 2013, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 396](#), a bill for an act relating to government operations and efficiency and other related matters, making an appropriation, and including effective date and applicability provisions. ([S-3183](#))

ALSO: That the House has on April 24, 2013, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

[House File 356](#), a bill for an act relating to the statute of limitation periods in bringing suit and executing a judgment in an action on a claim for rent. ([S-3182](#))

ALSO: That the House has on April 24, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 641](#), a bill for an act authorizing the establishment of reinvestment districts following approval of the economic development authority board, providing for the remittance of certain state sales tax revenues and certain state hotel and motel tax revenues to municipalities, establishing a state reinvestment district fund, and making appropriations.

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

HOUSE AMENDMENT CONSIDERED

[Senate File 447](#)

Senator Courtney called up for consideration [Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates, amended by the House in House amendment [S-3179](#), filed April 24, 2013.

Senator Courtney moved that the Senate concur in the House amendment and requested a no vote.

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

[House File 602](#)

Senator McCoy called up for consideration [House File 602](#), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, amended by the Senate and further amended by the House in House amendment [S-3181](#) to Senate amendment [H-1283](#), filed April 24, 2013.

Senator McCoy moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator McCoy moved that the bill, as amended by the Senate, further 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 voice vote and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 602](#)), the vote was:

Yeas, 46:

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

Nays, 3:

Feenstra Sorenson Zaun

Absent, 1:

Johnson

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

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

[House File 356](#)

Senator Taylor called up for consideration [House File 356](#), a bill for an act relating to the statute of limitation periods in bringing suit and executing a judgment in an action on a claim for rent, amended by the Senate and further amended by the House in House amendment [S-3182](#) to Senate amendment [H-1280](#), filed April 24, 2013.

Senator Taylor moved that the Senate concur in the House amendment to the Senate amendment.

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

Senator Taylor moved that the bill, as amended by the Senate, further 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 voice vote and the bill was read the last time.

On the question "Shall the bill pass?" ([H.F. 356](#)), the vote was:

Yeas, 49:

Anderson	Danielson	Horn	Seng
Beall	Dearden	Houser	Sinclair
Behn	Dix	Jochum	Smith
Bertrand	Dotzler	Kapucian	Sodders
Black	Dvorsky	Mathis	Sorenson
Boettger	Ernst	McCoy	Taylor
Bolkcom	Feenstra	Petersen	Whitver
Bowman	Greiner	Quirnbach	Wilhelm
Brase	Gronstal	Ragan	Zaun

Breitbach	Guth	Rozenboom	Zumbach
Chapman	Hart	Schneider	
Chelgren	Hatch	Schoenjahn	
Courtney	Hogg	Segebart	

Nays, none.

Absent, 1:

Johnson

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

The Senate stood at ease at 2:10 p.m. until the fall of the gavel.

The Senate resumed session at 2:29 p.m., President Jochum presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 435](#)

Senator Black called up for consideration [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, amended by the House in House amendment [S-3178](#), filed April 24, 2013.

Senator Black offered amendment [S-3184](#), filed by him from the floor to pages 1–24 of House amendment [S-3178](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3184](#) to House amendment [S-3178](#) be adopted?” ([S.F. 435](#)), the vote was:

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, 23:

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

Absent, 1:

Johnson

Amendment [S-3184](#) to amendment [S-3178](#) was adopted.

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

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

Senator Black moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 435](#)), the vote was:

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, 23:

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

Absent, 1:

Johnson

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 435** and **447** and [House File 356](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:47 p.m. until 9:00 a.m., Thursday, April 25, 2013.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Arlene Oster, Lowden – For celebrating her 100th birthday. Senators Hart and Dvorsky.

MOTION TO RECONSIDER FILED

MADAM PRESIDENT, I move to reconsider the vote by which [House File 602](#) passed the Senate on April 24, 2013.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S-3178	S.F. 435	House
S-3179	S.F. 447	House
S-3180	S.F. 386	House
S-3181	H.F. 602	House
S-3182	H.F. 356	House
S-3183	S.F. 396	House
S-3184	S.F. 435	Dennis H. Black
S-3185	H.F. 198	Jack Hatch
S-3186	S.F. 386	Tod R. Bowman