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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 30, 2013**

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# JOURNAL OF THE SENATE

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ONE HUNDRED SEVENTH CALENDAR DAY  
SIXTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 30, 2013

The Senate met in regular session at 9:08 a.m., President Jochum presiding.

Prayer was offered by Pastor Gregory Geier of St. John's Lutheran Church in Creston, Iowa. He was the guest of Senator Bowman.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jacob Ihnen.

The Journal of Monday, April 29, 2013, was approved.

## SPECIAL GUEST

Senator Beall introduced to the Senate chamber His Excellency Fatih Yildiz, Consul General of Turkey in Chicago.

Consul General Yildiz addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:23 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:32 a.m., President Jochum presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Mathis, until she returns, on request of Senator Gronstal; and Senator Chelgren, until he arrives, on request of Senator Dix.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Brent Matthias – Iowa Great Places Board

Khrystyne Napolitano – Board of Massage Therapy

Robert Kunkel – Plumbing and Mechanical Systems Examining Board

Jacqueline Rypma – Property Assessment Appeal Board

Caroline Hicks – Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Chelgren            Mathis

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorenson, until he returns, on request of Senator Dix.

## CONSIDERATION OF BILLS

(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 631](#) and [Senate File 451](#).

[House File 631](#)

On motion of Senator Hogg, [House File 631](#), a bill for an act modifying provisions applicable to the propane education and research council, with report of committee recommending passage, was taken up for consideration.

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

Yeas, 47:

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

Nays, none.

Absent, 3:

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

**Senate File 451**

On motion of Senator Seng, **Senate File 451**, a bill for an act relating to the taxation of rate-regulated water utilities by establishing a rate-regulated water utility replacement tax, imposing a statewide rate-regulated water utility property tax, providing for the administration of the replacement tax and statewide property tax, providing penalties, and including effective date and retroactive applicability provisions, 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?" (**S.F. 451**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Mathis                      Sorenson

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 451** and **House File 631** be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:51 a.m. until 1:30 p.m.

## RECONVENED

The Senate reconvened at 1:36 p.m., President Jochum presiding.

The Senate stood at ease at 1:37 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

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

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 638](#).

[House File 638](#)

On motion of Senator McCoy, [House File 638](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, providing for related matters, and including effective date provisions, with report committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment [S-3203](#), filed by the committee on Appropriations on April 29, 2013, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator McCoy offered amendment [S-3207](#), filed by him from the floor to pages 1, 2, 4, 10, 22, and 24 of amendment [S-3203](#).

Senator McCoy asked and received unanimous consent that action on amendment [S-3207](#) be deferred.

Senator Johnson offered amendment [S-3208](#), filed by Senator Johnson, et al., from the floor to page 18 of amendment [S-3203](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3208](#) to amendment [S-3203](#) be adopted?” ([H.F. 638](#)), the vote was:

Yeas, 21:

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

Nays, 28:

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

Absent, 1:

Sorenson

Amendment [S-3208](#) to amendment [S-3203](#) lost.

The Senate resumed consideration of amendment [S-3207](#), previously deferred.

Senator McCoy moved the adoption of amendment [S-3207](#) to amendment [S-3203](#).

Amendment [S-3207](#) to amendment [S-3203](#) was adopted by a voice vote.

Senator McCoy asked and received unanimous consent that action on [House File 638](#) be **deferred**.

#### HOUSE AMENDMENT CONSIDERED

#### [Senate File 386](#)

Senator Bowman called up for consideration [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, amended by the House in House amendment [S-3180](#), filed April 24, 2013.

Senator Bowman offered amendment [S-3186](#), filed by him on April 24, 2013, to pages 2 and 3 of House amendment [S-3180](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3186](#) to House amendment [S-3180](#) be adopted?" ([S.F. 386](#)), the vote was:

Yeas, 30:

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

Nays, 19:

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

Absent, 1:

Sorenson

Amendment [S-3186](#) to amendment [S-3180](#) was adopted.

Senator Bowman 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 Bowman 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. 386](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Sorenson

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

#### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 527](#).

#### [House File 527](#)

On motion of Senator Sodders, [House File 527](#), a bill for an act requiring a person other than a juvenile convicted of or receiving a deferred judgment for an aggravated misdemeanor to submit a DNA

sample and including effective date provisions, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dix asked and received unanimous consent that action on [House File 527](#) be **deferred**.

The Senate stood at ease at 3:18 p.m. until the fall of the gavel.

The Senate resumed session at 4:21 p.m., President Jochum presiding.

#### BUSINESS PENDING

#### [House File 638](#)

The Senate resumed consideration of [House File 638](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, providing for related matters, and including effective date provisions, previously deferred.

Senator Bertrand offered amendment [S-3209](#), filed by Senator Bertrand, et al., from the floor to pages 5 and 10 of amendment [S-3203](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3209](#) to amendment [S-3203](#) be adopted?" ([H.F. 638](#)), the vote was:

Yeas, 8:

Anderson	Bertrand	Feenstra	Johnson
Beall	Boettger	Houser	Segebart

Nays, 41:

Behn	Dix	Jochum	Sinclair
Black	Dotzler	Kapucian	Smith
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Ernst	McCoy	Taylor
Brase	Greiner	Petersen	Whitver

Breitbach	Gronstal	Quirnbach	Wilhelm
Chapman	Guth	Ragan	Zaun
Chelgren	Hart	Rozenboom	Zumbach
Courtney	Hatch	Schneider	
Danielson	Hogg	Schoenjahn	
Dearden	Horn	Seng	

Absent, 1:

Sorenson

Amendment [S-3209](#) to amendment [S-3203](#) lost.

Senator McCoy moved the adoption of amendment [S-3203](#), as amended.

Amendment [S-3203](#), as amended, was adopted by a voice vote.

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?" ([H.F. 638](#)), 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	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Whitver
Boettger	Feenstra	Rozenboom	Zaun
Breitbach	Greiner	Schneider	Zumbach
Chapman	Guth	Segebart	

Absent, 1:

Sorenson

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 386](#) and [House File 638](#) be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:36 p.m. until 9:00 a.m., Wednesday, May 1, 2013.

### APPENDIX

#### COMMUNICATION RECEIVED

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

#### DEPARTMENT OF PUBLIC HEALTH

2010 Iowa Child Death Review Team Annual Report, pursuant to Iowa Code section 135.43(3)(a). Report received on April 30, 2013.

#### CERTIFICATES OF RECOGNITION

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

Everett and Maryhelen Gates, Oakville – For celebrating their 70<sup>th</sup> wedding anniversary. Senator Courtney.

Joseph Malanson, Iowa City – For achieving the Governor's Scholar Award. Senator Bolkcom.

Boris Perkhounkov, Iowa City – For achieving the Governor's Scholar Award. Senator Bolkcom.

Cort Pugh, Iowa City – For achieving the Governor's Scholar Award. Senator Bolkcom.

Pastor Jack Vanden Heuvel, Mason City – Upon his retirement from Rolling Acres Christian Reformed Church and his 30 years of service. Senator Ragan.

Zhisen Wang, Iowa City – For achieving the Governor's Scholar Award. Senator Bolkcom.

## AMENDMENTS FILED

<u>S-3205</u>	<u>H.F. 471</u>	Bill Anderson Kent Sorenson
<u>S-3206</u>	<u>H.F. 471</u>	Brad Zaun
<u>S-3207</u>	<u>H.F. 638</u>	Matt McCoy
<u>S-3208</u>	<u>H.F. 638</u>	David Johnson Bill Anderson Rick Bertrand Mark Segebart Jake Chapman Dennis Guth Ken Rozenboom Sandra Greiner Nancy J. Boettger Dan Zumbach Hubert Houser Joni K. Ernst Michael Breitbach Mark Chelgren Amy Sinclair Randy Feenstra Tim L. Kapucian Jerry Behn
<u>S-3209</u>	<u>H.F. 638</u>	Rick Bertrand Bill Anderson Mark Segebart Nancy J. Boettger