

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 1, 2013

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JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 1, 2013

The Senate met in regular session at 9:02 a.m., President Jochum presiding.

Prayer was offered by Pastor Brent Hanna of the Columbia United Methodist Church in Knoxville, Iowa. He was the guest of Senator Sinclair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Brett Ofstein.

The Journal of Tuesday, April 30, 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 30, 2013, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 438](#), a bill for an act relating to real estate broker and real estate salesperson licensing fees and allocations from those fees, and making an appropriation.

ALSO: That the House has on April 30, 2013, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 296](#), a bill for an act relating to integrated care models for the delivery of health care, including but not limited to required utilization of a medical home by individuals currently and newly eligible for coverage under the Medicaid program and including effective date provisions. ([S-3210](#))

ALSO: That the House has on April 30, 2013, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 487](#), a bill for an act relating to manufactured and mobile homes, including property taxes, landlord and tenant law, and certificates of title.

[House File 545](#), a bill for an act creating a new category of allowable expenditures from the veterans trust fund.

ALSO: That the House has on April 30, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 632](#), a bill for an act relating to the assessment of certain real estate used in the cultivation and production of algae, and including effective date and retroactive applicability provisions.

Read first time and attached to **companion** [Senate File 453](#).

ALSO: That the House has on April 30, 2013, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

[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.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:17 a.m., President Pro Tempore Soddors presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 418](#).

Senate File 418

On motion of Senator Seng, [Senate File 418](#), a bill for an act providing for the determination of animal units which are part of confinement feeding operations, and making penalties applicable, placed on the Unfinished Business Calendar on April 4, 2013, was taken up for consideration.

Senator Seng withdrew amendment [S-3115](#), filed by him on April 3, 2013, to page 1 of the bill.

Senator Seng asked and received unanimous consent that [House File 512](#) be **substituted** for [Senate File 418](#).

House File 512

On motion of Senator Seng, [House File 512](#), a bill for an act providing for the determination of animal units which are part of confinement feeding operations, and making penalties applicable, was taken up for consideration.

Senator Seng offered amendment [S-3131](#), filed by him on April 8, 2013, to page 1 of the bill, and moved its adoption.

Amendment [S-3131](#) was adopted by a voice vote.

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

Yeas, 43:

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

Nays, 6:

Bolkcom	Jochum	Petersen
Dearden	McCoy	Quirnbach

Absent, 1:

Hatch

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

WITHDRAWN

Senator Seng asked and received unanimous consent that [Senate File 418](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 512](#) be **immediately messaged** to the House.

The Senate stood at ease at 10:33 a.m. until the fall of the gavel.

The Senate resumed session at 10:42 a.m., President Pro Tempore Soddors presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 296](#)

Senator Jochum called up for consideration [Senate File 296](#), a bill for an act relating to integrated care models for the delivery of health care, including but not limited to required utilization of a medical home by individuals currently and newly eligible for coverage under the Medicaid program and including effective date provisions, amended by the House in House amendment [S-3210](#), filed May 1, 2013.

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

A record roll call was requested.

On the question "Shall the motion to concur" be adopted?" ([S.F. 296](#)), 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	Quirnbach	
Danielson	Hogg	Ragan	

Absent, none.

The motion failed and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 296](#) be **immediately messaged** to the House.

President Jochum took the chair at 11:06 a.m.

UNFINISHED BUSINESS (Deferred April 30, 2013)

[House File 527](#)

The Senate resumed consideration of [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, deferred April 30, 2013.

Senator Sodders offered amendment [S-3126](#), filed by the committee on Judiciary on April 4, 2013, to page 1 of the bill.

Senator Chelgren offered amendment [S-3214](#), filed by him from the floor to page 1 of amendment [S-3126](#), and moved its adoption.

Amendment [S-3214](#) to amendment [S-3126](#) lost by a voice vote.

Senator Chelgren offered amendment [S-3212](#), filed by him from the floor to page 1 of amendment [S-3126](#), and moved its adoption.

Amendment [S-3212](#) to amendment [S-3126](#) lost by a voice vote.

Senator Sodders offered amendment [S-3173](#), filed by him on April 22, 2013, to page 1 of amendment [S-3126](#), and moved its adoption.

Amendment [S-3173](#) to amendment [S-3126](#) was adopted by a voice vote.

Senator Hogg offered amendment [S-3211](#), filed by him from the floor to page 1 and amending the title provisions of amendment [S-3126](#), and moved its adoption.

Amendment [S-3211](#) to amendment [S-3126](#) was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that action on amendment [S-3126](#) be deferred.

Senator Chelgren offered amendment [S-3213](#), filed by him from the floor to page 1 and amending the title page of the bill.

Senator Dvorsky raised the point of order that amendment [S-3213](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3213](#) out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

Senator Chelgren offered amendment [S-3215](#), filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3215](#) be adopted?" ([H.F. 527](#)), the vote was:

Yeas, 13:

Boettger	Guth	Quirnbach	Zaun
Bolkcom	Houser	Rozenboom	
Chelgren	Johnson	Segebart	
Dvorsky	Petersen	Sinclair	

Nays, 36:

Anderson	Courtney	Hart	Schneider
Beall	Danielson	Hatch	Schoenjahn
Behn	Dearden	Hogg	Seng
Bertrand	Dix	Horn	Smith
Black	Dotzler	Jochum	Sodders
Bowman	Ernst	Kapucian	Taylor
Brase	Feenstra	Mathis	Whitver
Breitbach	Greiner	McCoy	Wilhelm
Chapman	Gronstal	Ragan	Zumbach

Absent, 1:

Sorenson

Amendment [S-3215](#) lost.

The Senate resumed consideration of amendment [S-3126](#), previously deferred.

Senator Sodders moved the adoption of amendment [S-3126](#), as amended.

Amendment [S-3126](#), as amended, was adopted by a voice vote.

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

Yeas, 29:

Beall	Courtney	Hogg	Sodders
Behn	Danielson	Jochum	Whitver
Black	Dearden	Kapucian	Wilhelm
Boettger	Dotzler	Petersen	Zaun
Bowman	Ernst	Ragan	Zumbach
Brase	Gronstal	Schneider	
Breitbach	Hart	Schoenjahn	
Chapman	Hatch	Seng	

Nays, 20:

Anderson	Dvorsky	Houser	Rozenboom
Bertrand	Feenstra	Johnson	Segebart
Bolkcom	Greiner	Mathis	Sinclair
Chelgren	Guth	McCoy	Smith
Dix	Horn	Quirnbach	Taylor

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 [House File 527](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:04 p.m. until 2:30 p.m.

RECONVENED

The Senate reconvened at 2:33 p.m., President Jochum presiding.

The Senate stood at ease at 2:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:12 p.m., President Jochum presiding.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 471](#).

[House File 471](#)

On motion of Senator Taylor, [House File 471](#), a bill for an act relating to the payment of reasonable attorney fees in juvenile court or appellate proceedings relating to a termination of parental rights petition, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Dix asked and received unanimous consent to withdraw amendment [S-3205](#), filed by Senators Anderson and Sorenson on April 30, 2013, to page 1 and amending the title page of the bill.

Senator Hogg offered amendment [S-3216](#), filed by Senators Hogg and Anderson from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment [S-3216](#) was adopted by a voice vote.

Senator Zaun withdrew amendment [S-3206](#), filed by him on April 30, 2013, to page 2 and amending the title page of the bill.

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. 471](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 471](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:23 p.m. until 9:00 a.m., Thursday, May 2, 2013.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

ETHICS

Convened: Wednesday, May 1, 2013, 1:05 p.m.

Members Present: Horn, Chair; Dearden, Vice Chair; Greiner, Ranking Member; Behn, Seng, and Whitver.

Members Absent: None.

Committee Business: Discussion.

Adjourned: 1:25 p.m.

WAYS AND MEANS

Convened: Wednesday, May 1, 2013, 3:50 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: Passed [SF 238](#) and [HF 627](#).

Adjourned: 4:00 p.m.

INTRODUCTION OF BILL

[Senate File 453](#), by committee on Ways and Means, a bill for an act relating to the assessment of certain real estate used in the cultivation and production of algae, and including effective date and retroactive 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 453](#) (formerly [SF 278](#)), a bill for an act relating to the assessment of certain real estate used in the cultivation and production of algae, and including effective date and 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-3210	S.F.	296	House
S-3211	H.F.	527	Robert M. Hogg
S-3212	H.F.	527	Mark Chelgren
S-3213	H.F.	527	Mark Chelgren
S-3214	H.F.	527	Mark Chelgren
S-3215	H.F.	527	Mark Chelgren
S-3216	H.F.	471	Robert M. Hogg Bill Anderson