

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 8, 2013

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JOURNAL OF THE SENATE

ONE HUNDRED FIFTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 8, 2013

The Senate met in regular session at 2:38 p.m., President Jochum presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Tucker Watters.

The Journal of Tuesday, May 7, 2013, was approved.

HOUSE MESSAGES RECEIVED

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 May 8, 2013, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

[House File 119](#), a bill for an act relating to county attorney duties when representing the department of human services in juvenile court.

[House File 590](#), a bill for an act relating to child abuse reporting, assessment procedures, and placement on the central registry for child abuse, and including effective date and applicability provisions.

[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.

The Senate stood at ease at 2:46 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:16 p.m., President Jochum presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 436](#)

Senator Dotzler called up for consideration [Senate File 436](#), a bill for an act relating to the historic preservation and cultural and entertainment district tax credit by modifying the total amount of tax credits that may be issued, the definition of substantial rehabilitation costs, and the qualifications for certain projects, and including effective date and applicability provisions, amended by the House in House amendment [S-3226](#), filed May 7, 2013.

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

On the question “Shall the bill pass?” ([S.F. 436](#)), 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.

HOUSE AMENDMENT CONSIDERED

Senate File 432

Senator Petersen called up for consideration Senate File 432, a bill for an act relating to the administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use and excise taxes, an environmental protection charge, and property taxes, amended by the House in House amendment S-3225, filed May 7, 2013.

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

On the question "Shall the bill pass?" (S.F. 432), 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

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 421](#).

[Senate File 421](#)

On motion of Senator Petersen, [Senate File 421](#), a bill for an act relating to enhanced E911 emergency communication systems, and providing penalties, placed on the Unfinished Business Calendar on April 4, 2013, was taken up for consideration.

Senator Petersen offered amendment [S-3245](#), filed by her from the floor to pages 3–5 of the bill, and moved its adoption.

Amendment [S-3245](#) was adopted by a voice vote.

Senator Petersen asked and received unanimous consent that [House File 644](#) be **substituted** for [Senate File 421](#).

[House File 644](#)

On motion of Senator Petersen, [House File 644](#), a bill for an act relating to enhanced E911 emergency communication systems, and providing penalties, was taken up for consideration.

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?” ([H.F. 644](#)), the vote was:

Yeas, 39:

Beall	Dotzler	Horn	Rozenboom
Black	Dvorsky	Houser	Schoenjahn

Boettger	Ernst	Jochum	Segebart
Bolkcom	Feenstra	Johnson	Sinclair
Bowman	Greiner	Kapucian	Sodders
Brase	Gronstal	Mathis	Taylor
Breitbach	Guth	McCoy	Wilhelm
Courtney	Hart	Petersen	Zaun
Danielson	Hatch	Quirnbach	Zumbach
Dearden	Hogg	Ragan	

Nays, 11:

Anderson	Chapman	Schneider	Sorenson
Behn	Chelgren	Seng	Whitver
Bertrand	Dix	Smith	

Absent, none.

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

WITHDRAWN

Senator Petersen asked and received unanimous consent that [Senate File 421](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 432 and 436** and [House File 644](#) be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 16, 2013)

[House File 592](#)

The Senate resumed consideration of [House File 592](#), a bill for an act relating to payments from the indigent defense fund by the state public defender, deferred April 16, 2013.

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. 592](#)), 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 [House File 592](#) be **immediately messaged** to the House.

The Senate stood at ease at 3:44 p.m. until the fall of the gavel.

The Senate resumed session at 6:22 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 May 8, 2013, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

[Senate File 452](#), a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

SENATE INSISTS

[Senate File 452](#)

Senator Dvorsky called up for consideration [Senate File 452](#), a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other 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 452](#) on the part of the Senate: Senators Dvorsky, Chair; Bertrand, Gronstal, Jochum, and Whitver.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Rozenboom, and Sinclair, until they return, on request of Senator Dix.

HOUSE AMENDMENT CONSIDERED

[Senate File 396](#)

Senator Danielson called up for consideration [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, amended by the House in House amendment [S-3183](#), filed April 24, 2013.

Senator Danielson offered amendment [S-3246](#), filed by him from the floor to pages 1 and 2 of House amendment [S-3183](#), and moved its adoption.

Amendment [S-3246](#) to House amendment [S-3183](#) was adopted by a voice vote.

Senator Danielson 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 Danielson 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. 396](#)), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Houser	Rozenboom	Sinclair
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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 Files 396** and **452** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:30 p.m. until 11:30 a.m., Thursday, May 9, 2013.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Wells Enterprises, Le Mars – For celebrating their 100th anniversary of business in Le Mars. Senator Anderson.

INTRODUCTION OF BILLS

[Senate File 454](#), by committee on Ways and Means, a bill for an act relating to the assessment and taxation of telecommunications company property, establishing a study, and including applicability provisions.

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

[Senate File 455](#), by committee on Ways and Means, a bill for an act relating to an exemption from sales tax for the sales price from furnishing certain environmental testing services.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: [SENATE FILE 454 \(SSB 1254\)](#), a bill for an act relating to the assessment and taxation of telecommunications company property, establishing a study, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolcom, Seng, Feenstra, Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 455 \(SSB 1239\)](#), a bill for an act relating to an exemption from sales tax for the sales price from furnishing certain environmental testing services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 621](#), a bill for an act relating to the protest and appeal of property assessments and including effective date and applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3244](#).

Final Vote: Ayes, 9: Bolkcom, Seng, Black, Dotzler, Hogg, Jochum, McCoy, Petersen, and Quirnbach. Nays, 6: Feenstra, Behn, Bertrand, Chapman, Schneider, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3244	H.F. 621	Ways and Means
S-3245	S.F. 421	Janet Petersen
S-3246	S.F. 396	Jeff Danielson