

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, MAY 15, 2013

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JOURNAL OF THE SENATE

ONE HUNDRED TWENTY-SECOND CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, May 15, 2013

The Senate met in regular session at 9:07 a.m., President Jochum presiding.

Prayer was offered by the Honorable Amy Sinclair, member of the Senate from Wayne County, Allerton, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Sinclair's sons, Mitch, Carter, and Evan.

The Journal of Monday, May 13, 2013, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until the fall of gavel.

RECONVENED

The Senate reconvened at 4:08 p.m., President Pro Tempore Soddors presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Guth, Houser, Kapucian, and Zumbach, until they arrive, on request of Senator Dix.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 586](#).

[House File 586](#)

On motion of Senator Jochum, [House File 586](#), a bill for an act relating to the rulemaking process and state agency decision making, placed on the Unfinished Business Calendar on April 11, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Jochum 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. 586](#)), the vote was:

Yeas, 44:

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

Nays, 1:

Chelgren

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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

President Jochum took the chair at 4:24 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 455](#).

[Senate File 455](#)

On motion of Senator Dotzler, [Senate File 455](#), a bill for an act relating to an exemption from sales tax for the sales price from furnishing certain environmental testing services, 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?" ([S.F. 455](#)), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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 455](#) and [House File 586](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 641](#).

[House File 641](#)

On motion of Senator McCoy, [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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment [S-3247](#), filed by the committee on Ways and Means on May 9, 2013, striking and replacing everything after the enacting clause of the bill.

Senator Petersen offered amendment [S-3248](#), filed by Senators Petersen and McCoy from the floor to pages 2 and 4 of amendment [S-3247](#), and moved its adoption.

Amendment [S-3248](#) to amendment [S-3247](#) was adopted by a voice vote.

Senator Feenstra offered amendment [S-3249](#), filed by him from the floor to page 4 of amendment [S-3247](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3249](#) to amendment [S-3247](#) be adopted?” ([H.F. 641](#)), the vote was:

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

Yeas, 20:

Anderson	Chapman	Greiner	Sinclair
Bertrand	Chelgren	Johnson	Smith
Boettger	Dix	Rozenboom	Sorenson
Bowman	Ernst	Schneider	Whitver
Breitbach	Feenstra	Segebart	Zaun

Nays, 25:

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

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

Amendment [S-3249](#) to amendment [S-3247](#) lost.

Senator McCoy moved the adoption of amendment [S-3247](#), as amended.

Amendment [S-3247](#), 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. 641](#)), the vote was:

Yeas, 43:

Anderson	Courtney	Hogg	Schoenjahn
Beall	Danielson	Horn	Seng
Bertrand	Dearden	Jochum	Sinclair
Black	Dix	Johnson	Smith

Boettger	Dotzler	Mathis	Sodders
Bolkcom	Dvorsky	McCoy	Sorenson
Bowman	Ernst	Petersen	Taylor
Brase	Feenstra	Quirnbach	Whitver
Breitbach	Gronstal	Ragan	Wilhelm
Chapman	Hart	Rozenboom	Zaun
Chelgren	Hatch	Schneider	

Nays, 2:

Greiner Segebart

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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

CONFERENCE COMMITTEE REPORT RECEIVED

[Senate File 447](#)

A conference committee report, signed by the following Senate and House members, was filed May 15, 2013, on [Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates:

On the part of the Senate:

THOMAS G. COURTNEY, Chair
ROBERT M. HOGG
RICH TAYLOR

On the part of the House:

GARY WORTHAN, Chair
MARTI ANDERSON
JULIAN GARRETT
TODD TAYLOR

CONFERENCE COMMITTEE REPORT CONSIDERED

[Senate File 447](#)

Senator Courtney called up the conference committee report on [Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates, filed on May 15, 2013.

([Senate File 447](#) was deferred.)

The Senate stood at ease at 5:20 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:34 p.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 447](#), previously deferred.

Senator Courtney moved the adoption of the conference committee report on [Senate File 447](#).

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Courtney 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. 447](#)), the vote was:

Yeas, 27:

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

Nays, 18:

Anderson	Dix	Rozenboom	Sorenson
Bertrand	Ernst	Schneider	Whitver
Boettger	Feenstra	Segebart	Zaun
Chapman	Greiner	Sinclair	
Chelgren	Johnson	Smith	

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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

CONFERENCE COMMITTEE REPORT RECEIVED

[Senate File 430](#)

A conference committee report, signed by the following Senate and House members, was filed May 15, 2013, on [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:

On the part of the Senate:

WILLIAM A. DOTZLER, JR., Chair
RITA HART
DR. JOE M. SENG

On the part of the House:

DAVE DEYOE, Chair
MARY ANN HANUSA
BOBBY KAUFMANN
BOB KRESSIG

CONFERENCE COMMITTEE REPORT CONSIDERED

[Senate File 430](#)

Senator Dotzler called up the conference committee report on [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, filed on May 15, 2013, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

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?" ([S.F. 430](#)), the vote was:

Yeas, 27:

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

Nays, 18:

Anderson	Dix	Rozenboom	Sorenson
Boettger	Ernst	Schneider	Whitver
Breitbach	Feenstra	Segebart	Zaun
Chapman	Greiner	Sinclair	
Chelgren	Johnson	Smith	

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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 Files 430** and **447** be **immediately messaged** to the House.

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 May 15, 2013, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 406](#), a bill for an act relating to involuntary commitments for persons with substance-related disorders, mental illness, and intellectual disabilities, and providing for the creation of an office of mental health advocate in the department of human rights and including effective date provisions. ([S-3252](#))

ALSO: That the House has on May 15, 2013, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 592](#), a bill for an act relating to payments from the indigent defense fund by the state public defender.

ALSO: That the House has on May 15, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 626](#), a bill for an act relating to the collection of sales and use tax in this state, including retailers maintaining a place of business in this state, agreements relating to the collection of sales and use taxes, sales of tangible personal property and services to the state, related reporting requirements, and the transfer of certain sales and use tax revenues to the taxpayers trust fund.

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

The Senate stood at ease at 7:01 p.m. until the fall of the gavel.

The Senate resumed session at 7:21 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 15, 2013, **adopted** the conference committee report **and passed** [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.

CONFERENCE COMMITTEE REPORT RECEIVED

[House File 603](#)

A conference committee report, signed by the following Senate and House members, was filed May 15, 2013, on [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:

On the part of the Senate:

LIZ MATHIS, Chair
CHRIS BRASE
JEFF DANIELSON

On the part of the House:

RALPH WATTS, Chair
TEDD GASSMAN
BRUCE HUNTER
DAN KELLEY
GUY VANDER LINDEN

CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 603](#)

Senator Mathis called up the conference committee report on [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, filed on May 15, 2013, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Mathis 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. 603](#)), 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, 19:

Anderson	Chelgren	Johnson	Smith
Bertrand	Dix	Rozenboom	Sorenson
Boettger	Ernst	Schneider	Whitver
Breitbach	Feenstra	Segebart	Zaun
Chapman	Greiner	Sinclair	

Absent, 5:

Behn	Houser	Zumbach
Guth	Kapucian	

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:29 p.m. until 10:00 a.m., Thursday, May 16, 2013.

APPENDIX**CERTIFICATE OF RECOGNITION**

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

Gary Hinzman, Cedar Rapids – Upon his retirement after 24 years of dedicated service to the Sixth Judicial District Department of Correctional Services. Senator Dvorsky.

REPORT OF COMMITTEE MEETING**WAYS AND MEANS**

Convened: Wednesday, May 15, 2013, 9:15 a.m.

Recessed: 9:20 a.m.

Reconvened: 10:10 a.m.

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

Members Absent: None.

Committee Business: Passed [HF 599](#); and HFs 615 and 640, both as amended.

Adjourned: 10:40 a.m.

SUBCOMMITTEE ASSIGNMENT

[Senate File 267](#)
(Reassigned)

WAYS AND MEANS: Seng, Chair; Chapman and Hogg

FINAL COMMITTEE REPORTS OF BILL ACTION**WAYS AND MEANS**

Bill Title: [HOUSE FILE 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

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 615](#), a bill for an act relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3250](#).

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 640](#), a bill for an act relating to liquids which are flammable or combustible, by providing for the storage, marketing, and distribution of such liquids, providing for the marketing and distribution of liquids classified as motor fuel, including a conventional blendstock for oxygenate blending, and blended and unblended gasoline and diesel fuel, providing for liability, extending the period for determining the rates of the motor fuel tax based on calculating the distribution of ethanol blended gasoline and other motor fuel, including fees and penalties, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3251](#).

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.

PETITION

The following petition was presented and placed on file:

From 27 members of the GFWC/Iowa Federation of Women's Clubs of Johnson County supporting legislation supporting [SSB 1247](#). Senator Dvorsky.

MOTION TO RECONSIDER FILED

MADAM PRESIDENT, I move to reconsider the vote by which [House File 603](#) passed the Senate on May 15, 2013.

MICHAEL E. GRONSTAL

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 14th day of May, 2013.

Senate Files 432 and 436.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on May 15, 2013, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 247](#) – Providing for the possession of cats classified as bengals and savannahs.

[Senate File 386](#) – 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.

AMENDMENTS FILED

S-3248	H.F. 641	Janet Petersen Matt McCoy
S-3249	H.F. 641	Randy Feenstra
S-3250	H.F. 615	Ways and Means
S-3251	H.F. 640	Ways and Means
S-3252	S.F. 406	House