

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 27, 2014

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JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 27, 2014

The Senate met in regular session at 9:04 a.m., President Jochum presiding.

Prayer was offered by Reverend Richard Paulus, pastor of the United Methodist Church in West Branch, Iowa. He was the guest of Senator Dvorsky.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kyra Cooper.

The Journal of Wednesday, March 26, 2014, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 107](#).

[Senate Resolution 107](#)

On motion of Senator Quirnbach, [Senate Resolution 107](#), a resolution celebrating the 100th anniversary of the signing of the Smith-Lever Act, the founding legislation of the nationwide Cooperative Extension System, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of [Senate Resolution 107](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Quirnbach introduced to the Senate chamber Cathann Kress, the vice president for Extension and Outreach at Iowa State University. She was accompanied by a delegation of directors from the Extension and Outreach program.

Cathann Kress addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

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 March 26, 2014, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2341](#), a bill for an act relating to the rebate of sales tax imposed and collected at an automobile racetrack facility and including effective date and retroactive applicability provisions.

ALSO: That the House has on March 26, 2014, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 475](#), a bill for an act relating to the issuance of a search warrant to authorize the placement, tracking, monitoring, and removal of a global positioning device.

ALSO: That the House has on March 26, 2014, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 303](#), a bill for an act exempting federal retirement pay received for military service from the state individual income tax and including retroactive applicability provisions. ([S-5100](#))

[Senate File 2168](#), a bill for an act creating the Iowa uniform power of attorney Act and providing penalties and including applicability provisions. ([S-5101](#))

ALSO: That the House has on March 26, 2014, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2361](#), a bill for an act relating to matters under the purview of the department of transportation, and including effective date provisions.

Read first time and attached to **similar** [Senate File 2325](#).

[House File 2448](#), a bill for an act relating to the administration of programs by the economic development authority by modifying the high quality jobs program, creating a workforce housing tax incentives program and making penalties applicable, and repealing the enterprise zone program, and including effective date and retroactive and other applicability provisions.

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

[House File 2452](#), a bill for an act providing for the creation of first-time homebuyer savings accounts in Iowa, including related individual income tax exemptions, making penalties applicable, and including effective date and applicability provisions.

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

[House File 2453](#), a bill for an act relating to the administration of the historic preservation and cultural and entertainment district tax credit program by the department of cultural affairs, providing for fees, and including applicability provisions.

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

The Senate stood at ease at 9:43 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:30 a.m., Senator Bolckcom presiding.

RECESS

On motion of Senator Soddors, the Senate recessed at 10:31 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:44 a.m., Senator Bolkcom presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bertrand, Boettger, Ernst, and Houser, until they arrive, on request of Senator Dix.

HOUSE AMENDMENT CONSIDERED

[Senate File 2320](#)

Senator Gronstal called up for consideration [Senate File 2320](#), a bill for an act relating to providers of medical assistance program consumer-directed attendant care and consumer choices option services, including effective date and retroactive applicability provisions, amended by the House in House amendment [S-5089](#), filed March 26, 2014.

President Jochum moved that the Senate concur in the House amendment.

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

President Jochum 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. 2320](#)), the vote was:

Yeas, 46:

Anderson	Dearden	Horn	Segebart
Beall	Dix	Jochum	Seng
Behn	Dotzler	Johnson	Sinclair
Black	Dvorsky	Kapucian	Smith
Bolkcom	Feenstra	Mathis	Sodders
Bowman	Garrett	McCoy	Taylor
Brase	Greiner	Petersen	Whitver

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

Nays, none.

Absent, 4:

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

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2272](#) and [House File 2387](#).

[Senate File 2272](#)

On motion of Senator Jochum, [Senate File 2272](#), a bill for an act relating to the technical administration of the tax and related laws of the state, including administration by the department of revenue of certain tax credits and refunds, income taxes, sales and use taxes, hotel and motel taxes, and equipment taxes, and modifying provisions relating to the property assessment appeal board, and including effective date and retroactive applicability provisions, placed on the Unfinished Business Calendar on March 13, 2014, was taken up for consideration.

President Jochum asked and received unanimous consent that action on [Senate File 2272](#) be **deferred**.

[House File 2387](#)

On motion of Senator Hogg, [House File 2387](#), a bill for an act providing for notice of garnishment and levy to a judgment debtor, placed on the Unfinished Business Calendar on March 20, 2014, with report of committee recommending passage, was taken up for consideration.

Senator Hogg offered amendment [S-5067](#), filed by him on March 17, 2014, to page 1 of the bill, and moved its adoption.

Amendment [S-5067](#) was adopted by a voice vote.

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. 2387](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bertrand	Boettger	Ernst	Houser
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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 File 2320](#) and [House File 2387](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2296, 2274, and 2183.

House File 2296

On motion of Senator Beall, [House File 2296](#), a bill for an act relating to disposition of unclaimed property provisions applicable to gift certificates, placed on the Unfinished Business Calendar on March 20, 2014, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Beall offered amendment [S-5065](#), filed by the committee on Commerce on March 13, 2014, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5065](#) was adopted by a voice vote.

Senator Beall 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. 2296](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[House File 2274](#)

On motion of Senator Petersen, [House File 2274](#), a bill for an act concerning notice of fees imposed and collected by state agencies, placed on the Unfinished Business Calendar on March 20, 2014, with report of committee recommending passage, 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. 2274](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

[House File 2183](#)

On motion of Senator Hart, [House File 2183](#), a bill for an act related to customers with delinquent accounts for the provision of wastewater, sewer system, storm water drainage system, or sewage treatment services by a city utility or city enterprise, placed on the Unfinished Business Calendar on March 20, 2014, with report of committee recommending passage, was taken up for consideration.

Senator Hart offered amendment [S-5078](#), filed by her on March 18, 2014, to page 1 of the bill, and moved its adoption.

Amendment [S-5078](#) was adopted by a voice vote.

Senator Hart 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. 2183](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bertrand	Boettger	Ernst	Houser
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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 **House Files 2183, 2274, and 2296** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2344, 2343, and 2340.

[Senate File 2344](#)

On motion of Senator Hogg, [Senate File 2344](#), a bill for an act relating to renewable fuels, by providing for biobutanol and biobutanol blended gasoline, modifying the rate of the E-15 plus gasoline promotion tax credit and extending provisions for a biodiesel production refund, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dix asked and received unanimous consent that action on [Senate File 2344](#) be **deferred**.

[Senate File 2343](#)

On motion of Senator Hogg, [Senate File 2343](#), a bill for an act relating to qualification requirements for the renewable energy tax credit, was taken up for consideration.

Senator Hogg offered amendment [S-5098](#), filed by him on March 26, 2014, to page 1 of the bill, and moved its adoption.

Amendment [S-5098](#) was adopted by a voice vote.

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?" ([S.F. 2343](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bertrand Boettger Ernst Houser

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

Senate File 2340

On motion of Senator Hogg, Senate File 2340, a bill for an act modifying provisions applicable to the solar energy system tax credit, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Hogg withdrew amendment S-5102, filed by him from the floor to page 1 of the bill.

Senator Hogg offered amendment S-5104, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5104 was adopted by a voice vote.

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?" (S.F. 2340), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

Bertrand Boettger Ernst Houser

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

IMMEDIATELY MESSAGED

President Jochum asked and received unanimous consent that **Senate Files 2340** and **2343** be **immediately messaged** to the House.

The Senate stood at ease at 12:55 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 1:35 p.m., Senator Bolkcom presiding.

BUSINESS PENDING

[Senate File 2272](#)

The Senate resumed consideration of [Senate File 2272](#), a bill for an act relating to the technical administration of the tax and related laws of the state, including administration by the department of revenue of certain tax credits and refunds, income taxes, sales and use taxes, hotel and motel taxes, and equipment taxes, and modifying provisions relating to the property assessment appeal board, and including effective date and retroactive applicability provisions, previously deferred.

Senator Feenstra offered amendment [S-5105](#), filed by Senator Feenstra, et al., from the floor to page 15 of the bill.

Senator Jochum raised the point of order that amendment [S-5105](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5105](#) out of order.

Senator Feenstra asked and received unanimous consent to withdraw amendment [S-5106](#), filed by Senator Feenstra, et al., from the floor to page 17 of the bill.

Senator Jochum offered amendment [S-5066](#), filed by her on March 13, 2014, to page 17 and amending the title page of the bill.

Senator Feenstra raised the point of order that amendment [S-5066](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-5066](#) in order.

Senator Jochum moved the adoption of amendment [S-5066](#).

Amendment [S-5066](#) was adopted by a voice vote.

Senator Jochum asked and received unanimous consent that [House File 2438](#) be **substituted** for [Senate File 2272](#).

[House File 2438](#)

On motion of Senator Jochum, [House File 2438](#), a bill for an act relating to the technical administration of the tax and related laws of the state, including administration by the department of revenue of certain tax credits and refunds, income taxes, sales and use taxes, hotel and motel taxes, and equipment taxes, and modifying provisions relating to the property assessment appeal board, and including effective date and retroactive applicability provisions, 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. 2438](#)), 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, 21:

Anderson	Dix	Kapucian	Whitver
Behn	Feenstra	Rozenboom	Zaun
Boettger	Garrett	Schneider	Zumbach
Breitbach	Greiner	Segebart	
Chapman	Guth	Sinclair	
Chelgren	Johnson	Smith	

Absent, 3:

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

WITHDRAWN

President Jochum asked and received unanimous consent that [Senate File 2272](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 2438](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:06 p.m. until 1:00 p.m., Monday, March 31, 2014.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Dorothy Hughes, DeWitt – For celebrating her 80th birthday. Senator Hart.

Clara Meyer, Council Bluffs – For celebrating her 95th birthday. Senator Gronstal.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, March 27, 2014, 10:35 a.m.

Members Present: Schoenjahn, Chair; Horn, Vice Chair; Smith, Ranking Member; Quirnbach, and Sinclair.

Members Absent: None.

Committee Business: Budget presentation and discussion.

Adjourned: 10:50 a.m.

STUDY BILL RECEIVED

[SSB 3213](#) **Appropriations**

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.

SUBCOMMITTEE ASSIGNMENT

[SSB 3213](#)

APPROPRIATIONS: Schoenjahn, Chair; Dvorsky and Smith

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Jeremy Musil – Elevator Safety Board

MICHAEL E. GRONSTAL

AMENDMENTS FILED

<u>S-5100</u>	<u>S.F. 303</u>	House
<u>S-5101</u>	<u>S.F. 2168</u>	House
<u>S-5102</u>	<u>S.F. 2340</u>	Robert M. Hogg
<u>S-5103</u>	<u>H.F. 2279</u>	Robert M. Hogg
<u>S-5104</u>	<u>S.F. 2340</u>	Robert M. Hogg

S-5105 S.F. 2272 Randy Feenstra
Bill Anderson
Mark Chelgren
Nancy J. Boettger
Jake Chapman
Dan Zumbach
Roby Smith
Dennis Guth
David Johnson
Amy Sinclair
Mark Segebart
Julian B. Garrett
Charles Schneider
Michael Breitbach
Jerry Behn
Tim L. Kapucian
Ken Rozenboom
Bill Dix
Jack Whitver
Sandra Greiner

S-5106 S.F. 2272 Randy Feenstra
Bill Anderson
Mark Chelgren
Nancy J. Boettger
Jake Chapman
Dan Zumbach
Roby Smith
Dennis Guth
David Johnson
Mark Segebart
Charles Schneider
Julian B. Garrett
Michael Breitbach
Jerry Behn
Ken Rozenboom
Amy Sinclair
Tim L. Kapucian
Bill Dix
Jack Whitver
Sandra Greiner