

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 19, 2016

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JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 19, 2016

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

Prayer was sung by Sunshine Singers from Fort Dodge, Iowa and surrounding areas. They were the guests of Senator Kraayenbrink.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Kasey Springsteen.

The Journal of Monday, April 18, 2016, 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 18, 2016, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2414](#), a bill for an act providing for the regulation of transportation network companies, and including applicability provisions.

ALSO: That the House has on April 18, 2016, **passed** the following bills in which the concurrence of the Senate is sked:

[House File 2455](#), a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions.

Read first time and referred to committee on **Appropriations**.

[House File 2457](#), a bill for an act relating to appropriations to the judicial branch.

Read first time and attached to **companion** [Senate File 2321](#).

[House File 2458](#), a bill for an act relating to appropriations to the justice system.

Read first time and attached to **similar** [Senate File 2322](#).

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and thanked by Senators Dix and Gronstal and President Jochum for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2016 Regular Eighty-sixth General Assembly and individual and group pictures were presented to each of the following pages:

Hannah Dettmann, Philip Kiely, Lindsay Larkin, Kira Le, Samantha Lofthouse, Casey Nickel, Cade Olmstead, Ashton Price, Mitchell Sinclair, Kasey Springsteen, Sarah Thompson, and Emily Turek.

The Senate rose and expressed its appreciation.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:44 a.m. until 1:00 p.m.

RECONVENED

The Senate reconvened at 1:01 p.m., President Jochum presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 116](#).

[Senate Resolution 116](#)

On motion of Senator Gronstal, [Senate Resolution 116](#), a resolution honoring Senator Dick L. Dearden for his years of service in the Senate, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 116](#), which motion prevailed by a voice vote.

Senator Dearden addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Dearden.

RECESS

On motion of Senator Gronstal, the Senate recessed at 2:06 p.m. until the completion of a meeting of the committee on Ways and Means.

RECONVENED

The Senate reconvened at 3:17 p.m., President Jochum presiding.

UNFINISHED BUSINESS
(Deferred April 18, 2016)

[House File 2454](#)

The Senate resumed consideration of [House File 2454](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and including effective date provisions, deferred April 18, 2016.

Senator Johnson offered amendment [S-5136](#), filed by him on April 18, 2016, to pages 25 and amending the title page of the bill.

Senator Gronstal raised the point of order that amendment [S-5136](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5136](#) out of order.

Senator Wilhelm 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. 2454](#)), the vote was:

Yeas, 31:

Allen	Dearden	Johnson	Rozenboom
Bertrand	Dotzler	Kapucian	Schoenjahn
Bisignano	Dvorsky	Kinney	Schultz
Bolkcom	Gronstal	Mathis	Seng
Bowman	Hart	McCoy	Sodders
Brase	Hogg	Petersen	Taylor
Courtney	Horn	Quirnbach	Wilhelm
Danielson	Jochum	Ragan	

Nays, 19:

Anderson	Costello	Kraayenbrink	Smith
Behn	Dix	Schneider	Whitver
Breitbach	Feenstra	Segebart	Zaun
Chapman	Garrett	Shipley	Zumbach
Chelgren	Guth	Sinclair	

Absent, none.

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

WITHDRAWN

Senator Wilhelm asked and received unanimous consent that [Senate File 2315](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2320](#).

[Senate File 2320](#)

On motion of Senator McCoy, [Senate File 2320](#), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, the state aviation fund, and the federal surface transportation block grant program, was taken up for consideration.

Senator Segebart withdrew amendment [S-5143](#), filed by him from the floor to page 8 and amending the title page of the bill.

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?" ([S.F. 2320](#)), the vote was:

Yeas, 27:

Allen	Dearden	Jochum	Schoenjahn
Bisignano	Dotzler	Kinney	Schultz
Bolkcom	Dvorsky	Mathis	Seng
Bowman	Gronstal	McCoy	Sodders
Brase	Hart	Petersen	Taylor
Courtney	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	

Nays, 23:

Anderson	Costello	Kapucian	Sinclair
Behn	Dix	Kraayenbrink	Smith
Bertrand	Feenstra	Rozenboom	Whitver

Breitbach	Garrett	Schneider	Zaun
Chapman	Guth	Segebart	Zumbach
Chelgren	Johnson	Shipley	

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 [Senate File 2320](#) and [House File 2454](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2439](#).

[House File 2439](#)

On motion of Senator Danielson, [House File 2439](#), a bill for an act relating to the distribution and permissible expenditures of the emergency communications service surcharge and the duties of the E911 communications council, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Danielson offered amendment [S-5135](#), filed by the committee on Appropriations on April 18, 2016, to pages 4 and 5 of the bill, and moved its adoption.

Amendment [S-5135](#) was adopted by a voice vote.

Senator Danielson 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. 2439](#)), the vote was:

Yeas, 50:

Allen	Danielson	Johnson	Segebart
Anderson	Dearden	Kapucian	Seng
Behn	Dix	Kinney	Shipley
Bertrand	Dotzler	Kraayenbrink	Sinclair
Bisignano	Dvorsky	Mathis	Smith
Bolkcom	Feenstra	McCoy	Sodders
Bowman	Garrett	Petersen	Taylor
Brase	Gronstal	Quirnbach	Whitver
Breitbach	Guth	Ragan	Wilhelm
Chapman	Hart	Rozenboom	Zaun
Chelgren	Hogg	Schneider	Zumbach
Costello	Horn	Schoenjahn	
Courtney	Jochum	Schultz	

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 2439](#) 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 [Senate File 2310](#).

[Senate File 2310](#)

On motion of Senator Dotzler, [Senate File 2310](#), a bill for an act modifying the rebate of sales and use tax to the owner or operator of a raceway facility, 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. 2310](#)), the vote was:

Yeas, 21:

Allen	Gronstal	Mathis	Sodders
Bisignano	Hart	McCoy	Taylor
Bolkcom	Hogg	Petersen	Wilhelm
Brase	Horn	Ragan	
Courtney	Jochum	Schoenjahn	
Dvorsky	Kinney	Seng	

Nays, 29:

Anderson	Danielson	Kapucian	Sinclair
Behn	Dearden	Kraayenbrink	Smith
Bertrand	Dix	Quirnbach	Whitver
Bowman	Dotzler	Rozenboom	Zaun
Breitbach	Feenstra	Schneider	Zumbach
Chapman	Garrett	Schultz	
Chelgren	Guth	Segebart	
Costello	Johnson	Shipley	

Absent, none.

The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

RECESS

On motion of Senator Gronstal, the Senate recessed at 4:14 p.m. until 5:00 p.m.

RECONVENED

The Senate reconvened at 5:19 p.m., President Jochum presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2323](#).

Senate File 2323

On motion of Senator Schoenjahn, [Senate File 2323](#), a bill for an act 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, providing for related matters, and including effective and applicability date provisions, was taken up for consideration.

Senator Sinclair withdrew amendment [S-5137](#), filed by her from the floor to page 4 of the bill.

With the withdrawal of amendment [S-5137](#), the Chair ruled amendment [S-5140](#), filed by Senator Sinclair from the floor to page 1 of amendment [S-5137](#), out of order.

Senator Schoenjahn withdrew amendment [S-5138](#), filed by him from the floor to pages 4 and 27 of the bill.

Senator Schoenjahn offered amendment [S-5145](#), filed by him from the floor to pages 4, 23, and 27 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5145](#) be adopted?” ([S.F. 2323](#)), the vote was:

Yeas, 50:

Allen	Danielson	Johnson	Segebart
Anderson	Dearden	Kapucian	Seng
Behn	Dix	Kinney	Shipley
Bertrand	Dotzler	Kraayenbrink	Sinclair
Bisignano	Dvorsky	Mathis	Smith
Bolkcom	Feenstra	McCoy	Sodders
Bowman	Garrett	Petersen	Taylor
Brase	Gronstal	Quirnbach	Whitver
Breitbach	Guth	Ragan	Wilhelm
Chapman	Hart	Rozenboom	Zaun
Chelgren	Hogg	Schneider	Zumbach
Costello	Horn	Schoenjahn	
Courtney	Jochum	Schultz	

Nays, none.

Absent, none.

Amendment [S-5145](#) was adopted.

Senator Rozenboom offered amendment [S-5139](#), filed by him from the floor to page 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5139](#) be adopted?” ([S.F. 2323](#)), the vote was:

Yeas, 24:

Anderson	Costello	Kapucian	ShIPLEY
Behn	Dix	Kraayenbrink	Sinclair
Bertrand	Feenstra	Rozenboom	Smith
Breitbach	Garrett	Schneider	Whitver
Chapman	Guth	Schultz	Zaun
Chelgren	Johnson	Segebart	Zumbach

Nays, 26:

Allen	Dearden	Jochum	Schoenjahn
Bisignano	Dotzler	Kinney	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hogg	Quirnbach	
Danielson	Horn	Ragan	

Absent, none.

Amendment [S-5139](#) lost.

Senator Bowman asked and received unanimous consent to withdraw amendment [S-5144](#), filed by Senator Bowman, et al., from the floor to pages 23 and 30 of the bill.

Senator Schoenjahn 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. 2323](#)), the vote was:

Yeas, 27:

Allen	Danielson	Horn	Ragan
Bertrand	Dearden	Jochum	Schoenjahn
Bisignano	Dotzler	Kinney	Seng
Bolkcom	Dvorsky	Mathis	Sodders

Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hogg	Quirnbach	

Nays, 23:

Anderson	Dix	Kraayenbrink	Sinclair
Behn	Feenstra	Rozenboom	Smith
Breitbach	Garrett	Schneider	Whitver
Chapman	Guth	Schultz	Zaun
Chelgren	Johnson	Segebart	Zumbach
Costello	Kapucian	Shipley	

Absent, none.

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 2445](#).

[House File 2445](#)

On motion of Senator Allen, [House File 2445](#), a bill for an act excluding certain promotional play receipts from the definition of adjusted gross receipts for purposes of the wagering tax on gambling games and relating to other matters involving gambling games regulation, with report of committee recommending passage, was taken up for consideration.

Senator Petersen withdrew amendment [S-5141](#), filed by her from the floor to page 1 of the bill.

Senator Allen 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. 2445](#)), the vote was:

Yeas, 38:

Allen	Dearden	Kinney	Shipley
Anderson	Dix	Kraayenbrink	Sinclair
Bertrand	Dotzler	Mathis	Smith

Bisignano	Dvorsky	McCoy	Sodders
Bowman	Gronstal	Ragan	Taylor
Brase	Hart	Schneider	Whitver
Breitbach	Horn	Schoenjahn	Wilhelm
Chelgren	Jochum	Schultz	Zumbach
Courtney	Johnson	Segebart	
Danielson	Kapucian	Seng	

Nays, 12:

Behn	Costello	Guth	Quirmbach
Bolkcom	Feenstra	Hogg	Rozenboom
Chapman	Garrett	Petersen	Zaun

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 [Senate File 2323](#) and [House File 2445](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:11 p.m. until 9:00 a.m., Wednesday, April 20, 2016.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Margaret Tinsman, Bettendorf—For celebrating her 80th birthday. Senator Smith.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: Tuesday, April 19, 2016, 2:10 p.m.

Members Present: Bolkcom, Chair; Allen, Vice Chair; Feenstra, Ranking Member; Anderson, Behn, Breitbach, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirmbach, Schultz, Seng, and Smith.

Members Absent: None.

Committee Business: Passed [HF 2443](#), as amended; and approved [SSB 3168](#).

Adjourned: 3:05 p.m.

INTRODUCTION OF RESOLUTION

[Senate Resolution 118](#), by committee on Rules and Administration, a resolution supporting the federal Renewable Fuel Standard.

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

INTRODUCTION OF BILLS

[Senate File 2324](#), by committee on Appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the state bond repayment fund, the technology reinvestment fund, and the prison bonding fund, providing for related matters, and including effective date and retroactive applicability provisions.

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

[Senate File 2325](#), by committee on Ways and Means, a bill for an act amending the sales and use tax exemption for the sale of goods and services furnished in fulfillment of a written construction contract with a nonprofit hospital, and including effective date and retroactive applicability provisions.

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

SUBCOMMITTEE ASSIGNMENT

[House File 2455](#)

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Schneider

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 2324 \(SSB 3188\)](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the state bond repayment fund, the technology reinvestment fund, and the prison bonding fund, providing for related matters, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dvorsky, Danielson, Bisignano, Bolkcom, Brase, Courtney, Dotzler, Hogg, Mathis, McCoy, Ragan, Schoenjahn, and Wilhelm. Nays, 8: Chapman, Garrett, Kapucian, Kraayenbrink, Rozenboom, Schneider, Segebart, and Zumbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on [Senate File 2324](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 2455](#), a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dvorsky, Danielson, Bisignano, Bolkcom, Brase, Courtney, Dotzler, Hogg, Mathis, McCoy, Ragan, Schoenjahn, and Wilhelm. Nays, 8: Chapman, Garrett, Kapucian, Kraayenbrink, Rozenboom, Schneider, Segebart, and Zumbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: *[SENATE RESOLUTION 118](#) (formerly [SR 110](#)), a resolution supporting the federal Renewable Fuel Standard.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gronstal, Jochum, Dix, Chapman, Courtney, Dearden, Dvorsky, Guth, Ragan, Sodders, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Rules and Administration Committee on [Senate Resolution 118](#), and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *[SENATE FILE 2325 \(SSB 3168\)](#), a bill for an act amending the sales and use tax exemption for the sale of goods and services furnished in fulfillment of a written construction contract with a nonprofit hospital, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Allen, Feenstra, Anderson, Behn, Breitbach, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schultz, Seng, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 2325](#), and they were attached to the committee report.

ALSO:

Bill Title: [HOUSE FILE 2443](#), a bill for an act relating to the programs and duties of the economic development authority by making changes relative to the use of life cycle cost analyses, by making technical changes related to the high quality jobs program, by making changes relative to authority assistance for certain federal small business programs, by allowing counties, cities, and the authority to amend certain economic development enterprise zones agreements, and by making changes to the historic preservation and cultural and entertainment district tax credit, including transferring administrative oversight of the tax credit from the department of cultural affairs to the economic development authority, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5146](#).

Final Vote: Ayes, 15: Bolkcom, Allen, Feenstra, Anderson, Behn, Breitbach, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schultz, Seng, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MADAM PRESIDENT, I move to reconsider the vote by which [Senate File 2310](#) failed to pass the Senate on Tuesday, April 19, 2016.

WILLIAM A. DOTZLER, JR.

AMENDMENTS FILED

S-5137	S.F. 2323	Amy Sinclair
S-5138	S.F. 2323	Brian Schoenjahn
S-5139	S.F. 2323	Ken Rozenboom
S-5140	S.F. 2323	Amy Sinclair
S-5141	H.F. 2445	Janet Petersen
S-5142	S.F. 2321	Julian B. Garrett
S-5143	S.F. 2320	Mark Segebart
S-5144	S.F. 2323	Tod R. Bowman
		Robert M. Hogg
		Robert E. Dvorsky
		Tony Bisignano
		Kevin Kinney
		Joe Bolkcom
		Amy Sinclair
		Jake Chapman
		Jerry Behn
		Jason Schultz
		Ken Rozenboom
		Dennis Guth
S-5145	S.F. 2323	Brian Schoenjahn
S-5146	H.F. 2443	Ways and Means