

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 17, 2013

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JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 17, 2013

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

Prayer was offered by Pastor Brian Nolder of Christ the Redeemer Church in Pella, Iowa. He was the guest of Senator Sinclair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Celia Ver Ploeg.

The Journal of Tuesday, April 16, 2013, was approved.

SPECIAL GUESTS

Senator Beall introduced to the Senate chamber members of the 133rd Iowa Air National Guard Test Squadron, Lieutenant Colonel Jeff Clemons, unit commander; Master Sergeant Jeff Holloway; Captain Luke Ascherl; and Technical Sergeant Lynn Coter; accompanied by Lieutenant Colonel Kerry Gill from the Joint Forces Headquarters at Camp Dodge.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:51 a.m. until 4:00 p.m.

APPENDIX—1**CERTIFICATES OF RECOGNITION**

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

133rd Air National Guard Test Squadron, Fort Dodge – For playing a critical role in our nation’s defense and for earning the prestigious 2012 Air Force Outstanding Unit Award. Senator Beall.

Floyd Foote, Cresco – For celebrating his 100th birthday. Senator Wilhelm.

Travis Konig, Nora Springs – For achieving the rank of Eagle Scout, Troop 22. Senator Wilhelm.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: Wednesday, April 17, 2013, 3:00 p.m.

Members Present: Dvorsky, Chair; Danielson, Vice Chair; Whitver, Ranking Member; Black, Boettger, Bolkcom, Dotzler, Ernst, Guth, Hatch, Mathis, Petersen, Ragan, Rozenboom, Schoenjahn, Segebart, and Smith.

Members Absent: Courtney, Hogg, Kapucian, and McCoy (all excused).

Committee Business: Discussed [HF 613](#).

Adjourned: 3:05 p.m.

ETHICS

Convened: Wednesday, April 17, 2013, 11:00 a.m.

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

Members Absent: None.

Committee Business: Discussion.

Adjourned: 11:10 a.m.

TRANSPORTATION

Convened: Wednesday, April 17, 2013, 1:00 p.m.

Recessed: 1:05 p.m.

Reconvened: 1:25 p.m.

Members Present: Bowman, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, McCoy, Taylor, and Zumbach.

Members Absent: None.

Committee Business: Passed [HF 619](#).

Adjourned: 1:40 p.m.

INTRODUCTION OF BILL

[Senate File 450](#), by committee on Ways and Means, a bill for an act modifying provisions pertaining to delayed deposit services businesses, including provisions relating to fees.

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 448](#)

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Feenstra

[House File 627](#)

WAYS AND MEANS: Black, Chair; Behn and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

TRANSPORTATION

Bill Title: [HOUSE FILE 619](#), a bill for an act relating to the operation of all-terrain vehicles on highways upon registration with the department of transportation, providing a registration fee, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bowman, Beall, Kapucian, Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, McCoy, Taylor, and Zumbach. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 450](#) ([SSB 1250](#)), a bill for an act modifying provisions pertaining to delayed deposit services businesses, including provisions relating to fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Bolkcom, Seng, Black, Dotzler, Hogg, Jochum, Petersen, and Quirmbach. Nays, 6: Feenstra, Behn, Bertrand, Chapman, Schneider, and Smith. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:06 p.m., President Jochum presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator Chelgren.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 614](#).

[House File 614](#)

On motion of Senator Ragan, [House File 614](#), a bill for an act appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and including effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Ragan offered amendment [S-3147](#), filed by the committee on Appropriations on April 15, 2013, to page 13 of the bill, and moved its adoption.

Amendment [S-3147](#) was adopted by a voice vote.

Senator Ragan 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. 614](#)), the vote was:

Yeas, 49:

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	Zumbach
Chapman	Hart	Rozenboom	
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

Nays, none.

Absent, 1:

Zaun

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

HOUSE AMENDMENT CONSIDERED

[Senate File 430](#)

Senator Dotzler called up for consideration [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, amended by the House in House amendment [S-3161](#), filed April 16, 2013.

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

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 447](#) and [House File 603](#).

[Senate File 447](#)

On motion of Senator Courtney, [Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates, was taken up for consideration.

Senator Hart offered amendment [S-3163](#), filed by Senators Hart and Dvorsky from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3163](#) be adopted?” ([S.F. 447](#)), the vote was:

Yeas, 49:

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	Zumbach
Chapman	Hart	Rozenboom	
Chelgren	Hatch	Schneider	
Courtney	Hogg	Schoenjahn	

Nays, none.

Absent, 1:

Zaun

Amendment [S-3163](#) was adopted.

Senate Breitbach offered amendment [S-3162](#), filed by him from the floor to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3162](#) be adopted?” ([S.F. 447](#)), the vote was:

Yeas, 23:

Anderson	Chelgren	Houser	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Sorenson
Boettger	Feenstra	Rozenboom	Whitver
Breitbach	Greiner	Schneider	Zumbach
Chapman	Guth	Segebart	

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, 1:

Zaun

Amendment [S-3162](#) lost.

Senator Courtney offered amendment [S-3164](#), filed by him from the floor to pages 17, 20, 21, and 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3164](#) be adopted?” ([S.F. 447](#)), the vote was:

Yeas, 49:

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	Zumbach

Chapman	Hart	Rozenboom
Chelgren	Hatch	Schneider
Courtney	Hogg	Schoenjahn

Nays, none.

Absent, 1:

Zaun

Amendment [S-3164](#) 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, 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, 23:

Anderson	Chelgren	Houser	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Sorenson
Boettger	Feenstra	Rozenboom	Whitver
Breitbach	Greiner	Schneider	Zumbach
Chapman	Guth	Segebart	

Absent, 1:

Zaun

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 430** and **447** and [House File 614](#) be **immediately messaged** to the House.

[House File 603](#)

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

Senator Mathis offered amendment [S-3148](#), filed by the committee on Appropriations on April 15, 2013, striking and replacing everything after the enacting clause of the bill.

Senator Danielson offered amendment [S-3159](#), filed by him on April 16, 2013, to pages 10 and 17 of amendment [S-3148](#), and moved its adoption.

Amendment [S-3159](#) to amendment [S-3148](#) was adopted by a voice vote.

Senator Johnson offered amendment [S-3165](#), filed by him from the floor to page 11 of amendment [S-3148](#), and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3165](#) to amendment [S-3148](#) be adopted?" ([H.F. 603](#)), the vote was:

Yeas, 24:

Anderson	Chelgren	Houser	Segebart
Behn	Dix	Johnson	Sinclair
Bertrand	Ernst	Kapucian	Smith
Boettger	Feenstra	McCoy	Sorenson
Breitbach	Greiner	Rozenboom	Whitver
Chapman	Guth	Schneider	Zumbach

Nays, 25:

Beall	Dearden	Horn	Seng
Black	Dotzler	Jochum	Sodders
Bolkcom	Dvorsky	Mathis	Taylor
Bowman	Gronstal	Petersen	Wilhelm

Brase	Hart	Quirnbach
Courtney	Hatch	Ragan
Danielson	Hogg	Schoenjahn

Absent, 1:

Zaun

Amendment [S-3165](#) to amendment [S-3148](#) lost.

Senator Mathis offered amendment [S-3158](#), filed by her on April 16, 2013, to page 17 of amendment [S-3148](#), and moved its adoption.

Amendment [S-3158](#) to amendment [S-3148](#) was adopted by a voice vote.

Senator Mathis moved the adoption of amendment [S-3148](#), as amended.

Amendment [S-3148](#), as amended, was adopted by a voice vote.

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, 23:

Anderson	Chelgren	Houser	Sinclair
Behn	Dix	Johnson	Smith
Bertrand	Ernst	Kapucian	Sorenson
Boettger	Feenstra	Rozenboom	Whitver
Breitbach	Greiner	Schneider	Zumbach
Chapman	Guth	Segebart	

Absent, 1:

Zaun

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

The Senate stood at ease at 5:28 p.m. until the fall of the gavel.

The Senate resumed session at 5:50 p.m., President Jochum presiding.

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 17, 2013, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 115](#), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

ALSO: That the House has on April 17, 2013, **concurred** in the Senate amendment and **passed** the following bill in which the concurrence of the House was asked:

[House File 211](#), a bill for an act requiring in-state construction contracts and disputes thereof to be governed by Iowa law and including effective date provisions.

ALSO: That the House has on April 17, 2013, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

[House File 357](#), a bill for an act relating to the nomination and appointment of district judges.

ALSO: That the House has on April 17, 2013, **insisted** on its amendment to [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, and the conference committee members on the part of the House are: the representative from Story, Representative Deyoe, Chair; the representative from Pottawattamie, Representative Hanusa; the representative from Cedar, Representative Kaufmann; the representative from Black Hawk, Representative Kressig; and the representative from Linn, Representative Running-Marquardt.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 430](#) on the part of the Senate: Senators Dotzler, Chair; Boettger, Hart, Schneider, and Seng.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 430](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:52 p.m. until 9:00 a.m., Thursday, April 18, 2013.

APPENDIX—2

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 613](#), a bill for an act relating to the war orphans educational assistance fund by transferring the moneys in the fund to the veterans trust fund and transferring duties for providing educational assistance to orphaned children of veterans to the commission on veterans affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Dvorsky, Danielson, Whitver, Black, Boettger, Bolkcom, Dotzler, Ernst, Guth, Hatch, Mathis, Petersen, Ragan, Rozenboom, Schoenjahn, Segebart, and Smith. Nays, none. Absent, 4: Courtney, Hogg, Kapucian, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3162	S.F. 447	Michael Breitbach
S-3163	S.F. 447	Rita Hart
		Robert E. Dvorsky
S-3164	S.F. 447	Thomas G. Courtney
S-3165	H.F. 603	David Johnson