

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 29, 2013

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JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 29, 2013

The Senate met in regular session at 1:11 p.m., President Jochum presiding.

Prayer was offered by Pastor Dick Dayton of the Urbandale Baptist Church in Urbandale, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ashley Green.

The Journal of Thursday, April 25, 2013, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 1:22 p.m. until 2:30 p.m.

RECONVENED

The Senate reconvened at 3:14 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 April 29, 2013, **insisted** on its amendment to [Senate File 295](#), a bill for an act establishing a property tax credit for commercial, industrial, and railway property, providing penalties, making appropriations, and including implementation and applicability provisions, and the conference committee members on the part of the House are: the representative from Louisa, Representative Sands, Chair; the representative from Polk, Representative Hagenow; the representative from Polk, Representative Oldson; the representative from Clinton, Representative Olson, S.; and the representative from Clayton, Representative Thomas.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 295](#) on the part of the Senate: Senators McCoy, Chair; Bolkom, Dotzler, Dix, and Feenstra.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 295](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 452](#).

[Senate File 452](#)

On motion of Senator Dvorsky, [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, was taken up for consideration.

Senator Dvorsky offered amendment [S-3188](#), filed by him from the floor to pages 1-5, 17, and 25 of the bill.

Senator Whitver raised the point of order that amendment [S-3188](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-3188](#) in order.

The Senate stood at ease at 3:24 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:56 p.m., President Jochum presiding.

Senator Dvorsky asked and received unanimous consent that action on amendment [S-3188](#) and [Senate File 452](#) be **deferred**.

RECESS

On motion of Senator Dvorsky, the Senate recessed at 4:57 p.m. until the completion of a meeting of the committee on Appropriations.

EVENING SESSION

The Senate reconvened at 6:10 p.m., President Jochum presiding.

The Senate stood at ease at 6:11 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 6:46 p.m., President Jochum presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Behn, Houser, and Sinclair, until they arrive, on request of Senator Dix.

The Senate resumed consideration of [Senate File 452](#) and amendment [S-3188](#), previously deferred.

Senator Dvorsky offered amendment [S-3202](#), filed by him from the floor to pages 5 and 6 of amendment [S-3188](#), and moved its adoption.

Amendment [S-3202](#) to amendment [S-3188](#) was adopted by a voice vote.

Senator Dvorsky moved the adoption of amendment [S-3188](#), as amended.

Amendment [S-3188](#), as amended, was adopted by a voice vote.

Senator Whitver offered amendment [S-3193](#), filed by Senator Whitver, et al., from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3193](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 21:

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

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, 3:

Behn	Houser	Sinclair
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Amendment [S-3193](#) lost.

Senator Seng withdrew amendment [S-3190](#), filed by him from the floor to page 4 of the bill.

Senator Mathis offered amendment [S-3189](#), filed by her from the floor to page 5 of the bill, and moved its adoption.

Amendment [S-3189](#) was adopted by a voice vote.

Senator Feenstra offered amendment [S-3196](#), filed by Senators Feenstra and Anderson from the floor to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3196](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 21:

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

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, 3:

Behn	Houser	Sinclair
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Amendment [S-3196](#) lost.

([Senate File 452](#) was deferred.)

The Senate stood at ease at 7:02 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 7:13 p.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 452](#), previously deferred.

Senator Rozenboom offered amendment [S-3199](#), filed by Senator Rozenboom, et al., from the floor to page 5 of the bill.

Senator Hogg raised the point of order that amendment [S-3199](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-3199](#) in order.

Senator Rozenboom moved the adoption of amendment [S-3199](#).

A record roll call was requested.

On the question “Shall amendment [S-3199](#) be adopted?” ([S.F. 452](#)), the vote was:

Yeas, 21:

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

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, 3:

Behn	Houser	Sinclair
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Amendment [S-3199](#) lost.

Senator Dvorsky withdrew amendment [S-3201](#), filed by him from the floor to pages 16 and 17 of the bill.

Senator Dvorsky offered amendment [S-3204](#), filed by Senator Dvorsky, et al., from the floor to pages 16 and 17 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment [S-3204](#) be deferred.

Senator Bertrand withdrew amendment [S-3191](#), filed by him from the floor to page 16 of the bill.

Senator Bertrand asked and received unanimous consent to withdraw amendment [S-3194](#), filed by Senator Bertrand, et al., from the floor to page 16 of the bill.

Senator Bertrand asked and received unanimous consent to withdraw amendment [S-3197](#), filed by Senator Bertrand, et al., from the floor to page 16 of the bill.

Senator Dvorsky moved the adoption of amendment [S-3204](#), previously deferred.

A record roll call was requested.

On the question "Shall amendment [S-3204](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 41:

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

Nays, 6:

Boettger	Dix	Greiner
Chapman	Feenstra	Whitver

Absent, 3:

Behn	Houser	Sinclair
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Amendment [S-3204](#) was adopted.

Senator Smith offered amendment [S-3192](#), filed by him from the floor to page 25 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3192](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 21:

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

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, 3:

Behn	Houser	Sinclair
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Amendment [S-3192](#) lost.

Senator Kapucian offered amendment [S-3195](#), filed by Senator Kapucian, et al., from the floor to page 25 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3195](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 22:

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

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, 3:

Behn	Houser	Sinclair
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Amendment [S-3195](#) lost.

Senator Anderson offered amendment [S-3198](#), filed by Senator Anderson, et al., from the floor to page 25 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3198](#) be adopted?” ([S.F. 452](#)), the vote was:

Yeas, 13:

Anderson	Chelgren	Johnson	Zaun
Bertrand	Feenstra	Rozenboom	
Boettger	Greiner	Segebart	
Chapman	Guth	Sorenson	

Nays, 34:

Beall	Dix	Jochum	Seng
Black	Dotzler	Kapucian	Smith
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Ernst	McCoy	Taylor
Brase	Gronstal	Petersen	Whitver
Breitbach	Hart	Quirnbach	Wilhelm
Courtney	Hatch	Ragan	Zumbach
Danielson	Hogg	Schneider	
Dearden	Horn	Schoenjahn	

Absent, 3:

Behn	Houser	Sinclair
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Amendment [S-3198](#) lost.

Senator Zaun offered amendment [S-3200](#), filed by Senator Zaun, et al., from the floor to page 25 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3200](#) be adopted?" ([S.F. 452](#)), the vote was:

Yeas, 20:

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

Nays, 27:

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

Absent, 3:

Behn	Houser	Sinclair
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Amendment [S-3200](#) lost.

Senator Dvorsky 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. 452](#)), 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	Quirmbach	
Danielson	Hogg	Ragan	

Nays, 21:

Anderson	Dix	Kapucian	Whitver
Bertrand	Ernst	Rozenboom	Zaun
Boettger	Feenstra	Schneider	Zumbach

Breitbach	Greiner	Segebart
Chapman	Guth	Smith
Chelgren	Johnson	Sorenson

Absent, 3:

Behn	Houser	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 File 452](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:36 p.m. until 9:00 a.m., Tuesday, April 30, 2013.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: Monday, April 29, 2013, 5:45 p.m.

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

Members Absent: None.

Committee Business: Passed [HF 638](#).

Adjourned: 6:05 p.m.

SUBCOMMITTEE ASSIGNMENTS

[Senate Joint Resolution 10](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Dearden and Ernst

[House File 633](#)

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirmbach

[House File 638](#)

APPROPRIATIONS: McCoy, Chair; Dvorsky and Whitver

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: [HOUSE FILE 638](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, providing for related matters, and including effective date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3203](#).

Final Vote: Ayes, 13: Dvorsky, Danielson, Black, Bolkcom, Courtney, Dotzler, Hatch, Hogg, Mathis, McCoy, Petersen, Ragan, and Schoenjahn. Nays, 8: Whitver, Boettger, Ernst, Guth, Kapucian, Rozenboom, Segebart, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

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 29th day of April, 2013.

Senate Files 115, 202, 224, 358, 368, and 445.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 26, 2013, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 146](#) – Extending a provision relating to the use of certain increases in watercraft registration fees by the natural resource commission.

[Senate File 186](#) – Relating to funds transfers under the uniform commercial code, and including effective date provisions.

[Senate File 317](#) – Prohibiting the disbursement of a certain plant, including its seeds, commonly classified as garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop within this state, and making penalties applicable.

[Senate File 389](#) – Relating to hunter safety and ethics education course requirements.

[Senate File 419](#) – Providing for vision screening for school children.

[Senate File 427](#) – Relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals, including transition provisions, including effective date provisions, and making penalties applicable.

SENATE BILL VETOED BY GOVERNOR

[Senate File 204](#)

April 26, 2013

The Honorable Pam Jochum
President of the Senate
State Capitol Building
Des Moines, Iowa 50319

Dear President Jochum:

[Senate File 204](#), an Act concerning persons voluntarily excluded from gambling facilities is hereby disapproved and transmitted to you in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

[Senate File 204](#) is hereby disapproved on this date.

I am unable to approve [Senate File 204](#) for the following reasons:

[Senate File 204](#) makes it possible for people with gambling addictions who voluntarily banned themselves from gambling to engage in gambling again after five years. The voluntary lifetime ban was instituted in 2004 so that an individual can choose to be banned from all casinos in Iowa for life. In addition, if someone who has voluntarily banned themselves from gaming has gaming winnings, these monies are forfeited to the Iowa Gambling Treatment Program. Treatment experts have found that addictions tend to be life-long, which is why the voluntary lifetime ban serves a valuable public purpose. This voluntary ban option is an important part of Iowa's laws relating to responsible gaming.

For the above reasons, I respectfully disapprove of [Senate File 204](#), in its entirety, in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

Sincerely,

TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

<u>S-3188</u>	<u>S.F. 452</u>	Robert E. Dvorsky
<u>S-3189</u>	<u>S.F. 452</u>	Liz Mathis
<u>S-3190</u>	<u>S.F. 452</u>	Dr. Joe M. Seng
<u>S-3191</u>	<u>S.F. 452</u>	Rick Bertrand
<u>S-3192</u>	<u>S.F. 452</u>	Roby Smith
<u>S-3193</u>	<u>S.F. 452</u>	Jack Whitver
		Dan Zumbach
		Mark Chelgren
		Rick Bertrand
		Bill Anderson
		Joni K. Ernst
		Roby Smith
		Mark Segebart
		Sandra Greiner
		Charles Schneider
		Michael Breitbach
		Hubert Houser
<u>S-3194</u>	<u>S.F. 452</u>	Rick Bertrand
		Mark Segebart
		Bill Anderson
		Brad Zaun
<u>S-3195</u>	<u>S.F. 452</u>	Tim L. Kapucian
		David Johnson
		Mark Segebart
		Dennis Guth
		Nancy J. Boettger
		Charles Schneider
		Jake Chapman
		Sandra Greiner
		Dan Zumbach
		Michael Breitbach
		Mark Chelgren
		Roby Smith
<u>S-3196</u>	<u>S.F. 452</u>	Randy Feenstra
		Bill Anderson
<u>S-3197</u>	<u>S.F. 452</u>	Rick Bertrand
		Bill Anderson
		Kent Sorenson
		Joni K. Ernst

<u>S-3198</u>	<u>S.F. 452</u>	Charles Schneider Brad Zaun Mark Chelgren Hubert Houser Bill Anderson Rick Bertrand Mark Chelgren Nancy J. Boettger Kent Sorenson Sandra Greiner Dennis Guth Ken Rozenboom Brad Zaun Hubert Houser
<u>S-3199</u>	<u>S.F. 452</u>	Ken Rozenboom Dan Zumbach Michael Breitbach Sandra Greiner David Johnson Jake Chapman Dennis Guth Jack Whitver Nancy J. Boettger Hubert Houser Rick Bertrand Bill Anderson Kent Sorenson Tim L. Kapucian Mark Segebart Mark Chelgren Joni K. Ernst Roby Smith Charles Schneider
<u>S-3200</u>	<u>S.F. 452</u>	Brad Zaun Jake Chapman David Johnson Sandra Greiner Mark Chelgren Joni K. Ernst Ken Rozenboom Randy Feenstra

S-3201
S-3202
S-3203
S-3204

S.F. 452
S.F. 452
H.F. 638
S.F. 452

Dennis Guth
Jack Whitver
Nancy J. Boettger
Kent Sorenson
Bill Anderson
Mark Segebart
Robert E. Dvorsky
Robert E. Dvorsky
Appropriations
Robert E. Dvorsky
Rick Bertrand
Jeff Danielson
Kent Sorenson