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**STATE OF IOWA**

**Senate Journal**

**MONDAY, MAY 7, 2012**

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# JOURNAL OF THE SENATE

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ONE HUNDRED TWENTIETH CALENDAR DAY  
SIXTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, May 7, 2012

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Gene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Thomas G. Courtney, member of the Senate from Des Moines County, Burlington, Iowa.

The Journal of Thursday, May 3, 2012, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 4, 2012, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

[House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:33 a.m., President Kibbie presiding.

#### SENATE INSISTS

#### [House File 2465](#)

Senator Dvorsky called up for consideration [House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 2465](#) on the part of the Senate: Senators Dvorsky, Chair; Kibbie, Gronstal, Dix, and Kettering.

#### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### [House File 609](#)

Senator Hogg called up for consideration [House File 609](#), a bill for an act relating to the probate and trust codes and state inheritance tax and including applicability provisions, amended by the Senate and further amended by the House in House amendment [S-5182](#) to Senate amendment [H-8388](#), filed April 9, 2012.

Senator Hogg moved that the Senate concur and vote “No” in the House amendment to the Senate amendment.

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

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 609** and **2465** be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 11:42 a.m. until 2:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, appointed the conference committee to [House File 2465](#), a bill for an act relating to state and local finances by making and adjusting appropriations, providing for legal responsibilities, and providing for properly related matters, and including effective date and retroactive and other applicability provisions, and the conference committee members on the part of the House are: the representative from Linn, Representative Wagner, Chair; the representative from Muscatine, Representative Lofgren; the representative from Linn, Representative Tyler Olson; the representative from Polk, Representative Raecker; the representative from Linn, Representative Running-Marquardt.

The Senate stood at ease at 2:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:21 p.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bacon, Chelgren, and Johnson, until they arrive, on request of Senator Behn.

## CONFERENCE COMMITTEE REPORT RECEIVED

[Senate File 2313](#)

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on [Senate File 2313](#), a bill for an act relating to 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:

PAM JOCHUM, Chair  
 MERLIN BARTZ  
 TOD R. BOWMAN  
 JEFF DANIELSON  
 JONI ERNST

On the part of the House:

RALPH WATTS, Chair  
 WALT ROGERS  
 JEFF SMITH

## CONFERENCE COMMITTEE REPORT CONSIDERED

[Senate File 2313](#)

Senator Jochum called up the conference committee report on [Senate File 2313](#), a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, filed on May 7, 2012, 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 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?" ([S.F. 2313](#)), the vote was:

Yeas, 27:

Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng

Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	

Nays, 20:

Anderson	Ernst	Houser	Smith
Behn	Feenstra	Kapucian	Sorenson
Bertrand	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun

Absent, 3:

Bacon	Chelgren	Johnson
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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 2316](#)

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on [Senate File 2316](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions:

On the part of the Senate:

MATT MCCOY, Chair  
DARYL BEALL  
ROBERT E. DVORSKY

On the part of the House:

DAN HUSEMAN, Chair  
ROYD CHAMBERS  
DENNIS COHOON  
LEE HEIN  
BRIAN QUIRK

#### CONFERENCE COMMITTEE REPORT CONSIDERED

##### [Senate File 2316](#)

Senator McCoy called up the conference committee report on [Senate File 2316](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild

Iowa infrastructure fund, the technology reinvestment fund, the FY 2009 prison bonding fund, and the endowment for Iowa's health restricted capitals fund, providing for related matters, and including effective date and retroactive applicability provisions, filed on May 7, 2012, 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 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. 2316](#)), the vote was:

Yeas, 29:

Anderson	Danielson	Hogg	Rielly
Bartz	Dearden	Horn	Schoenjahn
Beall	Dotzler	Jochum	Seng
Bertrand	Dvorsky	Kibbie	Sodders
Black	Fraise	Mathis	Wilhelm
Bolkcom	Gronstal	McCoy	
Bowman	Hancock	Quirnbach	
Courtney	Hatch	Ragan	

Nays, 18:

Behn	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun
Ernst	Houser	Smith	
Feenstra	Kapucian	Sorenson	

Absent, 3:

Bacon	Chelgren	Johnson
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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.

#### CONFERENCE COMMITTEE REPORT RECEIVED

#### [Senate File 2321](#)

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on [Senate File 2321](#), 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, and providing effective date provisions:

On the part of the Senate:

BRIAN SCHOENJAHN, Chair  
WALLY E. HORN  
HERMAN C. QUIRMBACH

On the part of the House:

CECIL DOLECHECK, Chair  
PETER COWNIE  
RON JORGENSEN  
NATE WILLEMS  
CINDY WINCKLER

### CONFERENCE COMMITTEE REPORT CONSIDERED

#### [Senate File 2321](#)

Senator Schoenjahn called up the conference committee report on [Senate File 2321](#), 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, and providing effective date provisions, filed on May 7, 2012, 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 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. 2321](#)), the vote was:

Yeas, 28:

Bartz	Dearden	Hatch	Quirmbach
Beall	Dotzler	Hogg	Ragan
Black	Dvorsky	Horn	Rielly
Bolkcom	Fraise	Jochum	Schoenjahn
Bowman	Gronstal	Kibbie	Seng
Courtney	Hamerlinck	Mathis	Sodders
Danielson	Hancock	McCoy	Wilhelm

Nays, 19:

Anderson	Ernst	Kapucian	Sorenson
Behn	Feenstra	Kettering	Ward
Bertrand	Greiner	McKinley	Whitver
Boettger	Hahn	Seymour	Zaun
Dix	Houser	Smith	

Absent, 3:

Bacon	Chelgren	Johnson
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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 Files 2313, 2316, and 2321** be **immediately messaged** to the House.

#### SENATE INSISTS

#### [Senate File 466](#)

Senator McCoy called up for consideration [Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 466](#) on the part of the Senate: Senators McCoy, Chair; Courtney, Jochum, Anderson, and Bertrand.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 466](#) be **immediately messaged** to the House.

The Senate stood at ease at 3:41 p.m. until the fall of the gavel.

The Senate resumed session at 4:30 p.m., President Kibbie presiding.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 4:31 p.m. until the completion of a meeting of the committee on Judiciary.

#### RECONVENED

The Senate reconvened at 5:03 p.m., President Kibbie presiding.

The Senate stood at ease at 5:04 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 5:48 p.m., President Kibbie presiding.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, **adopted** the conference committee report **and passed** [House File 2337](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, 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, including effective date and retroactive and other applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed** [House File 2338](#), a bill for an act relating to appropriations to the judicial branch.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## CONFERENCE COMMITTEE REPORT RECEIVED

[House File 2338](#)

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on [House File 2338](#), a bill for an act relating to appropriations to the judicial branch:

On the part of the Senate:

ROBERT M. HOGG, Chair  
EUGENE S. FRAISE  
TOM HANCOCK  
STEVE KETTERING

On the part of the House:

GARY WORTHAN, Chair  
RICHARD ARNOLD  
LANCE HORBACH  
TODD TAYLOR  
MARY WOLFE

## CONFERENCE COMMITTEE REPORT CONSIDERED

[House File 2338](#)

Senator Hogg called up the conference committee report on [House File 2338](#), a bill for an act relating to appropriations to the judicial branch, filed on May 7, 2012, 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 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. 2338](#)), the vote was:

Yeas, 26:

Beall	Dotzler	Horn	Rielly
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Fraise	Kibbie	Seng
Bowman	Gronstal	Mathis	Sodders
Courtney	Hancock	McCoy	Wilhelm
Danielson	Hatch	Quirnbach	
Dearden	Hogg	Ragan	

Nays, 20:

Anderson	Ernst	Houser	Smith
Bartz	Feenstra	Kapucian	Sorenson
Bertrand	Greiner	Kettering	Ward
Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun

Absent, 4:

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

#### CONFERENCE COMMITTEE REPORT RECEIVED

##### [House File 2337](#)

A conference committee report, signed by the following Senate and House members, was filed May 7, 2012, on [House File 2337](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, 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, including effective date and retroactive and other applicability provisions:

On the part of the Senate:

WILLIAM DOTZLER, Chair  
LIZ MATHIS  
JOE M. SENG

On the part of the House:

JASON SCHULTZ, Chair  
CHIP BALTIMORE  
CHRIS HALL  
DAVE JACOBY  
JEREMY TAYLOR

#### CONFERENCE COMMITTEE REPORT CONSIDERED

##### [House File 2337](#)

Senator Dotzler called up the conference committee report on [House File 2337](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, 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, including effective date and retroactive and other applicability provisions, filed on May 7, 2012, 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?" ([H.F. 2337](#)), the vote was:

Yeas, 32:

Anderson	Danielson	Hatch	Quirnbach
Bartz	Dearden	Hogg	Ragan
Beall	Dotzler	Horn	Rielly
Bertrand	Dvorsky	Houser	Schoenjahn
Black	Ernst	Jochum	Seng
Bolkcom	Fraise	Kibbie	Sodders
Bowman	Gronstal	Mathis	Ward
Courtney	Hancock	McCoy	Wilhelm

Nays, 14:

Boettger	Hahn	McKinley	Whitver
Dix	Hamerlinck	Seymour	Zaun
Feenstra	Kapucian	Smith	
Greiner	Kettering	Sorenson	

Absent, 4:

Bacon	Behn	Chelgren	Johnson
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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.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2337** and **2338** be **immediately messaged** to the House.

## FINAL COMMITTEE REPORT OF BILL ACTION

## JUDICIARY

**Bill Title:** [SENATE FILE 2343](#), a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Sodders, Sorenson, Ward, and Whitver. Nays, none. Present, 1: Quirnbach. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Quirnbach, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2343](#).

[Senate File 2343](#)

On motion of Senator Fraise, [Senate File 2343](#), a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

([Senate File 2343](#) was deferred.)

The Senate stood at ease at 6:02 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:27 p.m., President Kibbie presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on May 7, 2012, appointed the conference committee to [Senate File 466](#), a bill for an act relating to residential contractors and providing a penalty, and the conference committee members on the part of the House are: the representative from Wright, Representative Iverson, Chair; the representative from Tama, Representative Horbach; the representative from Cedar, Representative Kaufmann; the representative from Crawford, Representative Muhlbauer; the representative from Polk, Representative Jo Oldson.

ALSO: That the House has on May 7, 2012, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2342](#), a bill for an act relating to state taxation by providing specified tax credits for the construction and installation of solar energy systems and geothermal heat pumps, modifying sales and use tax provisions related to property purchased for resale, and creating a sales tax exemption for certain items purchased for use in providing vehicle wash and wax services and including effective date and retroactive and other applicability provisions.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed** [Senate File 2313](#), a bill for an act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

ALSO: That the House has on May 7, 2012, **adopted** the conference committee report **and passed** [Senate File 2321](#), 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, and providing effective date provisions.

ALSO: That the House has on May 7, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2460](#), a bill for an act relating to Iowa's urban renewal law and incremental taxes by modifying provisions relating to the duration of urban renewal areas, the approval, duration, and use of divisions of revenue, requiring certain reporting and auditing, and including effective date provisions.

## BUSINESS PENDING

[Senate File 2343](#)

The Senate resumed consideration of [Senate File 2343](#), a bill for an act making changes to the controlled substance schedules, applying penalties, and including effective date provisions, previously deferred.

Senator Fraise 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, 45:

Anderson	Dotzler	Horn	Seng
Bartz	Dvorsky	Houser	Seymour
Beall	Ernst	Jochum	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Courtney	Hamerlinck	McKinley	Zaun
Danielson	Hancock	Ragan	
Dearden	Hatch	Rielly	
Dix	Hogg	Schoenjahn	

Nays, none.

Absent, 5:

Bacon	Chelgren	Quirnbach
Behn	Johnson	

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 2343](#) be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:35 p.m. until 8:30 a.m., Tuesday, May 8, 2012.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Zach Bartling—For achieving the rank of Eagle Scout, Troop 167. Senator Hahn (5/7/12).

Matthew Albert Krueger, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Estelle Leinen, Dow City—For celebrating her 90<sup>th</sup> birthday, and in thanks for her years of service as a U.S. Navy W.A.V.E.S. veteran from World War II. Senator Seymour (5/7/12).

Maxwell Trent Longtin, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Penn Elementary School, North Liberty—For celebrating their 50<sup>th</sup> anniversary. Senator Dvorsky (5/7/12).

Bailey Hamilton Pieper, Muscatine—For achieving the rank of Eagle Scout, Troop 783. Senator Hahn (5/7/12).

Phyllis and Dick Schneden, Delmar—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Bowman (5/7/12).

### SUBCOMMITTEE ASSIGNMENT

#### [House File 2392](#)

WAYS AND MEANS: Jochum, Chair; Black and Feenstra

### BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on May 3, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 430](#) – Relating to violations of the open records and public meetings laws and the creation of the Iowa public information board, and effective date provisions.