

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, JANUARY 24, 2013

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 24, 2013

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

Prayer was offered by Pastor Kerry Jech, of the New Hope Christian Church in Marshalltown, Iowa. He was the guest of Senator Sodders.

PLEDGE OF ALLEGIANCE

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

The Journal of Wednesday, January 23, 2013, was approved.

SPECIAL GUEST

Senator Schneider introduced to the Senate chamber John Ward, husband of Pat Ward, former member of the Senate from Polk County, Clive, Iowa.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:08 a.m. until 1:00 p.m., Monday, January 28, 2013.

APPENDIX**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF NATURAL RESOURCES

Watershed Improvement Projects Report, pursuant to Iowa Code section 466A.3(4)(e). Report received on January 24, 2013.

IOWA STUDENT LOAN

Empowering Students to Reach Their Life Goals 2012 Year in Review Report, pursuant to Iowa Code section 7C.13(2). Report received on January 24, 2013.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: Wednesday, January 16, 2013, 2:00 p.m.

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

Members Absent: Black (excused).

Committee Business: Presentation by David Roederer of the Department of Management.

Adjourned: 2:30 p.m.

APPROPRIATIONS

Convened: Wednesday, January 23, 2013, 10:35 a.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: Presentations by the LSA Fiscal Services Division.

Adjourned: 11:25 a.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Wednesday, January 23, 2013, 3:00 p.m.

Members Present: Sodders, Chair; Bowman, Vice Chair; Behn, Chelgren, Danielson, Dotzler, Hart, Hatch, Mathis, Schneider, Taylor, Whitver, and Wilhelm.

Members Absent: Chapman, Ranking Member; and Houser (both excused).

Committee Business: Presentation by the Iowa Finance Authority.

Adjourned: 3:50 p.m.

EDUCATION

Convened: Thursday, January 24, 2013, 2:35 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Ernst, Ranking Member; Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: LSA School Aid Presentation and approved SSB's 1057, 1059, and 1060.

Adjourned: 3:35 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, January 24, 2013, 11:05 a.m.

Members Present: Petersen, Chair; Schoenjahn, Vice Chair; Greiner and McCoy.

Members Absent: Sorenson, Ranking Member (excused).

Committee Business: Presentation by Ruth Cooperrider of the Ombudsman's office.

Adjourned: 12:10 p.m.

HUMAN RESOURCES

Convened: Wednesday, January 23, 2013, 4:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Johnson, Ranking Member; Boettger, Bolkom, Dotzler, Ernst, Hatch, Jochum, Mathis, Quirnbach, Segebart, and Whitver.

Members Absent: None.

Committee Business: Presentation by the Director of the Department on Aging, Donna Harvey.

Adjourned: 4:35 p.m.

LOCAL GOVERNMENT

Convened: Thursday, January 24, 2013, 1:05 p.m.

Members Present: Wilhelm, Chair; Brase, Vice Chair; Sinclair, Ranking Member; Dvorsky, Guth, Hart, Quirmbach, Schoenjahn, Taylor, and Zaun.

Members Absent: Chelgren (excused).

Committee Business: Presentations by the League of Cities and ISAC.

Adjourned: 1:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Wednesday, January 23, 2013, 3:05 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Bolcom, Brase, Breitbach, Hogg, Johnson, Ragan, Rozenboom, Schoenjahn, Seng, and Zumbach.

Members Absent: Greiner, Ranking Member (excused).

Committee Business: Presentation and introductions by the Director of the DNR.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: Wednesday, January 23, 2013, 4:05 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: Presentation from Director Trombino.

Adjourned: 5:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Thursday, January 24, 2013, 10:05 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Rozenboom, Ranking Member; Greiner, and Wilhelm.

Members Absent: None.

Committee Business: Adoption of rules and presentation by the Fiscal Services Division.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Thursday, January 24, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Adoption of rules and presentation by Fiscal Services Division.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, January 24, 2013, 10:05 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Segebart, Ranking Member; Bolkcom, and Johnson.

Members Absent: None.

Committee Business: Adoption of rules and presentation by the Fiscal Services Division.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, January 24, 2013, 10:00 a.m.

Members Present: Courtney, Chair; Hogg, Vice Chair; Chapman, Ranking Member; Chelgren, and Taylor.

Members Absent: None.

Committee Business: Adoption of rules and presentation by the Fiscal Services Division.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

[Senate File 29](#), by Zaun, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 30](#), by Anderson, a bill for an act relating to and extending provisions applicable to the renewable energy tax credit.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 31](#), by Zaun, a bill for an act relating to statements of refund value on beverage containers for wine.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 32](#), by Anderson and Bertrand, a bill for an act relating to a property assessment adjustment for certain persons, applying income and age limitations, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 33](#), by Johnson, a bill for an act relating to driving while engaged in a distracting activity and providing penalties.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 34](#), by Bolkcom, Ragan, Petersen, Soddors, Mathis, Hart, Beall, McCoy, Jochum, Gronstal, Quirnbach, Wilhelm, Dearden, Horn, Taylor, Hatch, Seng, Danielson, Dotzler, and Black, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 35](#), by Bolkcom, Petersen, Mathis, Hart, Ragan, Soddors, Bowman, Beall, McCoy, Jochum, Gronstal, Wilhelm, Dearden, Horn, Taylor, Hatch, Brase, Seng, Danielson, Dotzler, Schoenjahn, Black, and Quirmbach, a bill for an act relating to elderly persons with aggressive or psychiatric behaviors in long-term care facilities.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 36](#), by Bolkcom, Petersen, Soddors, Mathis, Hart, Beall, Jochum, McCoy, Gronstal, Wilhelm, Dearden, Horn, Taylor, Hatch, Brase, Seng, Danielson, Dotzler, Dvorsky, Ragan, Schoenjahn, Black, and Quirmbach, a bill for an act relating to the long-term care resident's advocate program and making appropriations.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 37](#), by Bolkcom, Hogg, Dvorsky, Hatch, McCoy, and Quirmbach, a bill for an act requiring the use of safety helmets by certain young persons operating motorized bicycles, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 38](#), by Bolkcom, Soddors, Beall, McCoy, Jochum, Gronstal, Quirmbach, Dearden, Horn, Taylor, Hatch, Brase, Seng, Danielson, Dotzler, Dvorsky, Ragan, Schoenjahn, and Petersen, a bill for an act providing for standardized provisions and format and a consumer guide for long-term care insurance policies and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 39](#), by Zaun, a bill for an act providing a property assessment adjustment for certain property of persons who have attained the age of sixty-five, providing a penalty, and including retroactive and other applicability provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 40](#), by Zaun, a bill for an act imposing a moratorium on the issuance of licenses for gambling games and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 41](#), by Zaun, a bill for an act relating to public employers providing office space to employee organizations.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 42](#), by Zaun, a bill for an act requesting establishment of an interim study committee on automobile insurance direct repair programs.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 43](#), by Zaun, a bill for an act relating to verification of social security numbers for public programs under the purview of the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 44](#), by Zaun, Johnson, Segebart, Sinclair, Boettger, Kapucian, Zumbach, Chelgren, Whitver, and Feenstra, a bill for an act relating to the use of revenues from automated traffic law enforcement programs and establishing an uninsured, hit-and-run, and underinsured motor vehicle coverage trust fund.

Read first time under Rule 28 and referred to committee on **Transportation**.

[Senate File 45](#), by Zaun, Johnson, Segebart, Houser, Behn, Sinclair, Breitbach, Bertrand, Chelgren, Kapucian, Whitver, and Feenstra, a bill for an act relating to abortions including prohibiting late-term abortions with certain exceptions, providing penalties, and including an effective date provision.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 46](#), by Zaun, a bill for an act relating to the sale or lease of the Iowa communications network.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 47](#), by Zaun, a bill for an act relating to unfunded federal mandates related to federal health care reforms and including effective date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 48](#), by Wilhelm, a bill for an act requiring background checks for school employees.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 49](#), by McCoy, a bill for an act requiring radon testing and mitigation in schools.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 50](#), by Jochum, a bill for an act making an appropriation to the railroad revolving loan and grant fund.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 51](#), by committee on Education, a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

[Senate File 52](#), by committee on Education, a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

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

[Senate File 53](#), by committee on Education a bill for an act relating to school district funding from the taxpayers trust fund by making transfers to the property tax equity and relief fund, establishing a school district property tax replacement fund and making transfers to the fund, making appropriations, and including effective date and applicability provisions.

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

STUDY BILLS RECEIVED

[SSB 1072](#) **State Government**

Establishing a voter owned Iowa clean elections Act and fund, providing sources of funding, providing an income tax exemption for contributions made to the fund, providing penalties, and including effective date provisions.

[SSB 1073](#) **Economic Growth/Rebuild Iowa**

Relating to the transfer of real estate and the filing of a mortgage release certificate, providing for a fee, and making remedies applicable.

[SSB 1074](#) **State Government**

Concerning setoff procedures for collection of debts owed a state agency or political subdivision.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 19](#)

TRANSPORTATION: Danielson, Chair; Beall and Behn

[Senate File 20](#)

TRANSPORTATION: Danielson, Chair; Bowman and Feenstra

[Senate File 21](#)

TRANSPORTATION: Danielson, Chair; Brase and Breitbach

[Senate File 23](#)

LOCAL GOVERNMENT: Wilhelm, Chair; Hart and Sinclair

[Senate File 25](#)

LOCAL GOVERNMENT: Wilhelm, Chair; Taylor and Zaun

[Senate File 27](#)

TRANSPORTATION: Beall, Chair; Behn and Taylor

[Senate File 29](#)

HUMAN RESOURCES: Bolkcom, Chair; Ernst and Hatch

[Senate File 43](#)

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

[Senate File 45](#)

HUMAN RESOURCES: Ernst, Chair; and Hatch

[SSB 1072](#)

STATE GOVERNMENT: Jochum, Chair; Danielson and Smith

[SSB 1073](#)

ECONOMIC GROWTH/REBUILD IOWA: Hart, Chair; Chelgren and Mathis

[SSB 1074](#)

STATE GOVERNMENT: Courtney, Chair; Chapman and Dearden

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: [SENATE FILE 51 \(SSB 1060\)](#), a bill for an act relating to establishment of the categorical state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Mathis, and Wilhelm. Nays, 6: Ernst, Behn, Boettger, Johnson, Sinclair, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 52 \(SSB 1059\)](#), a bill for an act relating to establishment of the state percent of growth for purposes of the state school foundation program and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Mathis, and Wilhelm. Nays, 6: Ernst, Behn, Boettger, Johnson, Sinclair, and Zaun. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 53 \(SSB 1057\)](#), a bill for an act relating to school district funding from the taxpayers trust fund by making transfers to the property tax equity and relief fund, establishing a school district property tax replacement fund and making transfers to the fund, making appropriations, and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Quirnbach, Schoenjahn, Ernst, Beall, Boettger, Bowman, Dvorsky, Hart, Hogg, Mathis, Sinclair, Wilhelm, and Zaun. Nays, 2: Behn and Johnson. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.