

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, JANUARY 30, 2013

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JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 30, 2013

The Senate met in regular session at 9:05 a.m., President Jochum presiding.

Prayer was offered by Pastor Tom Burkhardt of the Glen Echo Christian Church in Des Moines, Iowa. He was the guest of Senator Zaun and Senate Doorkeeper Bob Langbehn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Brett Ofstein.

The Journal of Tuesday, January 29, 2013, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:29 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:40 a.m., President Jochum presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 53, 52, and 51.

Senate File 53

On motion of Senator Quirnbach, [Senate File 53](#), 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, with report of the committee on Appropriations recommending passage, was taken up for consideration.

Senator Feenstra offered amendment [S-3003](#), filed by Senator Feenstra, et al., from the floor striking and replacing everything after the enacting clause, and to the title page of the bill.

([Senate File 53](#) and amendment [S-3003](#), were deferred.)

The Senate stood at ease at 11:44 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:53 a.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 53](#) and amendment [S-3003](#), previously deferred.

Senator Quirnbach raised the point of order that amendment [S-3003](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3003](#) out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorenson, until he arrives, on request of Senator Dix.

Senator Chelgren offered amendment [S-3002](#), filed by him from the floor to pages 2, 3, and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3002](#) be adopted?” ([S.F. 53](#)), the vote was:

Yeas, 23:

| | | | |
|-----------|----------|-----------|----------|
| Anderson | Chelgren | Houser | Sinclair |
| Behn | Dix | Johnson | Smith |
| Bertrand | Ernst | Kapucian | Whitver |
| Boettger | Feenstra | Rozenboom | Zaun |
| 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 | Quirmbach | |
| Danielson | Hogg | Ragan | |

Absent, 1:

Sorenson

Amendment [S-3002](#) lost.

Senator Quirmbach offered amendment [S-3001](#), filed by him from the floor to pages 3 and 4 of the bill, and moved its adoption.

Amendment [S-3001](#) was adopted by a voice vote.

Senator Quirmbach 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. 53](#)), 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 | Taylor |
| Bolkcom | Feenstra | McCoy | Whitver |
| Bowman | Greiner | Petersen | Wilhelm |
| Brase | Gronstal | Quirnbach | Zaun |
| Breitbach | Guth | Ragan | Zumbach |
| Chapman | Hart | Rozenboom | |
| Chelgren | Hatch | Schneider | |
| Courtney | Hogg | Schoenjahn | |

Nays, none.

Absent, 1:

Sorenson

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

Senate File 52

On motion of Senator Quirnbach, [Senate File 52](#), 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, was taken up for consideration.

Senator Quirnbach 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. 52](#)), 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 | Whitver |

| | | | |
|-----------|----------|-----------|---------|
| Boettger | Feenstra | Rozenboom | Zaun |
| Breitbach | Greiner | Schneider | Zumbach |
| Chapman | Guth | Segebart | |

Absent, 1:

Sorenson

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

Senate File 51

On motion of Senator Quirmbach, [Senate File 51](#), 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, was taken up for consideration.

Senator Quirmbach 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. 51](#)), 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, 23:

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

Absent, 1:

Sorenson

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 51, 52, and 53** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:56 p.m. until 9:00 a.m., Thursday, January 31, 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 TRANSPORTATION

FY2012 Biodiesel and Biodiesel Blended Fuel Revolving Fund Report, pursuant to 2001 Iowa Acts, [SF 465](#). Report received on January 30, 2013.

TREASURER OF STATE

Linked Investments for Tomorrow Report, pursuant to Iowa Code section 12.38. Report received on January 29, 2013.

CERTIFICATES OF RECOGNITION

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

Brigadier General Xhavit Gashi – As a distinguished guest of the people of Iowa. Senator Beall.

Ambassador Akam Ismaili – As a distinguished guest of the people of Iowa. Senator Beall.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

Valerie Newhouse, President of Iowa Lakes Community College and five of the college's student leaders. Senator Johnson.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, January 30, 2013, 1:10 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: Presentations by the Department of Education.

Adjourned: 2:00 p.m.

HUMAN RESOURCES

Convened: Wednesday, January 30, 2013, 3:05 p.m.

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

Members Absent: None.

Committee Business: Presentations by the Director of DHS, Chuck Palmer; Dr. Debra Waldon; and the Director of Iowa Medicaid, Jennifer Vermeer.

Adjourned: 4:00 p.m.

LABOR AND BUSINESS RELATIONS

Convened: Wednesday, January 30, 2013, 1:05 p.m.

Members Present: Horn, Chair; Dearden, Vice Chair; Houser, Ranking Member; Anderson, Brase, Chapman, Dix, Dotzler, Hatch, Seng, and Soddors.

Members Absent: None.

Committee Business: Approved [SSB 1002](#) and Governor's appointment.

Adjourned: 1:10 p.m.

STATE GOVERNMENT

Convened: Monday, January 14, 2013, 2:30 p.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Sorenson, Ranking Member; Anderson, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver.

Members Absent: None.

Committee Business: Approved committee rules.

Adjourned: 3:00 p.m.

ALSO:

Convened: Thursday, January 24, 2013, 1:00 p.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Bowman, Chapman, Courtney, Dearden, Horn, McCoy, Petersen, Smith, Soddors, and Whitver.

Members Absent: Sorenson, Ranking Member; Anderson, and Feenstra (all excused).

Committee Business: Presentation on radon.

Adjourned: 2:30 p.m.

ALSO:

Convened: Monday, January 28, 2013, 3:00 p.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Sorenson, Ranking Member; Anderson, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver.

Members Absent: None.

Committee Business: Deferred [SSB 1010](#).

Adjourned: 4:00 p.m.

TRANSPORTATION:

Convened: Wednesday, January 30, 2013, 3:00 p.m.

Recessed: Wednesday, January 30, 2013, 3:05 p.m.

Reconvened: Wednesday, January 30, 2013, 3:15 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: Discussed SSB's 1019 and 1021.

Adjourned: 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, January 30, 2013, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentation by Duane Magee, Executive Director of the Board of Educational Examiners.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, January 30, 2013, 10:20 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

Convened: Wednesday, January 30, 2013, 11:15 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson, and Bowman.

Members Absent: None.

Committee Business: Presentations by the Department of Transportation.

Adjourned: 11:45 a.m.

INTRODUCTION OF RESOLUTION

[Senate Concurrent Resolution 1](#), by Zaun, Johnson, Chelgren, and Whitver, a concurrent resolution urging the members of the Congress of the United States to propose a balanced budget amendment to the Constitution of the United States for submission to the states for ratification.

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

INTRODUCTION OF BILLS

[Senate File 90](#), by Bolkom, a bill for an act relating to assisted living programs.

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

[Senate File 91](#), by committee on Commerce, a bill for an act increasing civil penalties applicable to specified pipeline safety violations.

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

[Senate File 92](#), by Soddors, a bill for an act providing reserve peace officers with an individual income tax credit and including effective date and applicability provisions.

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

[Senate File 93](#), by Zaun, a bill for an act providing for the licensure of operators authorized to purchase, use, and explode fireworks, and including penalties.

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

[Senate File 94](#), by Zaun, Rozenboom, and Chelgren, a bill for an act repealing statewide licensure requirements for electricians and electrical contractors, including transition provisions, and including effective date provisions.

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

[Senate File 95](#), by Zaun, a bill for an act relating to developer fees for federal low-income housing tax credits.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

[Senate File 96](#), by Chelgren, a bill for an act relating to the justifiable use of reasonable force.

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

[Senate File 97](#), by Chelgren, a bill for an act repealing the option of voting straight party and including effective date provisions.

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

[Senate File 98](#), by Zaun, Rozenboom, and Chelgren, a bill for an act repealing the Iowa plumber, mechanical professional, and contractor licensing Act.

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

[Senate File 99](#), by Jochum, a bill for an act providing free motor vehicle registration for certain disabled veterans.

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

[Senate File 100](#), by Ernst, a bill for an act relating to the military service property tax exemption and credit by increasing the exemption amount, and including applicability provisions.

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

[Senate File 101](#), by Danielson, a bill for an act relating to coverage for foster children under the Medicaid program, and including effective date provisions.

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

[Senate File 102](#), by Anderson and Feenstra, a bill for an act concerning requirements for state purchasing from prison industries.

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

[Senate File 103](#), by Chelgren, a bill for an act prohibiting labor unions from knowingly collecting dues from persons not lawfully present in the United States and providing penalties.

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

[Senate File 104](#), by Chelgren, a bill for an act exempting from the computation of net income for the individual state income tax all social security benefits and governmental or other pension or retirement pay, and including effective date and retroactive applicability provisions.

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

[Senate File 105](#), by Sinclair, a bill for an act relating to the disposition of legal firearms and ammunition seized by a law enforcement agency.

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

[Senate File 106](#), by committee on Ways and Means, a bill for an act updating the Code references to the Internal Revenue Code and decoupling from certain federal bonus depreciation provisions, providing certain taxpayers additional time to file a claim for refund or credit of individual income tax, and including effective date and retroactive applicability provisions.

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

STUDY BILLS RECEIVED

[SSB 1094](#) **Judiciary**

Relating to funds transfers under the uniform commercial code, and including effective date provisions.

SSB 1095 **Judiciary**

Relating to an application for the immediate return of seized property.

SSB 1096 **Judiciary**

Relating to granting authority to the board of pharmacy to temporarily designate a substance a controlled substance, classifying certain synthetic cannabinoids as schedule I controlled substances, and providing penalties and making penalties applicable.

SSB 1097 **Judiciary**

Relating to the transmission of court records by the clerk of the district court to the clerk of the supreme court in an appeal.

SSB 1098 **Judiciary**

Relating to the discharge of a firearm near buildings or feedlots by certified law enforcement officers for training purposes and providing penalties.

SSB 1099 **Judiciary**

Relating to county attorney duties when representing the department of human services in juvenile court.

SUBCOMMITTEE ASSIGNMENTS**Senate File 57**

JUDICIARY: Sodders, Chair; Dvorsky and Zaun

Senate File 62

JUDICIARY: Hogg, Chair; Courtney and Sorenson

Senate File 63

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

Senate File 64

JUDICIARY: Hogg, Chair; Petersen and Sorenson

[Senate File 65](#)

JUDICIARY: Sodders, Chair; Boettger and Courtney

[Senate File 76](#)

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

[Senate File 78](#)

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

[Senate File 80](#)

EDUCATION: Dvorsky, Chair; Behn and Quirnbach

[Senate File 84](#)

JUDICIARY: Hogg, Chair; Petersen and Sorenson

[Senate File 85](#)

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

[Senate File 87](#)

EDUCATION: Beall, Chair; Boettger and Hart

[Senate File 89](#)

LOCAL GOVERNMENT: Wilhelm, Chair; Brase and Chelgren

[Senate File 90](#)

HUMAN RESOURCES: Hatch, Chair; Dotzler and Johnson

[SSB 1094](#)

JUDICIARY: Whitver, Chair; Horn and Petersen

[SSB 1095](#)

JUDICIARY: Schneider, Chair; Petersen and Sodders

[SSB 1096](#)

JUDICIARY: Quirnbach, Chair; Courtney and Zaun

[SSB 1097](#)

JUDICIARY: Taylor, Chair; Hogg and Schneider

[SSB 1098](#)

JUDICIARY: Hogg, Chair; Sodders and Sorenson

[SSB 1099](#)

JUDICIARY: Hogg, Chair; Dvorsky and Schneider

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 91 \(SSB 1051\)](#), a bill for an act increasing civil penalties applicable to specified pipeline safety violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McCoy, Petersen, Anderson, Beall, Bertrand, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 106 \(SSB 1071\)](#), a bill for an act updating the Code references to the Internal Revenue Code and decoupling from certain federal bonus depreciation provisions, providing certain taxpayers additional time to file a claim for refund or credit of individual income tax, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

LABOR AND BUSINESS RELATIONS

Susan Pleva – Plumbing and Mechanical Systems Examining Board

AMENDMENTS FILED

| | | | |
|---------------|-------------|-----------|---------------------|
| <u>S-3001</u> | <u>S.F.</u> | <u>53</u> | Herman C. Quirnbach |
| <u>S-3002</u> | <u>S.F.</u> | <u>53</u> | Mark Chelgren |
| <u>S-3003</u> | <u>S.F.</u> | <u>53</u> | Randy Feenstra |
| | | | Bill Anderson |
| | | | Joni Ernst |
| | | | Mark Chelgren |
| | | | Rick Bertrand |
| | | | Bill Dix |
| | | | Charles Schneider |
| | | | Michael Breitbach |
| | | | Jake Chapman |
| | | | Dennis Guth |
| | | | Jerry Behn |
| | | | Dan Zumbach |
| | | | Sandra Greiner |
| | | | Mark Segebart |
| | | | David Johnson |
| | | | Hubert Houser |
| | | | Tim L. Kapucian |
| | | | Roby Smith |
| | | | Nancy J. Boettger |
| | | | Jack Whitver |
| | | | Brad Zaun |
| | | | Ken Rozenboom |
| | | | Amy Sinclair |