

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 5, 2013

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JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 5, 2013

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

Prayer was offered by Pastor John Cofield of St Paul's United Church of Christ in Wheatland, Iowa. He was the guest of Senator Hart.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Dalton Schmit.

The Journal of Monday, February 4, 2013, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:12 a.m., President Jochum presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:13 a.m. until 9:00 a.m., Wednesday, February 6, 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:

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2012 Annual Report, pursuant to Iowa Code section 312.3B. Report received on February 4, 2013.

BOARD OF PHARMACY

Prescription Monitoring Program Report, pursuant to Iowa Code section 124.554(2). Report received on February 5, 2013.

DEPARTMENT OF PUBLIC HEALTH

Epilepsy Treatment and Education Task Force Final Report, pursuant to 2011 Iowa Acts, [HF 322](#). Report received on February 5, 2013.

1st Five Healthy Mental Development Initiative Report, pursuant to 2012 Iowa Acts, [SF 2336](#). Report received on February 5, 2013.

CERTIFICATES OF RECOGNITION

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

Chuck Dirks, Coralville – For winning the 2012 Neal Smith Entrepreneur of the Year Award. Senator Dvorsky.

Christina Moffatt, Des Moines – For winning the 2012 Deb Dalziel Woman Entrepreneur Achievement Award. Senator McCoy.

William Tanner Peard, Waukee – For achieving the rank of Eagle Scout, Troop 178. Senator Gronstal.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 5, 2013, 2:05 p.m.

Members Present: McCoy, Chair; Petersen, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm.

Members Absent: None.

Committee Business: Approved [SSB 1049](#) and Governor's appointment.

Adjourned: 2:20 p.m.

EDUCATION

Convened: Monday, February 4, 2013, 2:30 p.m.

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

Members Absent: Ernst, Ranking Member; Dvorsky and Wilhelm (all excused).

Committee Business: Presentations.

Adjourned: 3:25 p.m.

HUMAN RESOURCES

Convened: Monday, February 4, 2013, 4:30 p.m.

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

Members Absent: Ernst (excused).

Committee Business: Presentations.

Adjourned: 5:25 p.m.

JUDICIARY

Convened: Tuesday, February 5, 2013, 3:05 p.m.

Members Present: Hogg, Chair; Courtney, Vice Chair; Schneider, Ranking Member; Dvorsky, Horn, Petersen, Quirnbach, Soddors, Sorenson, Taylor, Whitver, and Zaun.

Members Absent: Boettger (excused).

Committee Business: Approved SSB's 1026 and 1030.

Adjourned: 3:25 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, February 5, 2013, 9:10 a.m.

Members Present: Gronstal, Chair; Jochum, Vice Chair; Dix, Ranking Member; Bertrand, Courtney, Dearden, Dvorsky, Ernst, Ragan, Rozenboom, and Sodders.

Members Absent: None.

Committee Business: Governor's appointment.

Adjourned: 9:15 a.m.

TRANSPORTATION

Convened: Monday, February 4, 2013, 4:30 p.m.

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

Members Absent: Dearden and McCoy (both excused).

Committee Business: Presentations.

Adjourned: 5:30 p.m.

WAYS AND MEANS

Convened: Tuesday, February 5, 2013, 1:05 p.m.

Members Present: Bolcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith.

Members Absent: None.

Committee Business: Presentations.

Adjourned: 1:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 5, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Tuesday, February 5, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 5, 2013, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:30 a.m.

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

Convened: Tuesday, February 5, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 2](#), by Zaun, Sorenson, Bertrand, Anderson, Johnson, Feenstra, Boettger, Kapucian, Guth, Chapman, Segebart, and Whitver, a concurrent resolution claiming state sovereignty under the Tenth Amendment to the Constitution of the United States over certain mandates imposed on the states by the federal government.

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

[Senate Resolution 1](#), by Hatch and Bolkcom, a resolution regarding the federal budget.

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

[Senate Resolution 2](#), by Zaun, Chelgren, Smith, Bertrand, Sorenson, Johnson, Anderson, Feenstra, Kapucian, Boettger, Guth, Chapman, Segebart, and Whitver, a resolution supporting a free, independent, and secure Israel.

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

INTRODUCTION OF BILLS

[Senate File 128](#), by Zaun, a bill for an act increasing the amount of the tuition tax credit and including retroactive applicability provisions.

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

[Senate File 129](#), by Zaun, a bill for an act exempting from the sales tax the sales price of a physical exercise club contract.

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

[Senate File 130](#), by Zaun, a bill for an act relating to the disposition of fines collected under city and county automated traffic law enforcement programs and providing for the deposit of certain revenues into the road use tax fund.

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

[Senate File 131](#), by Ernst, a bill for an act establishing the sales tax rebate for county development program and making penalties applicable.

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

[Senate File 132](#), by Petersen, Seng, Dvorsky, Beall, Ragan, Hatch, Bolkcom, Quirmbach, and Mathis, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, making penalties applicable, and including effective date provisions.

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

[Senate File 133](#), by Soddors, a bill for an act concerning public safety by establishing a public safety training and equipment trust fund, transferring insurance premium tax receipts to the fund, providing for a public safety training and facilities task force, and making appropriations.

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

[Senate File 134](#), by Jochum, a bill for an act relating to the use of restraints against a pregnant inmate or detainee and including effective date provisions.

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

[Senate File 135](#), by Petersen, a bill for an act providing access to delayed deposit services customer information by designated entities for specified purposes, providing a penalty, and making penalties applicable.

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

[Senate File 136](#), by Hatch, a bill for an act relating to the creation of an office of the chancellor to administer the Iowa higher education system under the direction of the state board of regents.

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

[Senate File 137](#), by Breitbart, Kapucian, Segebart, Greiner, Rozenboom, Sinclair, Guth, Boettger, Zumbach, and Whitver, a bill for an act concerning payment of health insurance premium costs by members of the general assembly.

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

[Senate File 138](#), by Zaun, Anderson, Sorenson, Bertrand, Feenstra, Kapucian, Boettger, Houser, Chapman, and Whitver, a bill for an act relating to the review of administrative rules and the rulemaking process.

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

[Senate File 139](#), by Kapucian, a bill for an act relating to the use of automated traffic law enforcement systems by cities and counties, and providing for the disposition of revenues derived from the use of automated traffic law enforcement systems.

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

[Senate File 140](#), by Hatch, a bill for an act relating to parental obligation pilot projects, and making an appropriation.

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

STUDY BILLS RECEIVED

[SSB 1108](#) **Local Government**

Relating to fees collected by a county recorder or the governing board of the county land record information system.

[SSB 1109](#) **Judiciary**

Relating to robbery in the first degree, and providing a penalty.

SSB 1110 Judiciary

Relating to the boards of directors of public corporations.

SSB 1111 Judiciary

Relating to the possession of alcohol by certain minors and juvenile court jurisdiction, and making penalties applicable.

SSB 1112 Economic Growth/Rebuild Iowa

Relating to economic development by modifying the innovation fund investment tax credit and the authority and duties of the Iowa innovation corporation, and including effective date and retroactive applicability provisions.

SSB 1113 State Government

Relating to the establishment and management of business entities organized in this state or formed in a different state and authorized to do business in this state.

SSB 1114 State Government

Making changes to the campaign finance laws relating to independent expenditures.

SSB 1115 Agriculture

Providing for the possession of cats classified as bengals.

SSB 1116 Human Resources

Relating to third-party payment of services provided by a physical therapist.

SSB 1117 Natural Resources and Environment

Relating to the natural resources and outdoor recreation trust fund by increasing the sales and use tax rates and including effective date provisions.

SSB 1118 Commerce

Concerning the alcoholic beverages division of the department of commerce and alcoholic beverage control, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2**

STATE GOVERNMENT: Danielson, Chair; Jochum and Sorenson

Senate File 38

COMMERCE: Bolkcom, Chair; Breitbach and Hatch

Senate File 70

ECONOMIC GROWTH/REBUILD IOWA: Bowman, Chair; Behn and Hart

Senate File 72

COMMERCE: McCoy, Chair; Anderson, Bertrand, Hatch, and Petersen

Senate File 96

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

Senate File 103

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Dotzler and Houser

Senate File 105

JUDICIARY: Sodders, Chair; Hogg and Sorenson

Senate File 111

JUDICIARY: Taylor, Chair; Sodders and Zaun

Senate File 113

STATE GOVERNMENT: Petersen, Chair; Sodders and Whitver

Senate File 117

EDUCATION: Beall, Chair; Hart and Zaun

[Senate File 120](#)

EDUCATION: Mathis, Chair; Boettger and Bowman

[Senate File 122](#)

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

[Senate File 123](#)

STATE GOVERNMENT: Courtney, Chair; Horn and Smith

[Senate File 124](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Seng and Zumbach

[Senate File 125](#)

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Dearden and Rozenboom

[Senate File 126](#)

WAYS AND MEANS: Quirnbach, Chair; Black and Schneider

[Senate File 127](#)

STATE GOVERNMENT: Dearden, Chair; Soddors and Whitver

[Senate File 128](#)

WAYS AND MEANS: Quirnbach, Chair; Bolkcom and Feenstra

[Senate File 129](#)

WAYS AND MEANS: Dotzler, Chair; Black and Smith

[Senate File 130](#)

TRANSPORTATION: Danielson, Chair; Brase and Feenstra

[SSB 1108](#)

LOCAL GOVERNMENT: Schoenjahn, Chair; Guth and Hart

[SSB 1109](#)

JUDICIARY: Soddors, Chair; Horn and Schneider

SSB 1110

JUDICIARY: Hogg, Chair; Horn and Schneider

SSB 1111

JUDICIARY: Taylor, Chair; Petersen and Whitver

SSB 1112

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Schneider and Sadders

SSB 1113

STATE GOVERNMENT: Danielson, Chair; Courtney and Smith

SSB 1114

STATE GOVERNMENT: Danielson, Chair; Anderson and Jochum

SSB 1115

AGRICULTURE: Seng, Chair; Kapucian and Taylor

SSB 1116

HUMAN RESOURCES: Dotzler, Chair; Boettger and Mathis

SSB 1117

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black, Greiner, Hogg, and Zumbach

SSB 1118

COMMERCE: Mathis, Chair; Bertrand and Petersen

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNORTERM

COMMISSIONER OF INSURANCE (Sec. 505.2)

Nicholas Gerhart, Des Moines

02/01/2013 – 04/30/2013

Nicholas Gerhart, Des Moines (reappointment)

05/01/2013 – 04/30/2017

The appointments were referred to the committee on **Rules and Administration**.

**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 5, 2013:

COMMERCE

Nicholas Gerhart – Commissioner of Insurance
Nicholas Gerhart – Commissioner of Insurance (reappointment)

APPOINTMENT TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittee of standing committee on February 5, 2013, to investigate the appointment and reappointment of the following appointee:

COMMERCE

As Commissioner of Insurance:

NICHOLAS GERHART – McCoy, Chair; Hatch and Anderson

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

AGRICULTURE

Timothy Palmer – State Soil Conservation Committee

COMMERCE

Mary Sellers – Iowa Telecommunications and Technology Commission

AMENDMENT FILED

[S-3006](#) [S.F. 110](#) William A. Dotzler, Jr.