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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 7, 2013**

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# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 7, 2013

The Senate met in regular session at 9:02 a.m., President Jochum presiding.

Prayer was offered by Reverend Mike Gudka, pastor of St. Paul United Methodist Church in La Porte City, Iowa. He was the guest of Senator Sodders.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page William Thomas.

## INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Robert S. von Wolfradt, the governor's appointee to be the Chief Information Officer. He was the guest of Senators Danielson and Whitver and the committee on State Government.

The Secretary of the Senate introduced Chuck Gipp, the governor's appointee to be the Director of the Department of Natural Resources. He was the guest of Senators Dearden and Greiner and the committee on Natural Resources and Environment.

The Secretary of the Senate introduced Duane Magee, the governor's appointee to be the Executive Director of the Board of Educational Examiners. He was the guest of Senator Schoenjahn and the committee on Education.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Beall asked and received unanimous consent to take up for consideration [Senate Resolution 4](#).

[Senate Resolution 4](#)

On motion of Senator Beall, [Senate Resolution 4](#), a resolution congratulating the Republic of China (Taiwan) on its inclusion in the United States Visa Waiver Program; supporting Taiwan's efforts to secure entry into the Trans-Pacific Partnership; and reaffirming support for Taiwan's participation in the International Civil Aviation Organization, and for strengthening sister-state ties between Iowa and Taiwan, with report of committee recommending passage, was taken up for consideration.

Senator Beall moved the adoption of [Senate Resolution 4](#), which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Beall welcomed to the Senate chamber the Honorable Baushuan Ger, Director General of the Taipei Economic and Cultural Office in Chicago, Illinois. He was accompanied by deputy directors of the Taipei Economic and Cultural Office in Chicago, Su-Yang Tsao, and Sabine Chen.

Director General Ger addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Journal of Wednesday, February 6, 2013, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:20 a.m. until 1:00 p.m., Monday, February 11, 2013.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****EDUCATION**

**Convened:** Thursday, February 7, 2013, 12:30 p.m.

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

**Members Absent:** Ernst, Ranking Member; and Zaun (both excused).

**Committee Business:** Approved SSBs 1122 and 1123, as amended.

**Adjourned:** 12:50 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** Thursday, February 7, 2013, 11:35 a.m.

**Members Present:** Petersen, Chair; Schoenjahn, Vice Chair; Sorenson, Ranking Member; Greiner and McCoy.

**Members Absent:** None.

**Committee Business:** Presentations.

**Adjourned:** 12:25 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** Thursday, February 7, 2013, 1:00 p.m.

**Members Present:** Dearden, Chair; Black, Vice Chair; Greiner, Ranking Member; Bolkcom, Brase, Breitbach, Hogg, Johnson, Ragan, Rozenboom, Schoenjahn, and Seng.

**Members Absent:** Zumbach (excused).

**Committee Business:** Approved governor's appointee. Presentation by the Department of Natural Resources.

**Adjourned:** 2:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Thursday, February 7, 2013, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Natural Resources.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Thursday, February 7, 2013, 10:15 a.m.

**Members Present:** Dotzler, Chair; Hart, Vice Chair; Boettger, Ranking Member; Schneider and Seng.

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa Finance Authority and the Iowa Public Employment Relations Board.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Thursday, February 7, 2013, 10:00 a.m.

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

**Members Absent:** Quirnbach (excused).

**Committee Business:** Presentations.

**Adjourned:** 11:00 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, February 7, 2013, 10:00 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Segebart, Ranking Member; and Bolckom.

**Members Absent:** Johnson (excused).

**Committee Business:** Presentations.

**Adjourned:** 11:35 a.m.

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

**Convened:** Thursday, February 7, 2013, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation.

**Adjourned:** 11:15 a.m.

#### INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 3](#), by Zaun, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the sessions of the general assembly.

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

#### INTRODUCTION OF BILLS

[Senate File 148](#), by Danielson, a bill for an act relating to the expungement of an acquittal or dismissal of a criminal charge.

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

[Senate File 149](#), by Kapucian, a bill for an act allowing criminal history and abuse registry background checks for certain food vendors.

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

[Senate File 150](#), by Soddors, a bill for an act relating to persons offering orthotic, prosthetic, and pedorthic services to the public, and relating to the scope of orthotic, prosthetic, and pedorthic services which may be ordered by certain health care providers, and including transition provisions.

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

[Senate File 151](#), by Soddors, a bill for an act establishing a criminal offense for removing or attempting to remove a communication device from the possession of a peace officer.

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

[Senate File 152](#), by Soddors, a bill for an act relating to procedural requirements in in rem forfeiture proceedings.

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

[Senate File 153](#), by committee on State Government, a bill for an act relating to the title of the office of citizens' aide.

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

[Senate File 154](#), by Zaun, Chelgren, Chapman, Johnson, Houser, Behn, Feenstra, and Rozenboom, a bill for an act providing for an annual transfer of revenue from the general fund of the state to the road use tax fund.

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

[Senate File 155](#), by Zaun, a bill for an act relating to the compensation of vendors of automated traffic law enforcement systems used by a city or county.

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

[Senate File 156](#), by Hogg, a bill for an act establishing an alternative supplementary weighting plan for at-risk pupils and including applicability provisions.

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

[Senate File 157](#), by Bolkcom, Dotzler, Dvorsky, and McCoy, a bill for an act relating to the operation of bicycles on a highway and to motorists overtaking and passing a bicycle, implement of husbandry, or slow-moving vehicle on a highway, and making penalties applicable.

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

[Senate File 158](#), by Mathis, a bill for an act relating to the annual aggregate tax credit authorization limit for the endow Iowa tax credit and including effective date and retroactive applicability provisions.

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

[Senate File 159](#), by Hatch, Zaun, Dotzler, Mathis, Dearden, Horn, McCoy, Petersen, and Hogg, a bill for an act to maintain a permanent Juneteenth exhibit in the state historical building.

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

[Senate File 160](#), by Kapucian, Johnson, Zaun, Bertrand, Chelgren, Schneider, Zumbach, Feenstra, and Behn, a bill for an act providing certain transfers to the veterans trust fund.

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

[Senate File 161](#), by committee on Education, a bill for an act establishing the categorical state percent of growth for the school budget year beginning July 1, 2014, and including applicability provisions.

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

[Senate File 162](#), by committee on Education, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 2014, and including applicability provisions.

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



## STUDY BILLS RECEIVED

**SSB 1127**      **Human Resources**

Relating to Medicaid program integrity, and providing penalties.

**SSB 1128**      **Commerce**

Relating to matters under the purview of the credit union division of the department of commerce, and making penalties applicable.

**SSB 1129**      **Commerce**

Regulating the sale of portable electronics insurance, including by requiring licensure, and providing for fees and penalties.

**SSB 1130**      **Human Resources**

Relating to mental health and disability services requirements involving the department of human services and including effective date and retroactive applicability provisions.

**SSB 1131**      **Human Resources**

Relating to record checks of prospective and current health care employees and certain students.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 88**  
(Reassigned)

WAYS AND MEANS: Bolkcom, Chair; Seng and Smith

**Senate File 147**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Whitver

**SSB 1127**

HUMAN RESOURCES: Wilhelm, Chair; Bolkcom and Whitver

**SSB 1128**

COMMERCE: Beall, Chair; Bolkcom and Schneider

[SSB 1129](#)

COMMERCE: Mathis, Chair; Schneider and Schoenjahn

[SSB 1130](#)

HUMAN RESOURCES: Mathis, Chair; Johnson and Ragan

[SSB 1131](#)

HUMAN RESOURCES: Dotzler, Chair; Johnson and Wilhelm

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

**Bill Title:** \*[SENATE FILE 161 \(SSB 1122\)](#), a bill for an act establishing the categorical state percent of growth for the school budget year beginning July 1, 2014, and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Mathis, and Wilhelm. Nays, 4: Behn, Boettger, Johnson, and Sinclair. Absent, 2: Ernst and Zaun.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 161](#), and they were attached to the committee report.

ALSO:

**Bill Title:** \*[SENATE FILE 162 \(SSB 1123\)](#), a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 2014, and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Mathis, and Wilhelm. Nays, 4: Behn, Boettger, Johnson, and Sinclair. Absent, 2: Ernst and Zaun.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 162](#), and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 153 \(SSB 1014\)](#), a bill for an act relating to the title of the office of citizens' aide.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver. 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:

**NATURAL RESOURCES AND ENVIRONMENT**

N. Kurt Mumm, Jr. – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board