

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 13, 2013

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 13, 2013

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

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ochevedan, Iowa.

PLEDGE OF ALLEGIANCE

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

The Journal of Tuesday, February 12, 2013, was approved.

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Jochum presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:59 a.m. until 9:00 a.m., Thursday, February 14, 2013.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: Tuesday, February 12, 2013, 12:30 p.m.

Members Present: Seng, Chair; Taylor, Vice Chair; Zumbach, Ranking Member; Beall, Bowman, Brase, Greiner, Guth, Hart, Kapucian, and Soddors.

Members Absent: Black and Houser (both excused).

Committee Business: Presentation. Approval of governor's appointee.

Adjourned: 12:55 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 5, 2013, 4:00 p.m.

Members Present: Soddors, Chair; Bowman, Vice Chair; Chapman, Ranking Member; Behn, Chelgren, Dotzler, Hart, Hatch, Houser, Mathis, Schneider, Taylor, Whitver, and Wilhelm.

Members Absent: Danielson (excused).

Committee Business: Presentation on the Iowa Innovation Corporation.

Adjourned: 4:40 p.m.

ALSO:

Convened: Thursday, February 7, 2013, 1:30 p.m.

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

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

Committee Business: Discussion on [SF 15](#).

Adjourned: 2:10 p.m.

EDUCATION

Convened: Wednesday, February 13, 2013, 1:00 p.m.

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

Members Absent: Ernst, Ranking Member (excused).

Committee Business: Approval of governor's appointees. Presentations.

Adjourned: 2:00 p.m.

ETHICS

Convened: Wednesday, February 13, 2013, 12:05 p.m.

Members Present: Horn, Chair; Dearden, Vice Chair; Greiner, Ranking Member; Behn, Seng, and Whitver.

Members Absent: None.

Committee Business: Discussion of complaint and response.

Adjourned: 12:25 p.m.

JUDICIARY

Convened: Tuesday, February 12, 2013, 3:05 p.m.

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

Members Absent: None.

Committee Business: Approved SSBs 1094, 1095, and 1097. Approved governor's appointees.

Adjourned: 3:15 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 13, 2013, 2:00 p.m.

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

Members Absent: Chelgren, Hart, and Zaun (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 2:15 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 12, 2013, 4:05 p.m.

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

Members Absent: None.

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

Adjourned: 4:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Tuesday, February 12, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:35 p.m.

ALSO:

Convened: Wednesday, February 13, 2013, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation by Iowa Workforce Development.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 13, 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: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 13, 2013, 10:00 a.m.

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

Members Absent: None.

Committee Business: Presentation.

Adjourned: 12:00 p.m.

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

Convened: Wednesday, February 13, 2013, 10:05 a.m.

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

Members Absent: McCoy, Chair; and Anderson (both excused).

Committee Business: Presentations.

Adjourned: 11:30 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 4](#), by Taylor, a joint resolution relating to the location and exhibition of the statue of James Harlan, currently on display in the United States capitol.

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

INTRODUCTION OF BILLS

[Senate File 177](#), by Beall, Bolkcom, Hogg, Dvorsky, Dotzler, Seng, Petersen, Hart, Horn, Dearden, Ragan, McCoy, and Quirnbach, a bill for an act relating to domestic abuse protective orders and pets or companion animals owned or held by a petitioner, respondent, or minor child of the petitioner or respondent in a domestic abuse case.

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

[Senate File 178](#), by Beall, a bill for an act relating to mandatory child abuse and dependent adult abuse reporter training, and including applicability provisions.

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

[Senate File 179](#), by Hogg, a bill for an act providing for an annual adjustment to the amount of value used to calculate the homestead credit and including applicability provisions.

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

[Senate File 180](#), by Zaun, a bill for an act providing for annual review of pensions by the public retirement systems committee.

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

[Senate File 181](#), by committee on Commerce, a bill for an act relating to matters under the purview of the banking division of the department of commerce.

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

[Senate File 182](#), by committee on Commerce, a bill for an act relating to credit for reinsurance, including transition, applicability, and effective date provisions.

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

[Senate File 183](#), by committee on Commerce, a bill for an act relating to matters under the purview of the credit union division of the department of commerce, and making penalties applicable.

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

[Senate File 184](#), by committee on Human Resources, a bill for an act relating to programs and services under the purview of the department on aging.

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

[Senate File 185](#), by committee on Ways and Means, a bill for an act relating to the administration of the streamlined sales and use tax agreement by the department of revenue.

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

[Senate File 186](#), by committee on Judiciary, a bill for an act relating to funds transfers under the uniform commercial code, and including effective date provisions.

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

[Senate File 187](#), by committee on Judiciary, a bill for an act relating to the transmission of court records by the clerk of the district court to the clerk of the supreme court in an appeal.

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

[Senate File 188](#), by committee on Judiciary, a bill for an act relating to an application for the immediate return of seized property.

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

[Senate File 189](#), by committee on Commerce, a bill for an act relating to a risk management framework for insurers and insurance groups and including penalty and applicability provisions.

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

[Senate File 190](#), by Danielson, a bill for an act creating a task force to provide a statewide assessment of veterans' and military service members' needs.

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

[Senate File 191](#), by Dotzler, Bolkom, Dvorsky, Gronstal, Jochum, Black, McCoy, Quirnbach, Mathis, Schoenjahn, Hatch, Hart, Ragan, Soddors, Petersen, Taylor, Horn, Wilhelm, Brase, Dearden, and Courtney, a bill for an act relating to wage payment

collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

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

[Senate File 192](#), by Bowman, a bill for an act relating to flood prevention by providing for the alteration of a water channel in connection with a project for highway construction or improvement.

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

[Senate File 193](#), by Mathis, a bill for an act relating to state requirements for county and multicounty juvenile detention homes.

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

[Senate File 194](#), by Bolkom, a bill for an act requiring consumer labeling information for food, providing penalties, and including effective date provisions.

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

[Senate File 195](#), by Anderson and Feenstra, a bill for an act relating to requirements for state purchasing from prison industries.

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

STUDY BILLS RECEIVED

[SSB 1162](#) **Human Resources**

Relating to prescription authority for certain psychologists and making penalties applicable.

SSB 1163 **State Government**

Relating to the activities and duties of the state board of regents and the board's administrative office.

SSB 1164 **Human Resources**

Requiring the development and use of a standard form for prior authorization of prescription drug benefits.

SSB 1165 **Judiciary**

Relating to the issuance of a search warrant to authorize the placement, tracking, monitoring, and removal of a global positioning device.

SSB 1166 **Judiciary**

Relating to interrogations of students in public and nonpublic schools.

SSB 1167 **Judiciary**

Relating to the service of notice of no-contact orders and protective orders.

SSB 1168 **Judiciary**

Relating to the duties and responsibilities of insurance producers under insurance policies or contracts.

SSB 1169 **Judiciary**

Relating to business corporations, including by providing for their organization and operation; providing for the relationship between shareholders, directors, and officers; and including effective date provisions.

SSB 1170 **Commerce**

Relating to insurance holding company systems.

SSB 1171 Commerce

Requiring every insurer offering certain individual or group health insurance policies to provide coverage for treatment of certain inborn errors of metabolism with a dietary restriction.

SSB 1172 Ways and Means

Relating to enhanced E911 emergency communication systems, and providing penalties.

SSB 1173 Ways and Means

Relating to certain fees collected by the county sheriff.

SSB 1174 Ways and Means

Creating a tax credit for certain small businesses offering wellness programs to employees and including effective date and applicability provisions.

SSB 1175 Ways and Means

Modifying provisions relating to solar energy system income tax credits and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 163**

JUDICIARY: Quirnbach, Chair; Courtney and Schneider

Senate File 167

JUDICIARY: Hogg, Chair; Dvorsky and Sorenson

Senate File 172

TRANSPORTATION: Beall, Chair; Brase and Zumbach

Senate File 173

LOCAL GOVERNMENT: Brase, Chair; Sinclair and Wilhelm

[Senate File 175](#)

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Segebart

[SSB 1162](#)

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Mathis

[SSB 1163](#)

STATE GOVERNMENT: Danielson, Chair; Courtney and Whitver

[SSB 1164](#)

HUMAN RESOURCES: Wilhelm, Chair; Bolkcom and Johnson

[SSB 1165](#)

JUDICIARY: Sodders, Chair; Horn and Schneider

[SSB 1166](#)

JUDICIARY: Quirnbach, Chair; Taylor and Zaun

[SSB 1167](#)

JUDICIARY: Petersen, Chair; Boettger and Taylor

[SSB 1168](#)

JUDICIARY: Hogg, Chair; Horn and Schneider

[SSB 1169](#)

JUDICIARY: Schneider, Chair; Hogg and Horn

[SSB 1170](#)

COMMERCE: Petersen, Chair; Anderson and McCoy

[SSB 1171](#)

COMMERCE: McCoy, Chair; Petersen and Schneider

[SSB 1172](#)

WAYS AND MEANS: Petersen, Chair; Hogg and Smith

[SSB 1173](#)

WAYS AND MEANS: Dotzler, Chair; Bertrand and Seng

[SSB 1174](#)

WAYS AND MEANS: Dotzler, Chair; Black and Schneider

[SSB 1175](#)

WAYS AND MEANS: Hogg, Chair; Behn and Bolkcom

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 181 \(SSB 1139\)](#), a bill for an act relating to matters under the purview of the banking division of the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Petersen, Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 182 \(SSB 1052\)](#), a bill for an act relating to credit for reinsurance, including transition, applicability, and effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Petersen, Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 183 \(SSB 1128\)](#), a bill for an act relating to matters under the purview of the credit union division of the department of commerce, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Petersen, Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 189 \(SSB 1079\)](#), a bill for an act relating to a risk management framework for insurers and insurance groups and including penalty and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Petersen, Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *[SENATE FILE 184 \(SSB 1056\)](#), a bill for an act relating to programs and services under the purview of the department on aging.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirmbach, Segebart, and Whitver. Nays, none. Absent, 1: Ernst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 184](#), and they were attached to the committee report.

JUDICIARY

Bill Title: [SENATE FILE 186 \(SSB 1094\)](#), a bill for an act relating to funds transfers under the uniform commercial code, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Courtney, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirmbach, Soddors, Sorenson, Taylor, Whitver, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 187 \(SSB 1097\)](#), a bill for an act relating to the transmission of court records by the clerk of the district court to the clerk of the supreme court in an appeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Courtney, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirmbach, Soddors, Sorenson, Taylor, Whitver, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 188 \(SSB 1095\)](#), a bill for an act relating to an application for the immediate return of seized property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Hogg, Courtney, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirnbach, Soddors, Sorenson, Taylor, Whitver, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [SENATE FILE 185 \(SSB 1046\)](#), a bill for an act relating to the administration of the streamlined sales and use tax agreement by the department of revenue.

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 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

Steven Ferguson – Executive Director of the Agricultural Development Authority

ECONOMIC GROWTH/REBUILD IOWA

Thomas Bernau – Iowa Capital Investment Board

Donna Walter – Iowa Capital Investment Board

EDUCATION

Andrew Waldschmitt – Iowa Autism Council

Brenda Garcia-Van Auken – Board of Educational Examiners

Hannah Walsh – State Board of Regents

JUDICIARY

Tom Conley – Iowa State Civil Rights Commission

LOCAL GOVERNMENT

Stewart Iverson – Property Assessment Appeal Board

NATURAL RESOURCES AND ENVIRONMENT

Joanne Stockdale – Environmental Protection Commission

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

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

EDUCATION

Duane Magee – Executive Director of the Educational Examiners

JUDICIARY

Steve Lukan – Drug Policy Coordinator

LOCAL GOVERNMENT

Stewart Iverson – Chair of the Property Assessment Appeal Board

NATURAL RESOURCES AND ENVIRONMENT

Chuck Gipp – Director of the Department of Natural Resources