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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 14, 2013**

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# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 14, 2013

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

Prayer was offered by Father Larry Hoffmann, pastor of St. Luke's Catholic Church in Ankeny, Iowa. He was the guest of Senator Hart.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Grant Smith.

The Journal of Wednesday, February 13, 2013, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 13, 2013, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 110](#), a bill for an act relating to conformity with federal law concerning unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions.

ALSO: That the House has on February 13, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 119](#), a bill for an act relating to county attorney duties when representing the department of human services in juvenile court.

Read first time and referred to committee on **Judiciary**.

[House File 133](#), a bill for an act relating to the discharge of a firearm near buildings or feedlots by certified law enforcement officers for training purposes, providing penalties, and including effective date provisions.

Read first time and referred to committee on **Judiciary**.

[House File 152](#), a bill for an act providing for drainage or levee districts managed by a board of trustees, and including effective date provisions.

Read first time and referred to committee on **Agriculture**.

[House File 158](#), a bill for an act providing for an exception to municipal tort liability for claims arising from sledding or tubing on municipality-controlled property.

Read first time and referred to committee on **Judiciary**.

[House File 160](#), a bill for an act relating to mental health and disability services by making transfers and appropriations for the fiscal year beginning July 1, 2012, and including related changes and effective date provisions.

Read first time and referred to committee on **Appropriations**.

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 9:24 a.m., President Jochum presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ernst and Houser, until they arrive, on request of Senator Dix.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 162 and 161.

### Senate File 162

On motion of Senator Quirnbach, [Senate File 162](#), a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 2014, and including 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. 162](#)), 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, 22:

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

Absent, 2:

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

### Senate File 161

On motion of Senator Quirnbach, [Senate File 161](#), 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, 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. 161](#)), 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, 22:

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

Absent, 2:

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

#### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Concurrent Resolution 4](#), [Senate Resolution 5](#), and [House Concurrent Resolution 5](#).

#### [Senate Concurrent Resolution 4](#)

On motion of Senator Gronstal, [Senate Concurrent Resolution 4](#), a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-fifth general assembly, was taken up for consideration.

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

### Senate Resolution 5

On motion of Senator Gronstal, [Senate Resolution 5](#), a resolution relating to permanent rules of the senate for the eighty-fifth general assembly, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 5](#).

A record roll call was requested.

On the question "Shall the resolution be adopted?" ([S.R. 5](#)), 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, 22:

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

Absent, 2:

Ernst	Houser
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The motion prevailed and the resolution was adopted.

### House Concurrent Resolution 5

On motion of Senator Gronstal, [House Concurrent Resolution 5](#), a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fifth General Assembly, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [House Concurrent Resolution 5](#), which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate Concurrent Resolution 4](#), **Senate Files 161 and 162**, and [House Concurrent Resolution 5](#) be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:30 a.m. until 1:00 p.m., Monday, February 18, 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 AGRICULTURE AND LAND STEWARDSHIP

Control of Pathogenic Viruses in Poultry Report, pursuant to Iowa Code section 165B.2(1b). Report received on February 14, 2013.

Loess Hills Alliance Board of Directors Report, pursuant to Iowa Code section 161D.6(6). Report received on February 14, 2013.

State Pseudorabies Advisory Committee Report, pursuant to Iowa Code section 166.D.3(2). Report received on February 14, 2013.

## LEGISLATIVE SERVICES AGENCY

Urban Renewal Report-Tax Increment Financing (TIF), pursuant to Iowa Code section 331.403. Report received on February 14, 2013.

## AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2012, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – Report received on February 14, 2013.

## REPORTS OF COMMITTEE MEETINGS

### NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Thursday, February 14, 2013, 1:00 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:** Presentations.

**Adjourned:** 1:50 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** Thursday, February 14, 2013, 10:40 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations.

**Adjourned:** 11:40 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Thursday, February 14, 2013, 10:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations.

**Adjourned:** 11:40 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

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

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

**Members Absent:** None.



**Committee Business:** Organizational meeting.

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

**ALSO:**

**Convened:** Thursday, February 14, 2013, 10:40 a.m.

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

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 11:50 a.m.

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

**Convened:** Thursday, February 14, 2013, 10:40 a.m.

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

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

**Committee Business:** Presentation.

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

**INTRODUCTION OF RESOLUTION**

**[Senate Resolution 7](#)**, by Black, a resolution to commemorate the service and sacrifice of Iowans at the Battle of Wilson's Creek.

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

**INTRODUCTION OF BILLS**

**[Senate File 196](#)**, by Petersen, Hatch, Dearden, Beall, Dotzler, Dvorsky, Hart, Bolkom, Ragan, Brase, Mathis, Quirmbach, Soddors, Black, and Jochum, a bill for an act relating to prenatal and postpartum care.

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

[Senate File 197](#), by Wilhelm, a bill for an act relating to the collection of a small claims judgment by the centralized collection unit of the department of revenue, and providing for a fee.

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

[Senate File 198](#), by committee on Human Resources, 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 **placed on calendar**.

[Senate File 199](#), by Mathis, a bill for an act relating to the state comprehensive Alzheimer's disease response strategy.

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

[Senate File 200](#), by Kapucian, a bill for an act relating to farm tenancies of less than forty acres by providing procedures for termination.

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

[Senate File 201](#), by Kapucian, a bill for an act relating to the number of children in child care homes.

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

[Senate File 202](#), by committee on Human Resources, a bill for an act relating to programs and services under the purview of the department of public health.

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

[Senate File 203](#), by committee on Human Resources, a bill for an act relating to mental health and disability services requirements involving the department of human services and including effective date and retroactive applicability provisions.

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

[Senate File 204](#), by committee on State Government, a bill for an act concerning persons voluntarily excluded from gambling facilities.

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

#### STUDY BILLS RECEIVED

[SSB 1176](#)      **State Government**

Relating to public cafeterias and the American heart association's dietary guidelines.

[SSB 1177](#)      **State Government**

Providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit, and including applicability provisions.

[SSB 1178](#)      **Transportation**

Relating to a manufactured or mobile home retailer's application to a county treasurer for a certificate of title for a used mobile home or manufactured home.

[SSB 1179](#)      **Transportation**

Relating to the deadline for obtaining a registration fee credit for a vehicle that is sold, transferred, or junked or for a motor vehicle purchased by a lessee.

[SSB 1180](#)      **Agriculture**

Providing for the determination of animal units which are part of confinement feeding operations, and making penalties applicable.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 174](#)

EDUCATION: Beall, Chair; Bowman and Johnson

[Senate File 176](#)

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

[Senate File 178](#)

EDUCATION: Beall, Chair; Johnson and Mathis

[Senate File 180](#)

STATE GOVERNMENT: Danielson, Chair; Courtney and Sorenson

[Senate File 192](#)

TRANSPORTATION: Danielson, Chair; Dvorsky and Kapucian

[Senate File 193](#)

HUMAN RESOURCES: Mathis, Chair; Hatch and Segebart

[House File 160](#)

APPROPRIATIONS: Bolkcom, Chair; Dvorsky, Ernst, Ragan and Segebart

[SSB 1176](#)

STATE GOVERNMENT: Petersen, Chair; Anderson and Jochum

[SSB 1177](#)

STATE GOVERNMENT: Petersen, Chair; Danielson and Feenstra

[SSB 1178](#)

TRANSPORTATION: Bowman, Chair; Brase and Kapucian

[SSB 1179](#)

TRANSPORTATION: Bowman, Chair; Breitbach and Taylor

[SSB 1180](#)

AGRICULTURE: Seng, Chair; Brase and Zumbach

## FINAL COMMITTEE REPORTS OF BILL ACTION

## HUMAN RESOURCES

**Bill Title:** \*[SENATE FILE 198](#) (formerly [SF 35](#)), a bill for an act relating to elderly persons with aggressive or psychiatric behaviors in long-term care facilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, 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 198](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** \*[SENATE FILE 202 \(SSB 1016\)](#), a bill for an act relating to programs and services under the purview of the department of public health.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, 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 202](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** \*[SENATE FILE 203 \(SSB 1130\)](#), a bill for an act relating to mental health and disability services requirements involving the department of human services and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, 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 203](#), and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 204](#) (formerly [SF 28](#)), a bill for an act concerning persons voluntarily excluded from gambling facilities.

**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.

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on February 14, 2013, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 106](#) – 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.

**AMENDMENT FILED**

[S-3008](#)      [S.F. 115](#)      Tod Bowman