

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 20, 2013

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JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 20, 2013

The Senate met in regular session at 9:03 a.m., President Jochum presiding.

Prayer was offered by Reverend Nathan Liedtke, representing Wartburg College, pastor of New Life Lutheran Church in Norwalk, Iowa. He was the guest of Senators Dix and Mathis.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Tucker Watters.

The Journal of Tuesday, February 19, 2013, was approved.

SPECIAL GUEST

President Jochum welcomed to the Senate chamber U.S. Congressman Dave Loebsack.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 205](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:18 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:54 a.m., President Jochum presiding.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration [Senate Resolution 3](#) and [Senate Concurrent Resolution 3](#).

[Senate Resolution 3](#)

On motion of Senator Horn, [Senate Resolution 3](#), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fifth General Assembly, was taken up for consideration.

Senator Horn moved the adoption of [Senate Resolution 3](#), which motion prevailed by a voice vote.

[Senate Concurrent Resolution 3](#)

On motion of Senator Horn, [Senate Concurrent Resolution 3](#), a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives for the Eighty-fifth General Assembly, was taken up for consideration.

Senator Horn asked and received unanimous consent that [House Concurrent Resolution 4](#) be substituted for [Senate Concurrent Resolution 3](#).

[House Concurrent Resolution 4](#)

On motion of Senator Horn, [House Concurrent Resolution 4](#), a concurrent resolution relating to the joint rules governing lobbyists of the Senate and House of Representatives for the Eighty-fifth General Assembly, was taken up for consideration.

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

WITHDRAWN

Senator Horn asked and received unanimous consent that [Senate Concurrent Resolution 3](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Courtney, until he arrives, on request of Senator Gronstal; and Senators Anderson, Feenstra, Guth, and Zaun, until they arrive, on request of Senator Dix.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Steven Ferguson – Executive Director of the Agricultural Development Authority

Emily Forquer – Architectural Examining Board

Andrew Waldschmitt – Iowa Autism Council

Sandra Ryan – Commission for the Blind

Thomas Bernau – Iowa Capital Investment Board

Donna Walter – Iowa Capital Investment Board

Elaine Sanders – Child Advocacy Board

Tom Conley – Iowa State Civil Rights Commission

Brenda Garcia-Van Auken – Board of Educational Examiners

Mary Overholtzer – Board of Educational Examiners

Ramon Rodriguez – Commission of Latino Affairs

Frank Bognanno – Board of Medicine
Ann Gales – Board of Medicine
Michael Thompson – Board of Medicine

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

Susan Pleva – Plumbing and Mechanical Systems Examining
Board

Travis Carlson – Board of Podiatry
Donald Shurr – Board of Podiatry

Joan Skogstrom – Board of Psychology

Robert Andeweg – Iowa Public Information Board
Anthony Gaughan – Iowa Public Information Board
Jo Martin – Iowa Public Information Board
Andrew McKean – Iowa Public Information Board
Gary Mohr – Iowa Public Information Board
William Monroe – Iowa Public Information Board
Kathleen Richardson – Iowa Public Information Board
Suzan Stewart – Iowa Public Information Board
Peggy Weitzl – Iowa Public Information Board

Vernon (Fred) Greder – Real Estate Appraiser Examining Board

John Goede – Real Estate Commission

Hannah Walsh – State Board of Regents

Timothy Palmer – State Soil Conservation Committee

Mary Sellers – Iowa Telecommunications and Technology
Commission

Shirley Daniels – Commission on Tobacco Use Prevention and
Control

Chad Jensen – Commission on Tobacco Use Prevention and
Control

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 45:

Beall	Dearden	Jochum	Seng
Behn	Dix	Johnson	Sinclair
Bertrand	Dotzler	Kapucian	Smith
Black	Dvorsky	Mathis	Sodders
Boettger	Ernst	McCoy	Sorenson
Bolkcom	Greiner	Petersen	Taylor
Bowman	Gronstal	Quirnbach	Whitver
Brase	Hart	Ragan	Wilhelm
Breitbach	Hatch	Rozenboom	Zumbach
Chapman	Hogg	Schneider	
Chelgren	Horn	Schoenjahn	
Danielson	Houser	Segebart	

Nays, none.

Absent, 5:

Anderson	Feenstra	Zaun
Courtney	Guth	

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

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 19, 2013, **passed** the following bill in which the concurrence of the House was asked:

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

ALSO: That the House has on February 19, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 185](#), a bill for an act relating to the title of the office of citizens' aide.

Read first time and attached to **companion [Senate File 153](#)**.

[House File 199](#), 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 and attached to **companion** [Senate File 185](#).

[House File 215](#), a bill for an act relating to and providing for education reform involving student, teacher, and administrator programs and activities under the purview of the department of education, the state board of education, the college student aid commission, school districts, and accredited nonpublic schools; providing for independent private instruction for students; providing for private instruction for students; concerning driver education by a teaching parent; making appropriations and providing for the establishment and retention of certain fees; and including transition and effective date provisions.

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

[House File 225](#), a bill for an act relating to pollution prevention and waste management assistance.

Read first time and attached to **similar** [Senate File 144](#).

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:06 p.m. until 9:00 a.m., Thursday, February 21, 2013.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: Tuesday, February 12, 2013, 4:00 p.m.

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

Members Absent: Houser (excused).

Committee Business: Presentation by Iowa Economic Development. Approval of governor's appointees.

Adjourned: 5:00 p.m.

ALSO:

Convened: Thursday, February 14, 2013, 1:00 p.m.

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

Members Absent: Houser (excused).

Committee Business: Passed [SF 122](#), as amended.

Adjourned: 1:25 p.m.

ALSO:

Convened: Tuesday, February 19, 2013, 4:05 p.m.

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

Members Absent: Chelgren and Hatch (both excused).

Committee Business: Presentations by the Technology Association of Iowa.

Adjourned: 4:55 p.m.

EDUCATION

Convened: Wednesday, February 20, 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: Approved [SSB 1141](#).

Adjourned: 1:30 p.m.

JUDICIARY

Convened: Tuesday, February 19, 2013, 3:05 p.m.

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

Members Absent: Courtney, Vice Chair (excused).

Committee Business: Approved SSBs 1032 and 1124. Approved governor's appointees.

Adjourned: 3:30 p.m.

TRANSPORTATION

Convened: Wednesday, February 20, 2013, 2:00 p.m.

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

Members Absent: Feenstra and McCoy (both excused).

Committee Business: Passed [SF 27](#). Approved [SSB 1155](#).

Recessed: 2:05 p.m.

Reconvened: 2:20 p.m.

Adjourned: 2:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Tuesday, January 29, 2013, 10:00 a.m.

Members Present: Mathis, Chair; Danielson, Vice Chair; Guth, Ranking Member; Brase and Ernst.

Members Absent: None.

Committee Business: Presentation.

Adjourned: 11:30 a.m.

ALSO:

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

Members Present: Mathis, Chair; Danielson, Vice Chair; Guth, Ranking Member; Brase and Ernst.

Members Absent: None.

Committee Business: Presentation.

Adjourned: 11:30 a.m.

ALSO:**Convened:** Thursday, February 7, 2013, 10:10 a.m.**Members Present:** Mathis, Chair; Danielson, Vice Chair; Guth, Ranking Member; and Brase.**Members Absent:** Ernst (excused).**Committee Business:** Presentations.**Adjourned:** 10:50 a.m.**ALSO:****Convened:** Tuesday, February 12, 2013, 10:15 a.m.**Members Present:** Mathis, Chair; Danielson, Vice Chair; and Guth, Ranking Member.**Members Absent:** Brase and Ernst (both excused).**Committee Business:** Presentations.**Adjourned:** 11:15 a.m.**ALSO:****Convened:** Wednesday, February 13, 2013, 10:05 a.m.**Members Present:** Mathis, Chair; Danielson, Vice Chair; Guth, Ranking Member; and Brase.**Members Absent:** Ernst (excused).**Committee Business:** Presentations.**Adjourned:** 11:20 a.m.**ALSO:****Convened:** Tuesday, February 19, 2013, 10:35 a.m.**Members Present:** Mathis, Chair; Danielson, Vice Chair; Guth, Ranking Member; Brase and Ernst.**Members Absent:** None.**Committee Business:** Presentations.**Adjourned:** 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 20, 2013, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation.

Adjourned: 11:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 20, 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: 10:50 a.m.

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

Convened: Wednesday, February 20, 2013, 10:15 a.m.

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

Members Absent: Anderson (excused).

Committee Business: Presentation.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

[Senate File 226](#), by Seng, Johnson, Danielson, Horn, Ernst, Dearden, Gronstal, Feenstra, Kapucian, Quirnbach, Schoenjahn, Dotzler, Mathis, Beall, Brase, Soddors, Greiner, Anderson, Zaun, Bolkcom, Hatch, McCoy, Smith, Boettger, Houser, Zumbach, Petersen, Rozenboom, Segebart, Chelgren, Taylor, Hart, Hogg, Bowman, Sinclair, Sorenson, Courtney, and Bertrand, a bill for an act

making an appropriation for tourism marketing and promotion to the economic development authority.

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

[Senate File 227](#), by Wilhelm, a bill for an act establishing an emergency medical services task force.

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

[Senate File 228](#), by Soddors, a bill for an act relating to the use of a false or secret compartment in a motor vehicle, and providing penalties.

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

[Senate File 229](#), by Chapman, Anderson, Chelgren, Bertrand, Sorenson, and Johnson, a bill for an act relating to bass fishing in the state.

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

[Senate File 230](#), by committee on Judiciary, a bill for an act requiring in-state construction contracts and disputes thereof to be governed by Iowa law.

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

[Senate File 231](#), by committee on Judiciary, a bill for an act relating to the requirement that creditors provide notice of the availability of counseling and mediation services to homeowners facing foreclosure.

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

[Senate File 232](#), by Hatch, Mathis, and Jochum, a bill for an act relating to direct care professionals, including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.

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

[Senate File 233](#), by Hatch, Dotzler, Mathis, Soddors, and Beall, a bill for an act concerning public safety in schools and communities including certain provisions relating to firearms and mental health, providing penalties, and including effective date and applicability provisions.

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

[Senate File 234](#), by Danielson, a bill for an act providing for an exemption from child labor requirements for seasonal work for certain nonprofit organizations.

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

[Senate File 235](#), by Mathis, Dvorsky, Bolkcom, and McCoy, a bill for an act requiring that motor fuel pumps be accessible to persons with disabilities, including by the establishment of standards, requiring inspections, providing for the issuance of cease and desist orders, requiring the submission of annual reports, and making penalties applicable.

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

[Senate File 236](#), by McCoy, a bill for an act providing for zoos keeping dangerous wild animals, making penalties applicable, and including applicability and effective date provisions.

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

[Senate File 237](#), by Brase, a bill for an act providing for special vehicle registration plates displaying a decal designed and issued by a nonprofit organization, providing fees, making a penalty applicable, and including effective date provisions.

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

[Senate File 238](#), by McCoy and Kapucian, a bill for an act relating to an electric or natural gas vehicle facility tax credit and including effective date and retroactive applicability provisions.

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

STUDY BILLS RECEIVED

[SSB 1184](#) **Economic Growth**

Providing for a tax credit for the repayment of certain student loan debt and including applicability provisions.

[SSB 1185](#) **Judiciary**

Relating to the statute of limitations period in an action arising out of the unsafe or defective condition of an improvement to real property.

[SSB 1186](#) **Human Resources**

Creating a licensed social worker loan repayment program and revolving fund.

[SSB 1187](#) **State Government**

Establishing the support of the Iowa Senate, on behalf of the people of Iowa, of an amendment to the United States Constitution restricting corporate participation and contributions in election campaigns.

SSB 1188 **Judiciary**

Relating to nonsubstantive Code corrections.

SSB 1189 **State Government**

Making modifications to the sex offender registry and the statute of limitations for sex abuse offenses, creating a missing children safety fund, and making appropriations.

SSB 1190 **State Government**

Relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals and making penalties applicable.

SSB 1191 **Agriculture**

Relating to the licensure of persons owning or operating pet cemeteries and pet crematoriums, establishing standards and fees, making an appropriation, and providing for criminal penalties.

SUBCOMMITTEE ASSIGNMENTS**Senate File 206**

JUDICIARY: Hogg, Chair; Dvorsky and Schneider

Senate File 209

JUDICIARY: Hogg, Chair; Dvorsky and Schneider

Senate File 213

JUDICIARY: Sodders, Chair; Boettger and Hogg

Senate File 214

JUDICIARY: Hogg, Chair; Horn and Schneider

Senate File 221

TRANSPORTATION: McCoy, Chair; Behn and Dearden

House File 119

JUDICIARY: Hogg, Chair; Dvorsky and Schneider

[House File 133](#)

JUDICIARY: Hogg, Chair; Sodders and Sorenson

[House File 158](#)

JUDICIARY: Hogg, Chair; Dvorsky and Schneider

[SSB 1184](#)

ECONOMIC GROWTH: Sodders, Chair; Hatch and Schneider

[SSB 1185](#)

JUDICIARY: Hogg, Chair; Quirnbach and Whitver

[SSB 1186](#)

HUMAN RESOURCES: Jochum, Chair; Ragan and Segebart

[SSB 1187](#)

STATE GOVERNMENT: Danielson, Chair; Chapman and Jochum

[SSB 1188](#)

JUDICIARY: Schneider, Chair; Hogg and Horn

[SSB 1189](#)

STATE GOVERNMENT: Danielson, Chair; Horn and Sorenson

[SSB 1190](#)

STATE GOVERNMENT: Danielson, Chair; Chapman and Horn

[SSB 1191](#)

AGRICULTURE: Seng, Chair; Taylor and Greiner

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *[SENATE FILE 230 \(SSB 1124\)](#), a bill for an act requiring in-state construction contracts and disputes thereof to be governed by Iowa law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hogg, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirnbach, Soddors, Sorenson, Taylor, Whitver, and Zaun. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 230](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 231 \(SSB 1032\)](#), a bill for an act relating to the requirement that creditors provide notice of the availability of counseling and mediation services to homeowners facing foreclosure.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hogg, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirnbach, Soddors, Sorenson, Taylor, Whitver, and Zaun. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Stewart Iverson – Property Assessment Appeal Board

MATT McCOY

GOVERNOR’S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Robert S. von Wolfradt as Chief Information Officer, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Leann Jacobsen as a member of the Technology Advisory Council, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Timothy Peterson as a member of the Technology Advisory Council, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, James Davidson as a member of the Vision Iowa Board, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Kelly Reilly as a member of the Vision Iowa Board, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the State Government committee having failed to file its report within the prescribed time, the nominee, Carrie Tedore as a member of the Vision Iowa Board, is now automatically placed, without recommendation, upon the individual confirmation calendar.

Pursuant to Senate Rule 59, the Transportation committee having failed to file its report within the prescribed time, the nominee, K. Brian London as the Commissioner of Public Safety, is now automatically placed, without recommendation, upon the individual confirmation calendar.