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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 5, 2013**

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# JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

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

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

Prayer was offered by Pastor Josh Armendariz of the Cornerstone Baptist Church in Ankeny, Iowa. He was the guest of Senator Whitver.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jacob Ihnen.

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

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 9:51 a.m., President Jochum presiding.

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following Senate Files be referred from the Regular Calendar to the following committees:

<a href="#">S.F. 291</a>	Appropriations
<a href="#">S.F. 292</a>	Ways and Means
<a href="#">S.F. 295</a>	Appropriations
<a href="#">S.F. 302</a>	Ways and Means
<a href="#">S.F. 303</a>	Ways and Means
<a href="#">S.F. 305</a>	Ways and Means
<a href="#">S.F. 307</a>	Appropriations

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:52 a.m. until 9:00 a.m., Wednesday, March 6, 2013.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Irma Rae Harris, Mason City – For celebrating her 90<sup>th</sup> birthday. Senator Ragan.

Tiffany's Tipton Bakery, Tipton – In celebration of the crescent's 85<sup>th</sup> birthday. Senator Dvorsky.

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Tuesday, March 5, 2013, 10:05 a.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 SSBs 1210 and 1225.

**Adjourned:** 10:25 a.m.

#### ECONOMIC GROWTH

**Convened:** Tuesday, March 5, 2013, 2:35 p.m.

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

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

**Committee Business:** Consideration of [SF 70](#) and [SSB 1023](#).

**Adjourned:** 3:10 p.m.

#### HUMAN RESOURCES

**Convened:** Monday, March 4, 2013, 5:10 p.m.

**Recessed:** 5:15 p.m.

**Reconvened:** 5:35 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 227](#). Approved SSBs 1082, 1127, 1131, 1132, 1133, and 1159, all as amended; and [SSB 1186](#).

**Adjourned:** 6:00 p.m.

## JUDICIARY

**Convened:** Tuesday, March 5, 2013, 1:05 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:** Consideration of bills.

**Adjourned:** 2:15 p.m.

## TRANSPORTATION

**Convened:** Monday, March 4, 2013, 5:15 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 172](#). Approved SSBs 1020, 1148, 1156, and 1179.

**Adjourned:** 5:30 p.m.

## INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 8](#), by Smith, Dix, Feenstra, Anderson, Ernst, Chelgren, Bertrand, Schneider, Breitbach, Chapman, Zumbach, Greiner, Segebart, Johnson, Houser, Kapucian, Guth, Sinclair, Rozenboom, Whitver, Boettger, Zaun, Sorenson, and Behn, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by creating a state general fund expenditure limitation, providing for a taxpayers trust fund,

requiring authorization for certain bonds, and restricting certain state revenue changes.

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

#### INTRODUCTION OF BILLS

[Senate File 315](#), by Beall, Houser, Seng, and Bolkcom, a bill for an act establishing farm-owned distributed generation facility purchase requirements applicable to specified utilities, making penalties applicable, and including effective date provisions.

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

[Senate File 316](#), by committee on Agriculture, 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 **placed on calendar**.

[Senate File 317](#), by committee on Natural Resources and Environment, a bill for an act prohibiting the disbursement of a certain plant, including its seeds, commonly classified as garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop within this state, and making penalties applicable.

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

[Senate File 318](#), by committee on Judiciary, a bill for an act relating to the administration of the judicial branch including provisions pertaining to shorthand reporters and the practice of law, and making appropriations.

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

[Senate File 319](#), by committee on Education, a bill for an act relating to the Iowa early intervention block grant program by eliminating the future repeal of the chapter establishing the program and including effective date provisions.

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

[Senate File 320](#), by committee on Education, a bill for an act requiring the board of directors of a school district to develop and implement a comprehensive emergency management plan.

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

[Senate File 321](#), by committee on Education, a bill for an act requiring the board of directors of a school district to develop and implement a comprehensive emergency management plan.

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

[Senate File 322](#), by Bertrand, Chelgren, Smith, and Sorenson, a bill for an act requiring bills designed to amend, revise, enact, codify, or repeal a law to include a statement specifying the purpose for enactment of the bill.

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

[Senate File 323](#), by Behn, Boettger, Johnson, Zaun, Houser, Kapucian, Greiner, Chapman, Chelgren, Sorenson, Bertrand, Ernst, Anderson, Feenstra, Sinclair, and Rozenboom, a bill for an act providing education savings grants for pupils attending a nonpublic school or receiving competent private instruction, establishing an education savings grant fund, making appropriations, providing penalties, and including applicability provisions.

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

[Senate File 324](#), by Chapman, Anderson, Chelgren, Bertrand, Sorenson, and Whitver, a bill for an act to establish a future repeal date for all administrative rules.

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

[Senate File 325](#), by Chapman, Ernst, Johnson, Guth, and Anderson, a bill for an act relating to the rights of members of a residential cooperative or owners of a condominium.

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

[Senate File 326](#), by committee on State Government, a bill for an act 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.

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

[Senate File 327](#), by committee on State Government, a bill for an act concerning the municipal fire and police retirement system and including effective date and retroactive applicability provisions.

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

[Senate File 328](#), by committee on State Government, a bill for an act authorizing lottery games to benefit special olympics programs.

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

[Senate File 329](#), by committee on State Government, a bill for an act making changes to the campaign finance laws relating to independent expenditures.

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

[Senate File 330](#), by committee on Human Resources, a bill for an act creating a licensed social worker loan repayment program and revolving fund.

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

[Senate File 331](#), by committee on Transportation, a bill for an act relating to the renewal of driver's licenses electronically and including effective date provisions.

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

[Senate File 332](#), by committee on Education, a bill for an act related to the administration of the national guard educational assistance program.

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

[Senate File 333](#), by Ernst, a bill for an act establishing a civil cause of action for physical injury or emotional distress resulting from an abortion.

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

[Senate File 334](#), by Courtney, a bill for an act to increase the state minimum hourly wage.

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

[Senate File 335](#), by Taylor, a bill for an act concerning matters relating to the transportation of railroad workers and providing penalties.

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

[Senate File 336](#), by Zaun, Rozenboom, and Chapman, a bill for an act relating to education by abolishing the department of education and the state board of education, modifying the duties and authority of certain state and local governmental entities, establishing an education savings grant program and fund, making appropriations, providing penalties, and including effective date and applicability provisions.

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

#### STUDY BILLS RECEIVED

##### [SSB 1232](#)      **Natural Resources and Environment**

Related to the liability of a land holder for the public use of private lands and waters.

##### [SSB 1233](#)      **Local Government**

Eliminating a restriction on a person associated with a county agricultural extension district from engaging in certain activities affecting legislation.



## SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 1

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Resolution 2

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Resolution 7

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Resolution 8

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Concurrent Resolution 2

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Joint Resolution 3

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Joint Resolution 5

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Joint Resolution 6

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Joint Resolution 7

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate Joint Resolution 8

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

Senate File 42

COMMERCE: McCoy, Chair; Anderson and Petersen

Senate File 60

COMMERCE: McCoy, Chair; Anderson and Petersen

[Senate File 132](#)

COMMERCE: McCoy, Chair; Anderson and Schoenjahn

[Senate File 135](#)

COMMERCE: McCoy, Chair; Anderson and Schoenjahn

[Senate File 137](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

[Senate File 208](#)

VETERANS AFFAIRS: Beall, Chair; Danielson and Rozenboom

[Senate File 244](#)

VETERANS AFFAIRS: Beall, Chair; Danielson and Rozenboom

[Senate File 261](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

[Senate File 286](#)

COMMERCE: McCoy, Chair; Anderson and Petersen

[Senate File 287](#)

COMMERCE: McCoy, Chair; Anderson and Petersen

[Senate File 279](#)

EDUCATION: Wilhelm, Chair; Hart and Sinclair

[Senate File 299](#)

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Anderson and Seng

[Senate File 311](#)

STATE GOVERNMENT: Danielson, Chair; Courtney and Sorenson

[Senate File 312](#)

HUMAN RESOURCES: Mathis, Chair; Ernst and Wilhelm

[Senate File 313](#)

STATE GOVERNMENT: Danielson, Chair; Anderson and Bowman

[Senate File 315](#)

COMMERCE: McCoy, Chair; Anderson and Mathis

[Senate File 322](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

[Senate File 324](#)

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

[SSB 1040](#)

(Reassigned)

JUDICIARY: Hogg, Chair; Taylor and Zaun

[SSB 1232](#)

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

[SSB 1233](#)

LOCAL GOVERNMENT: Schoenjahn, Chair; Guth and Wilhelm

## FINAL COMMITTEE REPORTS OF BILL ACTION

### AGRICULTURE

**Bill Title:** [SENATE FILE 316](#) (formerly [SF 200](#)), a bill for an act relating to farm tenancies of less than forty acres by providing procedures for termination.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Seng, Taylor, Zumbach, Beall, Black, Bowman, Brase, Greiner, Guth, Hart, Houser, Kapucian, and Sodders. Nays, none. Absent, none.

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

### EDUCATION

**Bill Title:** [SENATE FILE 319 \(SSB 1142\)](#), a bill for an act relating to the Iowa early intervention block grant program by eliminating the future repeal of the chapter establishing the program and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Mathis, and Wilhelm. Nays, 6: Ernst, Behn, Boettger, Johnson, Sinclair, and Zaun. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 320 \(SSB 1226\)](#), a bill for an act requiring the board of directors of a school district to develop and implement a comprehensive emergency management plan.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Quirnbach, Schoenjahn, Ernst, Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 321](#) (formerly [SF 120](#)), a bill for an act requiring the board of directors of a school district to develop and implement a comprehensive emergency management plan.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Quirnbach, Schoenjahn, Ernst, Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 332](#) (formerly [SF 174](#)), a bill for an act related to the administration of the national guard educational assistance program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Quirnbach, Schoenjahn, Ernst, Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun. Nays, none. Absent, none.

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

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 330 \(SSB 1186\)](#), a bill for an act creating a licensed social worker loan repayment program and revolving fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Ragan, Wilhelm, Bolkcom, Dotzler, Jochum, Mathis, Quirnbach, and Segebart. Nays, 4: Johnson, Boettger, Ernst, and Whitver. Absent, 1: Hatch.

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

**JUDICIARY**

**Bill Title:** \*[SENATE FILE 318 \(SSB 1039\)](#), a bill for an act relating to the administration of the judicial branch including provisions pertaining to shorthand reporters and the practice of law, and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Hogg, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirnbach, Soddors, Taylor, and Zaun. Nays, none. Absent, 3: Courtney, Sorenson, and Whitver.

**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 318](#), and they were attached to the committee report.

**NATURAL RESOURCES AND ENVIRONMENT**

**Bill Title:** \*[SENATE FILE 317](#) (formerly [SF 7](#)), a bill for an act prohibiting the disbursement of a certain plant, including its seeds, commonly classified as garlic mustard, oriental bittersweet, Japanese knotweed, and Japanese hop within this state, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dearden, Black, Greiner, Bolkcom, Brase, Breitbach, Hogg, Johnson, Ragan, Rozenboom, Schoenjahn, Seng, and Zumbach. Nays, none. Absent, none.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on [Senate File 317](#), and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 326 \(SSB 1189\)](#), a bill for an act 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver. Nays, none. Absent, 1: Courtney.

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

**ALSO:**

**Bill Title:** [SENATE FILE 327 \(SSB 1201\)](#), a bill for an act concerning the municipal fire and police retirement system and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver. Nays, none. Absent, 1: Courtney.

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

**ALSO:**

**Bill Title:** [SENATE FILE 328 \(SSB 1209\)](#), a bill for an act authorizing lottery games to benefit special olympics programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver. Nays, none. Absent, 1: Courtney.

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

**ALSO:**

**Bill Title:** [SENATE FILE 329 \(SSB 1114\)](#), a bill for an act making changes to the campaign finance laws relating to independent expenditures.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Dearden, Feenstra, Horn, McCoy, Petersen, Smith, Soddors, and Whitver. Nays, none. Absent, 1: Courtney.

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

**TRANSPORTATION**

**Bill Title:** [SENATE FILE 331 \(SSB 1020\)](#), a bill for an act relating to the renewal of driver's licenses electronically and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bowman, Beall, Kapucian, Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, McCoy, Taylor, and Zumbach. Nays, none. Absent, none.

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

**AMENDMENT FILED**

[S-3011](#)      [S.F. 309](#)      Judiciary