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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, MARCH 27, 2013**

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# JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 27, 2013

The Senate met in regular session at 9:08 a.m., President Jochum presiding.

Prayer was offered by Pastor D.C. Darensbourg, pastor of the Second Baptist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Celia Ver Ploeg.

The Journal of Tuesday, March 26, 2013, was approved.

## SPECIAL GUESTS

Senator Rozenboom welcomed to the Senate chamber Queen Marlee Bokhoven and representatives from Pella's Seventy-eighth Annual Tulip Time Festival. Queen Bokhoven invited the Senate to attend this year's festival on May 2, 3, and 4, 2013.

Queen Bokhoven introduced the following members of her court: Elizabeth De Wolf, Erica Schulte, Kate Roozeboom, and Heather Van Wyk. President Jochum gave Queen Bokhoven a hug, and she in turn presented President Jochum with a package of the famous Pella Dutch pastries.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

The Senate stood at ease at 9:33 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:34 p.m., President Jochum presiding.

#### QUORUM CALL

Senator Horn requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent, and a quorum present.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 301 and 272.

#### [Senate File 301](#)

On motion of Senator Soddors, [Senate File 301](#), a bill for an act relating to the Iowa veterans home and providing for the consideration of contributions to support as repayment receipts, was taken up for consideration.

Senator Soddors asked and received unanimous consent that [House File 544](#) be **substituted** for [Senate File 301](#).

#### [House File 544](#)

On motion of Senator Soddors, [House File 544](#), a bill for an act relating to the Iowa veterans home and providing for the consideration of contributions to support as repayment receipts, was taken up for consideration.

Senator Soddors offered amendment [S-3091](#), filed by him from the floor to pages 1 and 5 of the bill, and moved its adoption.

Amendment [S-3091](#) was adopted by a voice vote.

Senator Sodders 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?" ([H.F. 544](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

#### WITHDRAWN

Senator Sodders asked and received unanimous consent that [Senate File 301](#) be **withdrawn** from further consideration of the Senate.

#### [Senate File 272](#)

On motion of Senator Brase, [Senate File 272](#), a bill for an act relating to matters under the purview of the department of natural resources, including the registration and titling of snowmobiles and all-terrain vehicles, the restore the outdoors program, and protected wetlands, was taken up for consideration.

Senator Brase offered amendment [S-3025](#), filed by him on March 18, 2013, to page 2 and amending the title page of the bill, and moved its adoption.

Amendment [S-3025](#) was adopted by a voice vote.

Senator Brase 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. 272](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

McCoy

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

President Pro Tempore Sodders took the chair at 12:57 p.m.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Greiner, until she returns, on request of Senator Kapucian.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 14](#).

[House File 14](#)

On motion of Senator Beall, [House File 14](#), a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles, placed on the Unfinished Business Calendar on March 14, 2013, with report of committee recommending passage, was taken up for consideration.

Senator Beall 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?" ([H.F. 14](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Greiner

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

## WITHDRAWN

Senator Beall asked and received unanimous consent that [Senate File 239](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 131](#).

[House File 131](#)

On motion of Senator Dearden, [House File 131](#), a bill for an act authorizing charitable giving payroll deductions for community college employees, with report of committee recommending passage, was taken up for consideration.

Senator Dearden 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?" ([H.F. 131](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Greiner

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

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 272](#) and [House Files 14, 131, and 544](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 329, 306, and 270.

[Senate File 329](#)

On motion of Senator Danielson, [Senate File 329](#), a bill for an act making changes to the campaign finance laws relating to independent expenditures, was taken up for consideration.

Senator Danielson 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. 329](#)), the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Greiner

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



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Feenstra, until he returns, on request of Senator Kapucian.

**Senate File 306**

On motion of Senator Bolkcom, **Senate File 306**, a bill for an act providing for the reduction and recovery of excess food items by the department of natural resources, was taken up for consideration.

Senator Bolkcom 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. 306**), 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	Ernst	Schneider	Zaun
Boettger	Guth	Segebart	Zumbach
Breitbach	Houser	Sinclair	
Chapman	Johnson	Smith	

Absent, 2:

Feenstra	Greiner
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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 270

On motion of Senator McCoy, [Senate File 270](#), a bill for an act specifying procedures applicable to claims asserting stray electric current or voltage, was taken up for consideration.

Senator Dix asked and received unanimous consent that action on [Senate File 270](#) be **deferred**.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 306 and 329** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 115 and 407.

### Senate File 115

On motion of Senator Bowman, [Senate File 115](#), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions, was taken up for consideration.

Senator Bowman offered amendment [S-3008](#), filed by him on February 14, 2013, to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-3008](#) was adopted by a voice vote.

Senator Bowman 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. 115](#)), the vote was:

Yeas, 41:

Anderson	Courtney	Horn	Schoenjahn
Beall	Danielson	Houser	Segebart
Behn	Dearden	Jochum	Seng
Bertrand	Dix	Johnson	Sodders

Black	Dotzler	Kapucian	Sorenson
Boettger	Dvorsky	Mathis	Taylor
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Guth	Petersen	Zumbach
Brase	Hart	Quirnbach	
Breitbach	Hatch	Ragan	
Chelgren	Hogg	Schneider	

Nays, 8:

Chapman	Feenstra	Sinclair	Whitver
Ernst	Rozenboom	Smith	Zaun

Absent, 1:

Greiner

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

### [Senate File 407](#)

On motion of Senator Danielson, [Senate File 407](#), a bill for an act relating to the activities and duties of the state board of regents and the board's administrative office, was taken up for consideration.

Senator Danielson offered amendment [S-3063](#), filed by him on March 25, 2013, to pages 1–2 of the bill, and moved its adoption.

Amendment [S-3063](#) was adopted by a voice vote.

Senator Sinclair offered amendment [S-3095](#), filed by her from the floor to pages 2 and 4 of the bill.

Senator Danielson asked and received unanimous consent that action on amendment [S-3095](#) and [Senate File 407](#) be **deferred**.

### 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 March 27, 2013, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 427](#), a bill for an act relating to the licensing of plumbing, mechanical, HVAC-refrigeration, sheet metal, or hydronic professionals, including transition provisions, including effective date provisions, and making penalties applicable. ([S-3094](#))

ALSO: That the House has on March 27, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 495](#), a bill for an act relating to the residential landlord and tenant laws and related forcible entry and detainer laws and making penalties applicable.

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

[House File 499](#), a bill for an act permitting the use of crossbows to hunt deer and providing penalties.

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

[House File 569](#), a bill for an act relating to licensure of professionals practicing substance and addictive disorder counseling or providing substance and addictive disorder prevention services, making penalties applicable, and including transition, implementation, and effective date provisions.

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:04 p.m. until 9:00 a.m., Thursday, March 28, 2013.

#### APPENDIX

##### CERTIFICATE OF RECOGNITION

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

Pastor D.C. Darensbourg, Second Baptist Church in Fort Dodge – For blessing the Iowa House of Representatives and the Iowa Senate with prayer. Senator Beall.

## REPORTS OF COMMITTEE MEETINGS

## EDUCATION

**Convened:** Wednesday, March 27, 2013, 2:15 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:** Passed HFs 351 and 472.

**Adjourned:** 2:50 p.m.

## JUDICIARY

**Convened:** Wednesday, March 27, 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:** Passed [HF 210](#), as amended; and HFs 112, 223, 477, and 530.

**Adjourned:** 3:20 p.m.

## INTRODUCTION OF BILL

[Senate File 430](#), by committee on Appropriations, a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, the board of regents and certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, and including effective date and retroactive applicability provisions.

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

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 426](#)

APPROPRIATIONS: McCoy, Chair; Dvorsky and Whitver

[House File 356](#)

JUDICIARY: Taylor, Chair; Boettger and Horn

[House File 380](#)

STATE GOVERNMENT: Horn, Chair; Bowman and Feenstra

[House File 527](#)

JUDICIARY: Sodders, Chair; Courtney and Whitver

[House File 534](#)

JUDICIARY: Sodders, Chair; Hogg and Zaun

[House File 537](#)

JUDICIARY: Hogg, Chair; Boettger and Petersen

[House File 572](#)

JUDICIARY: Hogg, Chair; Quirnbach and Whitver

## FINAL COMMITTEE REPORTS OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*[SENATE FILE 430 \(SSB 1246\)](#), a bill for an act relating to appropriations to the department of cultural affairs, the economic development authority, the board of regents and certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, providing for other properly related matters, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dvorsky, Danielson, Black, Bolkcom, Courtney, Dotzler, Hatch, Hogg, Mathis, McCoy, Petersen, Ragan, and Schoenjahn. Nays, 8: Whitver, Boettger, Ernst, Guth, Kapucian, Rozenboom, Segebart, and Smith. 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 Appropriations Committee on [Senate File 430](#), and they were attached to the committee report.

### EDUCATION

**Bill Title:** [HOUSE FILE 351](#), a bill for an act providing that children who are enrolled in the statewide preschool program are of compulsory attendance age.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, and Wilhelm. Nays, 5: Ernst, Behn, Boettger, Sinclair, and Zaun. Absent, none.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 472](#), a bill for an act relating to school district funding by establishing a supplementary weighting program for shared operational functions of school districts and area education agencies.

**Recommendation:** DO PASS.

**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.

**JUDICIARY**

**Bill Title:** [HOUSE FILE 112](#), a bill for an act relating to the forfeiture of bail in a criminal case.

**Recommendation:** DO PASS.

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 223](#), a bill for an act concerning issuance of a license or users permit for specified activities regarding explosives.

**Recommendation:** DO PASS.

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 477](#), a bill for an act relating to the sale, operation, and possession of speed detection jamming devices, and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Hogg, Courtney, Schneider, Boettger, Dvorsky, Horn, Petersen, Quirnbach, Soddors, Taylor, and Whitver. Nays, 1: Zaun. Absent, 1: Sorenson.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 530](#), a bill for an act relating to the governor's office of drug control policy and certain advisory councils.

**Recommendation:** DO PASS.

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

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

**MOTIONS TO RECONSIDER FILED**

MADAM PRESIDENT, I move to reconsider the vote by which [Senate File 115](#) passed the Senate on March 27, 2013.

TOD R. BOWMAN

MADAM PRESIDENT, I move to reconsider the vote by which [Senate File 115](#) passed the Senate on March 27, 2013.

BILL DIX

**AMENDMENTS FILED**

<a href="#">S-3090</a>	<a href="#">S.F. 374</a>	David Johnson
<a href="#">S-3091</a>	<a href="#">H.F. 544</a>	Steve Soddors
<a href="#">S-3092</a>	<a href="#">S.F. 374</a>	Mary Jo Wilhelm
<a href="#">S-3093</a>	<a href="#">S.F. 396</a>	Jeff Danielson
<a href="#">S-3094</a>	<a href="#">S.F. 427</a>	House
<a href="#">S-3095</a>	<a href="#">S.F. 407</a>	Amy Sinclair