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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 2, 2013**

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# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FORTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 2, 2013

The Senate met in regular session at 9:06 a.m., President Jochum presiding.

Prayer was offered by Reverend Terry Chapman, pastor of the Moravian Church of the Nazarene in Moravia, Iowa. He was the guest of Senator Rozenboom.

## PLEDGE OF ALLEGIANCE

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

The Journal of Monday, April 1, 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 April 1, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 512](#), a bill for an act providing for the determination of animal units which are part of confinement feeding operations, and making penalties applicable.

Read first time and attached to **companion** [Senate File 418](#).

[House File 558](#), a bill for an act relating to drug control, including the criminal offense of prohibited acts related to controlled substances and the information program for drug prescribing and dispensing, and providing a penalty.

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

[House File 590](#), a bill for an act relating to child abuse reporting, assessment procedures, and placement on the central registry for child abuse, and including effective date and applicability provisions.

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

[House File 592](#), a bill for an act relating to payments from the indigent defense fund by the state public defender.

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

[House File 607](#), a bill for an act relating to the state government, by providing for the transfer of powers and duties from the agricultural development authority to the Iowa finance authority, the composition of the Iowa finance authority board of directors, implementation of law by the board, and including effective date provisions.

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

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:21 a.m. until 10:00 a.m.

#### RECONVENED

The Senate reconvened at 10:44 a.m., President Jochum presiding.

## 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 April 2, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 566**, a bill for an act to establish requirements relating to the transfer of an interest in real estate by or on behalf of certain entities formed or organized on a profit, cooperative, or not-for-profit basis, and including warranties and a limitation on actions.

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

**House File 614**, a bill for an act appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated and including effective date and retroactive applicability provisions.

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

The Senate stood at ease at 10:45 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:37 a.m., President Jochum presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 11:38 a.m. until 4:00 p.m.

## EVENING SESSION

The Senate reconvened at 4:50 p.m., President Jochum presiding.

UNFINISHED BUSINESS  
(Deferred March 27, 2013)

[Senate File 407](#)

The Senate resumed consideration of [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, and amendment [S-3095](#), deferred March 27, 2013.

Senator Danielson raised the point of order that amendment [S-3095](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3095](#) out of order.

Senator Zaun asked and received unanimous consent that action on [Senate File 407](#) be **deferred**.

UNFINISHED BUSINESS  
(Deferred March 18, 2013)

[Senate File 371](#)

The Senate resumed consideration of [Senate File 371](#), 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, deferred March 18, 2013.

Senator Chelgren asked and received unanimous consent to withdraw amendment [S-3042](#), filed by Senator Chelgren, et al., on March 19, 2013, to page 2 of the bill.

Senator Brase offered amendment [S-3101](#), filed by him on April 1, 2013, to pages 2-3 of the bill, and moved its adoption.

Amendment [S-3101](#) 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. 371](#)), the vote was:

Yeas, 50:

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

Nays, none.

Absent, none.

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

#### BUSINESS PENDING

#### [Senate File 407](#)

The Senate resumed consideration of [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, previously deferred.

Senator Zaun offered amendment [S-3108](#), filed by him from the floor to page 2 of the bill.

Senator Danielson raised the point of order that amendment [S-3108](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3108](#) out of order.

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. 407](#)), the vote was:

Yeas, 49:

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

Nays, 1:

Behn

Absent, none.

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 Files 371** and **407** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:25 p.m. until 9:00 a.m., Wednesday, April 3, 2013.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Trooper Mark Domino, Charles City – For being selected for the TOP COPS award by the National Association of Police Organizations. Senator Wilhelm.

Tristan Moffitt, Pierson – For achieving the rank of Eagle Scout, Troop 259. Senator Anderson.

Velva D. Shea, Remsen – For celebrating her 90<sup>th</sup> birthday. Senator Anderson.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Tuesday, April 2, 2013, 10:05 a.m.

**Members Present:** Dvorsky, Chair; Danielson, Vice Chair; Whitver, Ranking Member; Black, Boettger, Bolkcom, Courtney, Dotzler, Ernst, Guth, Hatch, Hogg, Kapucian, Mathis, Petersen, Ragan, Rozenboom, Schoenjahn, Segebart, and Smith.

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

**Committee Business:** [HF 245](#), [SSB 1245](#).

**Adjourned:** 10:35 a.m.

#### EDUCATION

**Convened:** Tuesday, April 2, 2013, 2:05 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:** HFs 215 and 500.

**Adjourned:** 2:40 p.m.

#### JUDICIARY

**Convened:** Tuesday, April 2, 2013, 3:35 p.m.



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

**Members Absent:** None.

**Committee Business:** HFs 119, 212, 359, 471, and 556.

**Adjourned:** 4:45 p.m.

#### WAYS AND MEANS

**Convened:** Monday, April 1, 2013, 4:15 p.m.

**Recessed:** 4:20 p.m.

**Reconvened:** 4:50 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith.

**Members Absent:** None.

**Committee Business:** Passed SFs 205, 238, and 367; and [HF 575](#). Approved SSBs 1175, 1240, and 1243.

**Adjourned:** 5:15 p.m.

#### INTRODUCTION OF BILLS

[Senate File 431](#), by committee on Ways and Means, a bill for an act modifying provisions relating to solar energy system income tax credits and including effective date and applicability provisions.

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

[Senate File 432](#), by committee on Ways and Means, a bill for an act relating to the administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use and excise taxes, an environmental protection charge, and property taxes.

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

[Senate File 433](#), by committee on Ways and Means, a bill for an act relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

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

[Senate File 434](#), by committee on Ways and Means, 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 **placed on Ways and Means calendar**.

#### SUBCOMMITTEE ASSIGNMENTS

[House File 558](#)

JUDICIARY: Hogg, Chair; Quirnbach and Schneider

[House File 566](#)

JUDICIARY: Taylor, Chair; Horn and Schneider

[House File 590](#)

HUMAN RESOURCES: Dotzler, Chair; Bolkcom and Johnson

[House File 592](#)

JUDICIARY: Taylor, Chair; Hogg and Whitver

[House File 607](#)

AGRICULTURE: Seng, Chair; Soddors and Zumbach

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### APPROPRIATIONS

**Bill Title:** [HOUSE FILE 245](#), a bill for an act appropriating moneys in the cigarette fire safety standard fund and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 20: Dvorsky, Danielson, Whitver, Black, Boettger, Bolkcom, Courtney, Dotzler, Ernst, Guth, Hatch, Hogg, Kapucian, Mathis, Petersen, Ragan, Rozenboom, Schoenjahn, Segebart, and Smith. Nays, none. Absent, 1: McCoy.

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

## EDUCATION

**Bill Title:** [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.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3106](#).

**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:** [HOUSE FILE 500](#), a bill for an act relating to early childhood Iowa initiative requirements for area boards.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3107](#).

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

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3109](#).

**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.

**ALSO:**

**Bill Title:** [HOUSE FILE 359](#), a bill for an act relating to obscene material by modifying the definition of material and authorizing local regulation of certain live acts, performances, and exhibitions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Hogg, Courtney, Schneider, Boettger, Dvorsky, Petersen, Soddors, Sorenson, Whitver, and Zaun. Nays, 2: Quirnbach and Taylor. Present, 1: Horn. Absent, none.

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

**WAYS AND MEANS**

**Bill Title:** [SENATE FILE 431 \(SSB 1175\)](#), a bill for an act modifying provisions relating to solar energy system income tax credits and including effective date and applicability provisions.

**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.

**ALSO:**

**Bill Title:** \*[SENATE FILE 432 \(SSB 1243\)](#), a bill for an act relating to the administration of the tax and related laws of the department of revenue, including administration of income taxes, sales and use and excise taxes, an environmental protection charge, and property taxes.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 432](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 433](#) (formerly [SF 205](#)), a bill for an act relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 433](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 434](#) (formerly [SF 238](#)), a bill for an act relating to an electric or natural gas vehicle facility tax credit and including effective date and retroactive applicability provisions.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 434](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [HOUSE FILE 575](#), a bill for an act relating to the technical administration of state financial and regulatory matters, including administration of income taxes, sales and use taxes, currency exchange licenses, and the wireless surcharge for enhanced 911 emergency telephone systems, and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**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.

**VETERANS AFFAIRS**

**Bill Title:** [HOUSE FILE 453](#), a bill for an act relating to veterans preferences in certain appointments made by counties and cities and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Beall, Danielson, Rozenboom, Black, Chelgren, Ernst, Hart, Horn, Ragan, Schneider, and Sodders. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 545](#), a bill for an act creating a new category of allowable expenditures from the veterans trust fund.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Beall, Danielson, Rozenboom, Black, Chelgren, Ernst, Hart, Horn, Ragan, Schneider, and Sodders. Nays, none. Absent, none.

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

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following reports:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of April, 2013.

Senate Files 183, 184, 203, 327, 347, 349, 351, 357, 390, and 394.

MICHAEL E. MARSHALL  
Secretary of the Senate

**AMENDMENTS FILED**

<a href="#">S-3102</a>	<a href="#">S.F.</a>	<a href="#">363</a>	Steven J. Sodders
<a href="#">S-3103</a>	<a href="#">S.F.</a>	<a href="#">374</a>	Michael Breitbach
<a href="#">S-3104</a>	<a href="#">S.F.</a>	<a href="#">363</a>	Steven J. Sodders
<a href="#">S-3105</a>	<a href="#">H.F.</a>	<a href="#">472</a>	Brian Schoenjahn Amy Sinclair
<a href="#">S-3106</a>	<a href="#">H.F.</a>	<a href="#">215</a>	Education
<a href="#">S-3107</a>	<a href="#">H.F.</a>	<a href="#">500</a>	Education
<a href="#">S-3108</a>	<a href="#">S.F.</a>	<a href="#">407</a>	Brad Zaun
<a href="#">S-3109</a>	<a href="#">H.F.</a>	<a href="#">119</a>	Judiciary
<a href="#">S-3110</a>	<a href="#">S.F.</a>	<a href="#">430</a>	William A. Dotzler, Jr.