

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 3, 2013

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JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 3, 2013

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

Prayer was offered by Thomas Law, executive director of the Baptist Convention of Iowa in Des Moines, Iowa. He was the guest of Senator Zaun.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Brett Ofstein.

The Journal of Tuesday, April 2, 2013, was approved.

The Senate stood at ease at 9:24 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:03 a.m., President Jochum presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 11:04 a.m. until 3:45 p.m.

APPENDIX—1**REPORT OF COMMITTEE MEETING****APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

Convened: Wednesday, April 3, 2013, 11:00 a.m.

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

Members Absent: None.

Committee Business: Discussed appropriations bills.

Adjourned: 11:40 a.m.

INTRODUCTION OF BILLS

[Senate File 435](#), by committee on Appropriations, a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

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

[Senate File 436](#), by committee on Ways and Means, a bill for an act relating to the historic preservation and cultural and entertainment district tax credit by modifying the total amount of tax credits that may be issued, the definition of substantial rehabilitation costs, and the qualifications for certain projects, and including effective date and applicability provisions.

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

[Senate File 437](#), by committee on Ways and Means, a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit, and including applicability provisions.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *[SENATE FILE 435 \(SSB 1245\)](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dvorsky, Danielson, Black, Bolkcom, Courtney, Dotzler, Hatch, Hogg, Mathis, Petersen, Schoenjahn, and Smith. Nays, 8: Whitver, Boettger, Ernst, Guth, Kapucian, Ragan, Rozenboom, and Segebart. Absent, 1: McCoy.

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

JUDICIARY

Bill Title: [HOUSE FILE 212](#), a bill for an act relating to conducting condemnation proceedings.

Recommendation: DO PASS.

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 471](#), a bill for an act relating to the payment of reasonable attorney fees in juvenile court or appellate proceedings relating to a termination of parental rights petition.

Recommendation: DO PASS.

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 556](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3113](#).

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.

WAYS AND MEANS

Bill Title: *[SENATE FILE 436 \(SSB 1240\)](#), a bill for an act relating to the historic preservation and cultural and entertainment district tax credit by modifying the total amount of tax credits that may be issued, the definition of substantial rehabilitation costs, and the qualifications for certain projects, 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.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 436](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 437](#) (formerly [SF 367](#)), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for appropriations and a tax credit, and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Bolkcom, Seng, Bertrand, Black, Dotzler, Hogg, Jochum, McCoy, Petersen, and Quirnbach. Nays, 5: Feenstra, Behn, Chapman, Schneider, 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 Ways and Means Committee on [Senate File 437](#), and they were attached to the committee report.

RECONVENED

The Senate reconvened at 3:51 p.m., President Jochum presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 433](#).

[Senate File 433](#)

On motion of Senator Dotzler, [Senate File 433](#), a bill for an act relating to the requirements and administration of the targeted jobs withholding credit pilot project and including applicability provisions, was taken up for consideration.

Senator Dotzler 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. 433](#)), the vote was:

Yeas, 47:

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

Nays, 3:

Chelgren	Guth	Zaun
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Absent, none.

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 430](#).

[Senate File 430](#)

On motion of Senator Dotzler, [Senate File 430](#), 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, was taken up for consideration.

Senator Dotzler offered amendment [S-3110](#), filed by him on April 2, 2013, to pages 12, 19, 21, and 23 of the bill, and moved its adoption.

Amendment [S-3110](#) was adopted by a voice vote.

Senator Dotzler 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. 430](#)), 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, 24:

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

Absent, none.

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 575](#).

[House File 575](#)

On motion of Senator Petersen, [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, with report of committee recommending passage, was taken up for consideration.

Senator Petersen 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. 575](#)), 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.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [House File 215](#).

[House File 215](#)

On motion of Senator Quirnbach, [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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Quirnbach offered amendment [S-3106](#), filed by the committee on Education on April 2, 2013, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Zaun offered amendment [S-3116](#), filed by Senators Zaun and Chelgren from the floor to pages 1–39 and amending the title provisions of amendment [S-3106](#).

Senator Quirnbach raised the point of order that amendment [S-3116](#) to amendment [S-3106](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-3116](#) to amendment [S-3106](#) out of order.

Senator Bowman offered amendment [S-3118](#), filed by him from the floor to pages 34 and 36 of amendment [S-3106](#), and moved its adoption.

Amendment [S-3118](#) to amendment [S-3106](#) was adopted by a voice vote.

Senator Quirnbach moved the adoption of amendment [S-3106](#), as amended.

Amendment [S-3106](#), as amended, was adopted by a voice vote.

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?" ([H.F. 215](#)), 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, 24:

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

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 430** and **433** and **House Files 215** and **575** be **immediately messaged** to the House.

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 3, 2013, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 6, a concurrent resolution relating to Pioneer Lawmakers.

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

ALSO: That the House has on April 3, 2013, **passed** the following bill in which the concurrence of the Senate is asked:

House File 615, A bill for an act relating to the innovation fund investment tax credit by modifying the tax credit and the authority and duties of the Iowa innovation corporation relating to the tax credit, and including effective date and retroactive applicability provisions.

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

ALSO: That the House has on April 3, 2013, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 397, a bill for an act relating to the administration of duties and programs by the economic development authority.

House File 488, a bill for an act concerning the alcoholic beverages division of the department of commerce and alcoholic beverage control, and making penalties applicable.

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.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:57 p.m. until 9:00 a.m., Wednesday, April 4, 2013.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

Convened: Wednesday, April 3, 2013, 2:30 p.m.

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

Members Absent: None.

Committee Business: Passed HF's 569 and 590.

Adjourned: 2:50 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, April 3, 2013, 1:00 p.m.

Recessed: 1:05 p.m.

Reconvened: 1:30 p.m.

Members Present: Wilhelm, Chair; Brase, Vice Chair; Sinclair, Ranking Member; Chelgren, Dvorsky, Guth, Hart, Quirmbach, Schoenjahn, Taylor, and Zaun.

Members Absent: None.

Committee Business: Passed HF's 524 and 542.

Adjourned: 1:40 p.m.

TRANSPORTATION

Convened: Wednesday, April 3, 2013, 2:30 p.m.

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

Members Absent: Kapucian, Ranking Member; and Feenstra (both excused).

Committee Business: Passed [HF 395](#).

Adjourned: 2:40 p.m.

SUBCOMMITTEE ASSIGNMENT**[Senate File 194](#)**

AGRICULTURE: Seng, Chair; Soddors and Zumbach

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [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.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Ernst, Hatch, Jochum, Mathis, Quirmbach, Segebart, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: [HOUSE FILE 524](#), a bill for an act relating to city utilities and city enterprises by making changes to requirements related to commercial rental property.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Brase, Sinclair, Chelgren, Dvorsky, Guth, Hart, Quirmbach, Schoenjahn, Taylor, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 541](#), a bill for an act relating to dam reconstruction standards.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Wilhelm, Brase, Sinclair, Chelgren, Dvorsky, Guth, Hart, Quirmbach, Schoenjahn, Taylor, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: [HOUSE JOINT RESOLUTION 13](#), a joint resolution relating to the location and exhibition of the statue of James Harlan, currently on display in the United States capitol.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Courtney, Dearden, Horn, Petersen, Smith, and Soddors. Nays, none. Absent, 3: Feenstra, McCoy, and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 381](#), a bill for an act concerning restrictions on dosage amounts for phenylbutazone in certain horse races.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3117](#).

Final Vote: Ayes, 12: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Courtney, Dearden, Horn, Petersen, Smith, and Sodders. Nays, none. Absent, 3: Feenstra, McCoy, and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 586](#), a bill for an act relating to the rulemaking process and state agency decision making.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Danielson, Jochum, Sorenson, Anderson, Bowman, Chapman, Courtney, Dearden, Horn, Petersen, Smith, and Sodders. Nays, none. Absent, 3: Feenstra, McCoy, and Whitver.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: [HOUSE FILE 395](#), a bill for an act relating to the alteration of the community of a motor vehicle franchisee.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bowman, Beall, Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, McCoy, Taylor, and Zumbach. Nays, none. Absent, 2: Kapucian and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-3111	H.F. 545	Jeff Danielson
S-3112	S.F. 363	Nancy J. Boettger
S-3113	H.F. 556	Judiciary
S-3114	H.F. 472	Tod R. Bowman
S-3115	S.F. 418	Dr. Joe M. Seng
S-3116	H.F. 215	Brad Zaun
		Mark Chelgren
S-3117	H.F. 381	State Government
S-3118	H.F. 215	Tod R. Bowman