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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, APRIL 4, 2013**

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# JOURNAL OF THE SENATE

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EIGHTY-FIRST CALENDAR DAY  
FORTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 4, 2013

The Senate met in regular session at 9:07 a.m., President Jochum presiding.

Prayer was offered by Pastor Curt Gordon of Faith Baptist Church in Knoxville, Iowa. He was the guest of Senator Sinclair.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Levi Price.

The Journal of Wednesday, April 3, 2013, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2013, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

**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.

## SENATE INSISTS

[House File 215](#)

Senator Quirnbach called up for consideration [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, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [House File 215](#) on the part of the Senate: Senators Quirnbach, Chair; Bowman, Ernst, Sinclair, and Wilhelm.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [House File 215](#) be **immediately messaged** to the House.

## BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar be referred to the Unfinished Business Calendar:

<a href="#">S.F. 275</a> and attached <a href="#">H.F. 518</a>	<a href="#">S.F. 421</a>
<a href="#">S.F. 360</a> and attached <a href="#">H.F. 565</a>	<a href="#">S.F. 431</a>
<a href="#">S.F. 363</a>	<a href="#">S.F. 432</a>
<a href="#">S.F. 365</a> and attached <a href="#">H.F. 487</a>	<a href="#">S.F. 434</a>
<a href="#">S.F. 376</a> and attached <a href="#">H.F. 539</a>	<a href="#">S.F. 435</a>
<a href="#">S.F. 418</a> and attached <a href="#">H.F. 512</a>	<a href="#">S.F. 436</a>

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills on the Senate Calendar be referred to committee:

<a href="#">S.F. 223</a> to Transportation	<a href="#">S.F. 374</a> to Human Resources
<a href="#">S.F. 240</a> to Education	<a href="#">S.F. 375</a> to Commerce
<a href="#">S.F. 241</a> to Transportation	<a href="#">S.F. 382</a> to Judiciary
<a href="#">S.F. 257</a> to Transportation	<a href="#">S.F. 391</a> to Economic Growth
<a href="#">S.F. 259</a> to Human Resources	<a href="#">S.F. 392</a> to Education
<a href="#">S.F. 270</a> to Commerce	<a href="#">S.F. 397</a> to State Government
<a href="#">S.F. 308</a> to Local Government	<a href="#">S.F. 399</a> to Judiciary
<a href="#">S.F. 320</a> to Education	<a href="#">S.F. 401</a> to Agriculture
<a href="#">S.F. 328</a> to State Government	<a href="#">S.F. 411</a> to Economic Growth
<a href="#">S.F. 330</a> to Human Resources	<a href="#">S.F. 417</a> to Economic Growth
<a href="#">S.F. 372</a> to Agriculture	<a href="#">S.F. 420</a> to Economic Growth
<a href="#">S.F. 373</a> to Human Resources	<a href="#">S.F. 437</a> to Appropriations

## HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 2013, appointed the conference committee to [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, and the Conference Committee members on the part of the House are: the representative from Woodbury, Representative Jorgenson, Chair; the representative from Ringgold, Representative Dolecheck; the representative from Linn, Representative Stanerson; the representative from Cerro Gordo, Representative Steckman; the representative from Scott, Representative Wood.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 1:00 p.m., Monday, April 8, 2013.

**APPENDIX****CERTIFICATE OF RECOGNITION**

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

Josie Vandermark, Moravia – For being honored with the Golden Apple Award.  
Senators Rozenboom and Sinclair.

**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

**Convened:** Thursday, April 4, 2013, 11:00 a.m.

**Members Present:** Seng, Chair; Taylor, Vice Chair; Zumbach, Ranking Member; Beall, Black, Bowman, Brase, Greiner, Guth, Hart, Houser, Kapucian, and Sodders.

**Members Absent:** None.

**Committee Business:** HF's 152, 312, 457, 599, and 607.

**Adjourned:** 11:15 a.m.

**EDUCATION**

**Convened:** Thursday, April 4, 2013, 10:05 a.m.

**Recessed:** 10:10 a.m.

**Reconvened:** 10:25 a.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 HF's 454 and 533, as amended.

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

**JUDICIARY**

**Convened:** Thursday, April 4, 2013, 12:45 p.m.

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

**Members Absent:** Quirnbach, Sorenson, and Zaun (all excused).

**Committee Business:** Passed [SF 413](#), as amended; passed HFs 356, 357, 398, 527, 538, and 566, as amended; and passed HFs 495 and 592.

**Adjourned:** 2:00 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Thursday, April 4, 2013, 11:30 a.m.

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

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

**Committee Business:** Discussed justice system and judicial branch bills.

**Adjourned:** 11:40 a.m.

#### SUBCOMMITTEE ASSIGNMENTS

##### [Senate File 326](#)

APPROPRIATIONS: Hogg, Chair; Dvorsky and Whitver

##### [Senate File 378](#)

APPROPRIATIONS: Danielson, Chair; Dvorsky and Rozenboom

##### [Senate File 415](#)

APPROPRIATIONS: Hatch, Chair; Bolkom, Ernst, Ragan, and Segebart

##### [House File 615](#)

WAYS AND MEANS: Dotzler, Chair; Quirnbach and Schneider

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### AGRICULTURE

**Bill Title:** [HOUSE FILE 152](#), a bill for an act providing for drainage or levee districts managed by a board of trustees, and including effective date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3121](#).

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 312](#), a bill for an act providing for certification requirements by persons involved in the management of manure, and including provisions for contingent implementation.

**Recommendation:** DO PASS.

**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.

**ALSO:**

**Bill Title:** [HOUSE FILE 457](#), a bill for an act providing for the leasing of agricultural land by the department of natural resources to beginning farmers.

**Recommendation:** DO PASS.

**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.

**ALSO:**

**Bill Title:** [HOUSE FILE 599](#), a bill for an act relating to beginning farmers by modifying the agricultural assets transfer tax credit, providing a custom farming contract tax credit, and terminating the agricultural loan assistance program, and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**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.

**ALSO:**

**Bill Title:** [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.

**Recommendation:** DO PASS.

**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:** [HOUSE FILE 454](#), a bill for an act relating to education by modifying the duties and operations of the department of education, community colleges, the school budget review committee, and local school boards, and eliminating a reporting requirement relating to vocational education funds.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3120](#).

**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:** [HOUSE FILE 533](#), a bill for an act providing for entrepreneurial education funds for student organizations and clubs and including effective date and applicability provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3119](#).

**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:** [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.

**Recommendation:** DO PASS.

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

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

**JUDICIARY**

**Bill Title:** [SENATE FILE 413](#), a bill for an act related to the liability of a land holder for the public use of private lands and waters.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3122](#).

**Final Vote:** Ayes, 9: Hogg, Courtney, Schneider, Boettger, Dvorsky, Horn, Petersen, Taylor, and Whitver. Nays, 1: Soddors. Absent, 3: Quirnbach, Sorenson, and Zaun.

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



**ALSO:**

**Bill Title:** [HOUSE FILE 356](#), a bill for an act relating to the statute of limitation periods in bringing suit and executing a judgment in an action on a claim for rent.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3123](#).

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 357](#), a bill for an act relating to the nomination and appointment of district judges.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3124](#).

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 398](#), a bill for an act relating to the duties and responsibilities of insurance producers under insurance policies or contracts.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3125](#).

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

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

**ALSO:**

**Bill Title:** [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.

**Recommendation:** DO PASS.

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 527](#), a bill for an act requiring a person other than a juvenile convicted of or receiving a deferred judgment for an aggravated misdemeanor to submit a DNA sample and including effective date provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3126](#).

**Final Vote:** Ayes, 8: Hogg, Courtney, Schneider, Boettger, Petersen, Soddors, Taylor, and Whitver. Nays, 2: Dvorsky and Horn. Absent, 3: Quirnbach, Sorenson, and Zaun.

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

**ALSO:**

**Bill Title:** [HOUSE FILE 538](#), a bill for an act authorizing alternate members of the board of parole.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3127](#).

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

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

**ALSO:**

**Bill Title:** [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.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3128](#).

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

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

**ALSO:**

**Bill Title:** [HOUSE FILE 592](#), a bill for an act relating to payments from the indigent defense fund by the state public defender.

**Recommendation:** DO PASS.

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

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

## PETITION

The following petition was presented and placed on file:

From 331 citizens of Cedar, Johnson, Linn, and Muscatine counties supporting legislation to expand Medicaid. Senator Dvorsky.

## AMENDMENTS FILED

<a href="#">S-3119</a>	<a href="#">H.F. 533</a>	Education
<a href="#">S-3120</a>	<a href="#">H.F. 454</a>	Education
<a href="#">S-3121</a>	<a href="#">H.F. 152</a>	Agriculture
<a href="#">S-3122</a>	<a href="#">S.F. 413</a>	Judiciary
<a href="#">S-3123</a>	<a href="#">H.F. 356</a>	Judiciary
<a href="#">S-3124</a>	<a href="#">H.F. 357</a>	Judiciary
<a href="#">S-3125</a>	<a href="#">H.F. 398</a>	Judiciary
<a href="#">S-3126</a>	<a href="#">H.F. 527</a>	Judiciary
<a href="#">S-3127</a>	<a href="#">H.F. 538</a>	Judiciary
<a href="#">S-3128</a>	<a href="#">H.F. 566</a>	Judiciary