

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, APRIL 25, 2013

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 25, 2013

The Senate met in regular session at 9:14 a.m., President Jochum presiding.

Prayer was offered by Reverend Bienvenido Acosta, pastor of the Life and Hope Presbyterian Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Liz Detrick.

The Senate stood at ease at 9:19 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 9:28 a.m., President Jochum presiding.

HOUSE AMENDMENT CONSIDERED

[Senate File 295](#)

Senator McCoy called up for consideration [Senate File 295](#), a bill for an act establishing a property tax credit for commercial, industrial, and railway property, providing penalties, making appropriations, and including implementation and applicability provisions, amended by the House in House amendment [S-3166](#), filed April 18, 2013.

Senator McCoy moved that the Senate concur in the House amendment and requested a no vote.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 295](#) be **immediately messaged** to the House.

The Journal of Wednesday, April 24, 2013, was approved.

SPECIAL GUEST

Senator Hatch introduced to the Senate chamber Royce White, former Iowa State University basketball player and former NBA basketball player for the Houston Rockets and the Rio Valley Vipers.

The Senate rose and expressed its welcome.

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 25, 2013, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

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

ALSO: That the House has on April 25, 2013, **insisted** on its amendment to [Senate File 447](#), a bill for an act relating to appropriations to the justice system and including effective dates, and the conference committee members on the part of the House are: the representative from Buena Vista, Representative Worthan, Chair; the representative from Polk, Representative Anderson; the representative from Boone, Representative Baltimore; the representative from Warren, Representative Garrett; and the representative from Linn, Representative Taylor, T.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on [Senate File 447](#) on the part of the Senate: Senators Courtney, Chair; Chapman, Hogg, Schneider, and Taylor.

SENATE INSISTS

[Senate File 435](#)

Senator Black called up for consideration [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, amended by the House, further 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 [Senate File 435](#) on the part of the Senate: Senators Black, Chair; Dearden, Greiner, Rozenboom, and Wilhelm.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 435 and 447 be immediately messaged** to the House.

The Senate stood at ease at 9:49 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 10:19 a.m., President Jochum presiding.

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 25, 2013, appointed the conference committee to [Senate File 435](#), a bill for an act relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection, and the conference committee members on the part of the House are: the representative from Cass, Representative Drake, Chair; the representative from Fayette, Representative Bearinger; the representative from Butler, Representative Grassley; the representative from Washington, Representative Klein; and the representative from Clayton, Representative Ruff.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:20 a.m. until 1:00 p.m., Monday, April 29, 2013.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Reverend Bienvenido Acosta, Life & Hope Presbyterian Church in Fort Dodge – For blessing the Iowa House of Representatives and the Iowa Senate with prayer. Senator Beall.

Thomas Beell, professor of Journalism and Communication at Iowa State University – For a distinguished career of teaching, research, and professional practice in print and electronic journalism. Senator Quirmbach.

Reno Berg – For 36 years of inspired and dedicated service to persons with disabilities as the President and CEO of Mainstream Living, Inc. Senator Quirmbach.

Rabbi Jeff Portman and the Agudas Achim Congregation of Coralville – Upon the opening of their new synagogue. Senator Dvorsky.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Thursday, April 25, 2013, 11:05 a.m.

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

Members Absent: None.

Committee Business: Discussion.

Adjourned: 11:15 a.m.

LABOR AND BUSINESS RELATIONS

Convened: Thursday, April 25, 2013, 10:25 a.m.

Members Present: Horn, Chair; Dearden, Vice Chair; Houser, Ranking Member; Anderson, Brase, Chapman, Dotzler, Seng, and Soddors.

Members Absent: Dix and Hatch (both excused).

Committee Business: Approved governor's appointees.

Adjourned: 10:30 a.m.

LOCAL GOVERNMENT

Convened: Thursday, April 25, 2013, 10:30 a.m.

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

Members Absent: Chelgren, Guth, Schoenjahn, and Zaun (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 10:35 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 10](#), by Guth, Rozenboom, Sorenson, Sinclair, Boettger, Johnson, Chapman, Segebart, Anderson, Ernst, Bertrand, Kapucian, Houser, Whitver, Chelgren, Breitbach, Behn, Zaun, Feenstra, Smith, and Seng, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the inalienable right to life.

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

INTRODUCTION OF BILLS

[Senate File 451](#), by committee on Ways and Means, a bill for an act relating to the taxation of rate-regulated water utilities by establishing a rate-regulated water utility replacement tax, imposing a statewide rate-regulated water utility property tax, providing for the administration of the replacement tax and statewide property tax, providing penalties, and including effective date and retroactive applicability provisions.

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

[Senate File 452](#), by committee on Appropriations, a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other applicability provisions.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: [SENATE FILE 452](#), a bill for an act relating to state and local finances by making appropriations, providing for fees, providing for legal responsibilities, providing for certain employee benefits, and providing for properly related matters, and including effective date and retroactive and other 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.

WAYS AND MEANS

Bill Title: *[SENATE FILE 451 \(SSB 1252\)](#), a bill for an act relating to the taxation of rate-regulated water utilities by establishing a rate-regulated water utility replacement tax, imposing a statewide rate-regulated water utility property tax, providing for the administration of the replacement tax and statewide property tax, providing penalties, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Feenstra, Bertrand, Black, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, 2: Behn and Chapman.

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

ALSO:

Bill Title: [HOUSE FILE 631](#), a bill for an act modifying provisions applicable to the propane education and research council.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bolkcom, Seng, Feenstra, Bertrand, Black, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, 2: Behn and Chapman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 634](#), a bill for an act relating to the policy administration of the tax and related laws and related programs by the department of revenue, including administration of income taxes, sales and use taxes, the orderly wind-up and eventual repeal of the Iowa fund of funds program, the replacement taxes task force, a study report related to administrative appeals processes for tax matters, the distribution of statewide school infrastructure funds, and including effective date and retroactive and other applicability provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-3187](#).

Final Vote: Ayes, 13: Bolkcom, Seng, Feenstra, Bertrand, Black, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirnbach, Schneider, and Smith. Nays, none. Absent, 2: Behn and Chapman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 24, 2013, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 114](#) – Relating to the filing of a certificate of deposit by the owner of a motor vehicle as proof of financial responsibility.

[Senate File 142](#) – Providing that certain activities relating to business opportunity promotions are unlawful practices punishable as consumer fraud and making a penalty applicable.

[Senate File 182](#) – Relating to credit for reinsurance, including transition, applicability, and effective date provisions.

[Senate File 189](#) – Relating to a risk management framework for insurers and insurance groups and including penalty and applicability provisions.

[Senate File 282](#) – Relating to procedural requirements in in rem forfeiture proceedings.

[Senate File 288](#) – Relating to the placement of a juvenile on youthful offender status and the prosecution of a juvenile in juvenile or district court, and access to child abuse records by a juvenile court intake officer.

[Senate File 298](#) – Relating to the definition of the term “sex act” in the criminal code, lascivious acts with a child, and providing penalties.

[Senate File 316](#) – Relating to farm tenancies of less than forty acres by providing procedures for termination.

[Senate File 318](#) – Relating to the administration of the judicial branch including provisions pertaining to shorthand reporters and the practice of law, and making appropriations.

[Senate File 332](#) – Related to the administration of the national guard educational assistance program.

[Senate File 340](#) – Relating to the length of on-duty periods and required rest periods for drivers of rail crew transport vehicles, and providing penalties.

[Senate File 343](#) – Authorizing tribal governments to establish a force of reserve peace officers.

[Senate File 355](#) – Relating to the regulation of vehicles of excessive size and weight, establishing fees, and providing penalties.

[Senate File 362](#) – Relating to the use of the term relative in child in need of assistance and termination of parental rights proceedings.

[Senate File 380](#) – Authorizing charitable auctions for alcoholic spirits.

[Senate File 384](#) – Relating to removing or attempting to remove a communication or control device from the possession of a peace officer or correctional officer, interference with official acts, and providing penalties.

[Senate File 388](#) – Relating to sponsor projects under the water resource restoration sponsor program.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH

Brent Matthias – Iowa Great Places Board

LABOR AND BUSINESS RELATIONS

Robert Kunkel – Plumbing and Mechanical Systems Examining Board

Caroline Hicks – Iowa Workforce Development Board

LOCAL GOVERNMENT

Jacqueline Rypma – Property Assessment Appeal Board

STATE GOVERNMENT

Khrystyne Napolitano – Board of Massage Therapy

AMENDMENT FILED

[S-3187](#) [H.F. 634](#) Ways and Means