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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, MARCH 19, 2013**

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# JOURNAL OF THE SENATE

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SIXTY-FIFTH CALENDAR DAY  
THIRTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 19, 2013

The Senate met in regular session at 9:04 a.m., President Jochum presiding.

Prayer was offered by Pastor A.J. Potter of the Pleasantville Baptist Church in Pleasantville, Iowa. He was the guest of Senator Sinclair.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Tucker Watters.

The Journal of Monday, March 18, 2013, was approved.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:20 a.m. until 11:30 a.m.

## RECONVENED

The Senate reconvened at 11:39 a.m., President Jochum presiding.

The Senate stood at ease at 11:40 a.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 12:11 p.m., President Jochum presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bolkom and Dearden, until they return, on request of Senator Gronstal.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 369, 340, and 204.

**Senate File 369**

On motion of Senator Horn, **Senate File 369**, a bill for an act relating to marital agreements, and including effective date and applicability provisions, was taken up for consideration.

Senator Horn 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. 369**), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Bolkcom	Dearden
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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 340**

On motion of Senator Beall, **Senate File 340**, a bill for an act relating to the length of on-duty periods and required rest periods for drivers of rail crew transport vehicles, and providing penalties, 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?" ([S.F. 340](#)), the vote was:

Yeas, 46:

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

Nays, 2:

Chapman	Feenstra
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Absent, 2:

Bolkcom	Dearden
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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 204](#)

On motion of Senator Courtney, [Senate File 204](#), a bill for an act concerning persons voluntarily excluded from gambling facilities, was taken up for consideration.

Senator Courtney 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. 204](#)), the vote was:

Yeas, 46:

Anderson	Danielson	Houser	Segebart
Beall	Dix	Jochum	Seng
Behn	Dotzler	Johnson	Sinclair
Bertrand	Dvorsky	Kapucian	Smith

Black	Ernst	Mathis	Sodders
Boettger	Feenstra	McCoy	Sorenson
Bowman	Greiner	Petersen	Taylor
Brase	Gronstal	Quirnbach	Whitver
Breitbach	Guth	Ragan	Wilhelm
Chapman	Hart	Rozenboom	Zumbach
Chelgren	Hogg	Schneider	
Courtney	Horn	Schoenjahn	

Nays, 2:

Hatch                Zaun

Absent, 2:

Bolkcom            Dearden

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 204, 340, and 369** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:30 p.m. until 3:00 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Pro Tempore Sodders presiding.

#### UNFINISHED BUSINESS (Deferred March 18, 2013)

#### [Senate File 170](#)

The Senate resumed consideration of [Senate File 170](#), a bill for an act relating to bidding for purchases through a competitive bidding process by the state, deferred March 18, 2013.

Senator Schneider offered amendment [S-3040](#), filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-3040](#) be adopted?" ([S.F. 170](#)), the vote was:

Yeas, 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

Nays, 26:

Beall	Dearden	Horn	Schoenjahn
Black	Dotzler	Jochum	Seng
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Courtney	Hatch	Quirmbach	
Danielson	Hogg	Ragan	

Absent, none.

Amendment [S-3040](#) lost.

Senator Mathis 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. 170](#)), the vote was:

Yeas, 34:

Anderson	Danielson	Horn	Seng
Beall	Dearden	Jochum	Smith
Bertrand	Dotzler	Mathis	Sodders
Black	Dvorsky	McCoy	Sorenson
Boettger	Feenstra	Petersen	Taylor
Bolkcom	Gronstal	Quirmbach	Wilhelm
Bowman	Hart	Ragan	Zumbach
Brase	Hatch	Schoenjahn	
Courtney	Hogg	Segebart	

Nays, 16:

Behn	Dix	Houser	Schneider
Breitbach	Ernst	Johnson	Sinclair
Chapman	Greiner	Kapucian	Whitver
Chelgren	Guth	Rozenboom	Zaun

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 [Senate File 269](#).

**[Senate File 269](#)**

On motion of Senator Mathis, [Senate File 269](#), a bill for an act relating to the state comprehensive Alzheimer's disease response strategy, was taken up for consideration.

Senator Mathis 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. 269](#)), the vote was:

Yeas, 42:

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

Nays, 8:

Ernst	Houser	Rozenboom	Whitver
Guth	Johnson	Sinclair	Zumbach

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 170** and **269** be **immediately messaged** to the House.

#### UNFINISHED BUSINESS (Deferred March 18, 2013)

#### [Senate File 366](#)

The Senate resumed consideration of [Senate File 366](#), a bill for an act relating to radon control and making penalties applicable, and amendment [S-3030](#), deferred March 18, 2013.

Senator McCoy asked and received unanimous consent that action on amendment [S-3030](#) be deferred.

Senator Chapman offered amendment [S-3041](#), filed by him from the floor to pages 1–2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-3041](#) be adopted?” ([S.F. 366](#)), the vote was:

Yeas, 23:

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

Nays, 27:

Beall	Dearden	Horn	Ragan
Black	Dotzler	Jochum	Schoenjahn
Bolkcom	Dvorsky	Johnson	Seng
Bowman	Gronstal	Mathis	Sodders
Brase	Hart	McCoy	Taylor
Courtney	Hatch	Petersen	Wilhelm
Danielson	Hogg	Quirnbach	

Absent, none.

Amendment [S-3041](#) lost.

The Senate resumed consideration of amendment [S-3030](#), previously deferred.

Senator McCoy moved the adoption of amendment [S-3030](#).

Amendment [S-3030](#) was adopted by a voice vote.

With the adoption of amendment [S-3030](#), the Chair ruled amendment [S-3015](#), filed by Senator McCoy on March 12, 2013, to pages 2 and 3 of the bill, out of order.

Senator Chelgren asked and received unanimous consent that action on [Senate File 366](#) be **deferred**.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 385 and 403.

#### [Senate File 385](#)

On motion of Senator Hogg, [Senate File 385](#), a bill for an act establishing the criminal offense of sexual abuse in the fourth degree, making related changes to sexual abuse in the third degree and the sex offender registry, providing penalties, and including retroactive and other applicability provisions, was taken up for consideration.

Senator Boettger asked and received unanimous consent to withdraw amendment [S-3036](#), filed by Senators Boettger and Hogg on March 18, 2013, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Boettger offered amendment [S-3048](#), filed by Senators Boettger and Hogg from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3048](#) was adopted by a voice vote.

Senator Hogg 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. 385](#)), the vote was:

Yeas, 39:

Behn	Dvorsky	Houser	Segebart
Boettger	Ernst	Jochum	Seng
Bolkcom	Feenstra	Johnson	Sinclair
Brase	Greiner	Kapucian	Sodders
Breitbach	Gronstal	McCoy	Taylor
Chelgren	Guth	Petersen	Whitver
Courtney	Hart	Quirnbach	Wilhelm
Danielson	Hatch	Rozenboom	Zaun
Dearden	Hogg	Schneider	Zumbach
Dotzler	Horn	Schoenjahn	

Nays, 11:

Anderson	Black	Dix	Smith
Beall	Bowman	Mathis	Sorenson
Bertrand	Chapman	Ragan	

Absent, none.

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

### [Senate File 403](#)

On motion of Senator Schoenjahn, [Senate File 403](#), a bill for an act eliminating a restriction on a person associated with a county agricultural extension district from engaging in certain activities affecting legislation, was taken up for consideration.

Senator Schoenjahn 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. 403](#)), the vote was:

Yeas, 35:

Beall	Danielson	Horn	Schoenjahn
Behn	Dearden	Houser	Segebart
Black	Dotzler	Jochum	Seng
Boettger	Dvorsky	Mathis	Sodders
Bolkcom	Ernst	McCoy	Sorenson
Bowman	Gronstal	Petersen	Taylor
Brase	Hart	Quirnbach	Wilhelm
Chelgren	Hatch	Ragan	Zaun
Courtney	Hogg	Schneider	

Nays, 15:

Anderson	Dix	Johnson	Smith
Bertrand	Feenstra	Kapucian	Whitver
Breitbach	Greiner	Rozenboom	Zumbach
Chapman	Guth	Sinclair	

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 385** and **403** 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 March 19, 2013, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 203](#), a bill for an act relating to mental health and disability services requirements involving the department of human services and including effective date and retroactive applicability provisions.

[Senate File 349](#), a bill for an act relating to the deadline for obtaining a registration fee credit for a vehicle that is sold, transferred, or junked or for a motor vehicle purchased by a lessee, and including effective date provisions.

ALSO: That the House has on March 19, 2013, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 487](#), a bill for an act relating to a manufactured or mobile home retailer's application to a county treasurer for a certificate of title for a used mobile home or manufactured home.

Read first time and attached to **similar** [Senate File 365](#).

[House File 514](#), a bill for an act relating to and requiring the return of stolen merchandise in the possession of a pawn shop owner or operator, and providing penalties.

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

[House File 532](#), a bill for an act to provide that peace officers and retired peace officers qualify as classroom driver education instructors.

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:41 p.m. until 9:00 a.m., Wednesday, March 20, 2013.

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

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

Louise Huff, Waterloo – For celebrating her 100<sup>th</sup> birthday. Senator Dotzler.

**BILLS ASSIGNED TO COMMITTEE**

President Jochum announced the assignment of the following bills to committee:

<a href="#">H.F. 395</a>	Transportation
<a href="#">H.F. 457</a>	Agriculture
<a href="#">H.F. 500</a>	Education
<a href="#">H.F. 522</a>	Natural Resources and Environment
<a href="#">H.F. 524</a>	Local Government
<a href="#">H.F. 530</a>	Judiciary
<a href="#">H.F. 535</a>	Judiciary
<a href="#">H.F. 541</a>	Local Government
<a href="#">H.F. 547</a>	Labor and Business Relations
<a href="#">H.F. 556</a>	Judiciary
<a href="#">H.F. 574</a>	Ways and Means
<a href="#">H.F. 575</a>	Ways and Means
<a href="#">H.F. 586</a>	State Government

**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

**Convened:** Tuesday, March 19, 2013, 2:10 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:** Presentations by Dr. Subhash Sahai and Mr. Robert Cramer, Board of Regents nominees.

**Adjourned:** 3:30 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** Tuesday, March 19, 2013, 1:10 p.m.

**Members Present:** Petersen, Chair; Schoenjahn, Vice Chair; Sorenson, Ranking Member; Greiner, and McCoy.

**Members Absent:** None.

**Committee Business:** Presentation by Dennis Britson, Director of the Regulated Industries Unit, Iowa Insurance Division.

**Adjourned:** 1:35 p.m.

**RULES AND ADMINISTRATION**

**Convened:** Tuesday, March 19, 2013, 4:40 p.m.

**Members Present:** Gronstal, Chair; Jochum, Vice Chair; Dix, Ranking Member; Bertrand, Courtney, Dearden, Dvorsky, Ernst, Ragan, Rozenboom, and Sodders.

**Members Absent:** None.

**Committee Business:** Passed [Senate Resolution 11](#), opposing the decision of the International Olympic Committee to end wrestling as an Olympic event.

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

**INTRODUCTION OF RESOLUTIONS**

[Senate Resolution 11](#), by Bowman, Zaun, Sodders, Hart, Wilhelm, Hogg, Horn, Dearden, Brase, Seng, Hatch, Ragan, Dvorsky, Beall, Dotzler, Dix, Chelgren, Segebart, Feenstra, Whitver, Ernst, Zumbach, Breitbach, Houser, Behn, Boettger, Kapucian, Guth, Rozenboom, Smith, Sinclair, Bolkcom, McCoy, Schoenjahn, Mathis, Taylor, Black, Petersen, Danielson, Jochum, Schneider, Chapman, Johnson, Quirnbach, Sorenson, Bertrand, Anderson, Greiner, Courtney, and Gronstal, a resolution opposing the decision of the International Olympic Committee to end wrestling as an Olympic event.

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

[Senate Resolution 12](#), by Johnson and Hart, a resolution to honor and commemorate the election of Pope Francis.

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

## STUDY BILLS RECEIVED

**SSB 1245 Appropriations**

Relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection.

**SSB 1246 Appropriations**

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 retroactive applicability provisions.

## SUBCOMMITTEE ASSIGNMENTS

**Senate Resolution 10**

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

**Senate Resolution 12**

RULES AND ADMINISTRATION: Gronstal, Chair; Dix and Jochum

**House File 219**

JUDICIARY: Hogg, Chair; Petersen and Schneider

**House File 312**

AGRICULTURE: Taylor, Chair; Black and Greiner

**House File 453**

VETERANS AFFAIRS: Horn, Chair; Ragan and Rozenboom

**House File 457**

AGRICULTURE: Hart, Chair; Brase and Kapucian

**House File 477**

JUDICIARY: Taylor, Chair; Schneider and Sadders

[House File 522](#)

NATURAL RESOURCES AND ENVIRONMENT: Hogg, Chair; Brase and Johnson

[House File 524](#)

LOCAL GOVERNMENT: Hart, Chair; Brase and Zaun

[House File 530](#)

JUDICIARY: Taylor, Chair; Sodders and Whitver

[House File 535](#)

JUDICIARY: Hogg, Chair; Petersen and Sorenson

[House File 541](#)

LOCAL GOVERNMENT: Wilhelm, Chair; Brase and Chelgren

[House File 556](#)

JUDICIARY: Schneider, Chair; Hogg and Horn

[SSB 1245](#)

APPROPRIATIONS: Black, Chair; Dvorsky and Rozenboom

[SSB 1246](#)

APPROPRIATIONS: Dotzler, Chair; Boettger and Dvorsky

## FINAL COMMITTEE REPORT OF BILL ACTION

### RULES AND ADMINISTRATION

**Bill Title:** [Senate Resolution 11](#), a resolution opposing the decision of the International Olympic Committee to end wrestling as an Olympic event.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Jochum, Dix, Bertrand, Courtney, Dearden, Dvorsky, Ernst, Ragan, Rozenboom, and Sodders. Nays, none. Absent, none.

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

## AMENDMENTS FILED

<u>S-3039</u>	<u>S.F. 391</u>	Jake Chapman
<u>S-3040</u>	<u>S.F. 170</u>	Charles Schneider
<u>S-3041</u>	<u>S.F. 366</u>	Jake Chapman
<u>S-3042</u>	<u>S.F. 371</u>	Mark Chelgren
		Jack Whitver
		Rick Bertrand
		Kent Sorenson
		Joni K. Ernst
		Bill Anderson
		Randy Feenstra
		Roby Smith
		David Johnson
		Mark Segebart
		Charles Schneider
		Michael Breitbach
		Sandra Greiner
		Tim L. Kapucian
		Dan Zumbach
		Nancy J. Boettger
<u>S-3043</u>	<u>S.F. 422</u>	Randy Feenstra
<u>S-3044</u>	<u>S.F. 399</u>	Kent Sorenson
		Rick Bertrand
		Mark Segebart
		Dennis Guth
		Bill Anderson
		Ken Rozenboom
		Randy Feenstra
		Tim L. Kapucian
		Roby Smith
		Jake Chapman
		David Johnson
		Brad Zaun
		Joe Seng
		Charles Schneider
		Jack Whitver
		Joni K. Ernst
		Michael Breitbach
		Mark Chelgren
		Amy Sinclair
		Nancy J. Boettger

		Hubert Houser
		Bill Dix
		Jerry Behn
		Dan Zumbach
		Sandra Greiner
<a href="#"><u>S-3045</u></a>	<a href="#"><u>S.F. 391</u></a>	Jake Chapman
<a href="#"><u>S-3046</u></a>	<a href="#"><u>S.F. 363</u></a>	Steve Sadders
<a href="#"><u>S-3047</u></a>	<a href="#"><u>S.F. 363</u></a>	Charles Schneider
<a href="#"><u>S-3048</u></a>	<a href="#"><u>S.F. 385</u></a>	Nancy J. Boettger
		Robert M. Hogg
<a href="#"><u>S-3049</u></a>	<a href="#"><u>S.F. 289</u></a>	Robert M. Hogg
<a href="#"><u>S-3050</u></a>	<a href="#"><u>S.F. 366</u></a>	Mark Chelgren