

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 2, 2012

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

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 2, 2012

The Senate met in regular session at 9:08 a.m., President Kibbie presiding.

Prayer was offered by Pastor Randy Bixby, Chaplain and founder of the Convergence Center in Des Moines, Iowa. He was the guest of Senator Bacon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nina Liu.

The Journal of Wednesday, February 1, 2012, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 1, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2103, a bill for an act reducing the time period during which new employers are subject to the new employer contribution rate for unemployment insurance and including effective date provisions.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2104, a bill for an act reducing the years of experience used to calculate an employer's contribution rate for unemployment insurance.

Read first time and referred to committee on **Labor and Business Relations**.

House File 2145, a bill for an act establishing regulations to permit access to surplus lines insurance in this state, and providing civil and criminal penalties, coordinating provisions, and repeals, and including effective date provisions.

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

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 1:00 p.m., Monday, February 6, 2012.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF EDUCATION

2011 Annual Condition of Iowa's Community Colleges, pursuant to Iowa Code section 256.7(23). Report received on February 1, 2012.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council Annual Report, pursuant to Iowa Code section 216A.140(7g). Report received on February 1, 2012.

DEPARTMENT OF NATURAL RESOURCES

Lake Delhi Dam Reconstruction Design Alternatives Report, pursuant to 2011 Iowa Acts, **HF 648**, section 1. Report received on February 2, 2012.

CERTIFICATES OF RECOGNITION

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

Matthew Budelier, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Dr. Joe Seng, (2/2/12).

James Lang, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Dr. Joe Seng, (2/2/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 2, 2012, 12:05 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member; Black, and Kapucian (all excused).

Committee Business: Presentation by the Iowa Soybean Association and the Iowa Corn Growers Association.

Adjourned: 12:55 p.m.

APPROPRIATIONS

Convened: Wednesday, February 1, 2012, 4:10 p.m.

Members Present: Dvorsky, Chair; McCoy, Vice Chair; Dix, Ranking Member; Bartz, Black, Boettger, Bolkcom, Dotzler, Fraise, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour.

Members Absent: Danielson and Johnson (both excused).

Committee Business: Presentation by the Department of Management.

Adjourned: 5:05 p.m.

COMMERCE

Convened: Thursday, February 2, 2012, 1:20 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Kettering, Mathis, Schoenjahn, Seng, and Wilhelm.

Members Absent: Bertrand, Bolkcom, Courtney, Feenstra, Ward, and Zaun (all excused).

Committee Business: Presentation by the Iowa Utilities Board. Approved [SSB 3067](#).

Recessed: 1:25 p.m.

Reconvened: 1:35 p.m.

Adjourned: 1:45 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 02, 2012, 3:05 p.m.

Members Present: Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bowman, Chelgren, Hatch, Mathis, Rielly, Whitver, and Wilhelm.

Members Absent: Bertrand, Danielson, Horn, and Ward (all excused).

Committee Business: Presentations by the Iowa Economic Development Authority and the Iowa Innovation Corporation.

Adjourned: 3:50 p.m.

EDUCATION

Convened: Monday, January 30, 2012, 2:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Presentations by the Department of Education.

Adjourned: 3:00 p.m.

GOVERNMENT OVERSIGHT

Convened: Tuesday, January 31, 2012, 10:00 a.m.

Members Present: Courtney, Chair; Sorenson, Ranking Member; and Kibbie.

Members Absent: Soddors, Vice Chair; and Greiner (both excused).

Committee Business: Presentation by the Iowa Lottery.

Adjourned: 11:30 a.m.

HUMAN RESOURCES

Convened: Wednesday, February 1, 2012, 3:05 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver.

Members Absent: Johnson (excused).

Committee Business: Approved SSBs 3038, 3041, and 3043.

Adjourned: 3:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, January 31, 2012, 2:00 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Ernst, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed SF 2017. Approved SSB 3058 as amended. Presentation by the Department of Natural Resources.

Adjourned: 3:00 p.m.

ALSO:

Convened: Thursday, February 02, 2012, 3:05 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Bolkcom, Kapucian, Ragan, and Seng.

Members Absent: Ernst, Hamerlinck, Hancock, Hogg, Schoenjahn, and Sorenson (all excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Wednesday, February 1, 2012, 10:25 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Presentation by the Department of Natural Resources.

Adjourned: 11:35 a.m.

ALSO:

Convened: Thursday, February 2, 2012, 10:15 a.m.

Members Present: Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

Members Absent: Houser, Ranking Member (excused).

Committee Business: Presentation by Easter Seals of Iowa.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 2, 2012, 10:25 a.m.

Members Present: Dotzler, Chair; Seng, Vice Chair; Boettger, Ranking Member; and Mathis.

Members Absent: Bertrand (excused).

Committee Business: Presentation by the Iowa Finance Authority.

Adjourned: 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, February 2, 2012, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Presentation on the Lake Delhi dam restoration.

Adjourned: 11:20 a.m.

INTRODUCTION OF BILLS

Senate File 2116, by Bartz, Smith, Behn, Feenstra, Kapucian, Hamerlinck, Dix, Whitver, Chelgren, Anderson, Seymour, Greiner, Sorenson, Ernst, Bacon, Boettger, Hahn, Kettering, and Zaun, a bill for an act relating to the review of administrative rules and the rulemaking process.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2117, by Zaun, a bill for an act providing for the disposition of fines collected by a city or county pursuant to an automated traffic law enforcement program.

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

Senate File 2118, by Danielson, a bill for an act relating to contested charges for certain reimbursable employers for unemployment insurance.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

Senate File 2119, by committee on Human Resources, a bill for an act relating to the sealing and expungement of child abuse registry information.

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

Senate File 2120, by committee on State Government, a bill for an act relating to the practice of optometry.

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

Senate File 2121, by committee on State Government, a bill for an act relating to the title of the office of citizens' aide.

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

Senate File 2122, by committee on State Government, a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

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

Senate File 2123, by committee on Human Resources, a bill for an act making changes to the controlled substance schedules, and making penalties applicable.

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

Senate File 2124, by Bartz, a bill for an act relating to the duties, authority, and operations of governmental entities and officials and certain governmental enforcement actions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2125, by committee on Human Resources, a bill for an act relating to physician orders for scope of treatment.

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

Senate File 2126, by committee on State Government, a bill for an act providing for the funding of the duties of the state's social security administrator.

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

STUDY BILLS RECEIVED

SSB 3123 Commerce

Authorizing charitable auctions for alcoholic spirits.

SSB 3124 Commerce

Relating to credit unions, including methods of voting by credit union members and the board of directors, electronic communications to certain credit union members, the composition of the board of directors, assessment of fees for examination and supervision, limited negotiated disclosures of certain confidential information, treatment of ownership shares, and superintendent management authority, and making penalties applicable.

SSB 3125 Commerce

Relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

SSB 3126 Judiciary

Revising the Iowa nonprofit corporation Act.

SSB 3127 Veterans Affairs

Making appropriations to the commission of veterans affairs for the provision of veterans services, and including effective date provisions.

SSB 3128 Commerce

Relating to the Iowa comprehensive health insurance association and to HIPIOWA-FED, and including effective date provisions.

SSB 3129 State Government

Establishing a limited license to conduct raffles by a qualified person.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2061**

COMMERCE: Rielly, Chair; Schoenjahn and Ward

Senate File 2072

COMMERCE: McCoy, Chair; Bertrand and Seng

Senate File 2077

WAYS AND MEANS: Bolkcom, Chair; Bartz and Jochum

Senate File 2078

WAYS AND MEANS: Bolkcom, Chair; Quirmbach and Zaun

Senate File 2081

WAYS AND MEANS: Bolkcom, Chair; Chelgren and Quirmbach

Senate File 2094

JUDICIARY: Dvorsky, Chair; Fraise and Whitver

Senate File 2101

HUMAN RESOURCES: Jochum, Chair; Mathis and Whitver

Senate File 2102

STATE GOVERNMENT: Jochum, Chair; Feenstra and McCoy

Senate File 2103

HUMAN RESOURCES: Dotzler, Chair; Boettger and Jochum

Senate File 2105

STATE GOVERNMENT: Fraise, Chair; Chelgren and Dearden

Senate File 2106

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Bertrand and Mathis

Senate File 2108

STATE GOVERNMENT: Hatch, Chair; Danielson and Dix

Senate File 2110

ECONOMIC GROWTH/REBUILD IOWA: Bowman, Chair; Whitver and Wilhelm

Senate File 2117

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

SSB 3123

COMMERCE: McCoy, Chair; Anderson and Bolkcom

SSB 3124

COMMERCE: Bolkcom, Chair; Beall and Bertrand

SSB 3125

COMMERCE: Kettering, Chair; Courtney and Mathis

SSB 3126

JUDICIARY: Hogg, Chair; Fraise and Ward

SSB 3127

VETERANS AFFAIRS: Kibbie, Chair; Danielson and Seymour

SSB 3128

COMMERCE: McCoy, Chair; Bolkcom and Kettering

SSB 3129

STATE GOVERNMENT: Danielson, Chair; Smith and Sodders

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: [SENATE FILE 2024](#), a bill for an act relating to workforce training programs in community colleges and making appropriations.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN [S-5006](#).

Final Vote: Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, 1: Bowman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: [SENATE FILE 2119 \(SSB 3038\)](#), a bill for an act relating to the sealing and expungement of child abuse registry information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, and Quirnbach. Nays, 1: Whitver. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2123 \(SSB 3041\)](#), a bill for an act making changes to the controlled substance schedules, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 2125 \(SSB 3043\)](#), a bill for an act relating to physician orders for scope of treatment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Mathis, Quirnbach, and Whitver. Nays, none. Absent, 1: Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on [Senate File 2125](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2120 \(SSB 3057\)](#), a bill for an act relating to the practice of optometry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2121 \(SSB 3015\)](#), a bill for an act relating to the title of the office of citizens' aide.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2122 \(SSB 3019\)](#), a bill for an act exempting review services from specified requirements otherwise applicable to the performance of attest services by out-of-state certified public accounting firms.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Soddors. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2126 \(SSB 3016\)](#), a bill for an act providing for the funding of the duties of the state's social security administrator.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Danielson, Kibbie, Sorenson, Bertrand, Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders. 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 State Government Committee on [Senate File 2126](#), and they were attached to the committee report.

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

COMMERCE

Swati Dandekar – Utilities Board

AMENDMENT FILED

S-5006 S.F. 2024 Education