

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 9, 2012

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 9, 2012

The Senate met in regular session at 9:02 a.m., President Kibbie presiding.

Prayer was offered by Pastor Kevin Gingerich of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Chelgren.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Britney Samuelson.

The Journal of Wednesday, February 8, 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 8, 2012, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2101, a bill for an act relating to preparation and recording of public land survey corner certificates.

Read first time and referred to committee on **Local Government**.

House File 2144, a bill for an act relating to permissible forms of ownership of transmission facilities subject to a joint agreement for generating, purchasing, or otherwise acquiring electric power and energy.

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

House File 2166, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue.

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

House File 2168, a bill for an act relating to the authorized deposit of public funds.

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

House File 2169, a bill for an act exempting from the individual income tax all pay received from the federal government for certain military service in support of the national guard and including retroactive applicability provisions.

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

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Debi Durham, the governor's appointee to be the Director of the Economic Development Authority. She was the guest of Senators Soddors and Ward and the committee on Economic Growth/Rebuild Iowa.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2142** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:04 a.m., President Kibbie presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2120 and 2086.

Senate File 2120

On motion of Senator Danielson, **Senate File 2120**, a bill for an act relating to the practice of optometry, was taken up for consideration.

Senator Danielson offered amendment **S-5011**, filed by him on February 8, 2012, to page 2 of the bill, and moved its adoption.

Amendment **S-5011** was adopted by a voice vote.

Senator Danielson 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. 2120**), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

Absent, none.

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

Senate File 2086

On motion of Senator Jochum, **Senate File 2086**, a bill for an act relating to regular inspections of state-licensed health care facilities and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Jochum 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. 2086), the vote was:

Yeas, 50:

Anderson	Dearden	Hogg	Rielly
Bacon	Dix	Horn	Schoenjahn
Bartz	Dotzler	Houser	Seng
Beall	Dvorsky	Jochum	Seymour
Behn	Ernst	Johnson	Smith
Bertrand	Feenstra	Kapucian	Sodders
Black	Fraise	Kettering	Sorenson
Boettger	Greiner	Kibbie	Ward
Bolkcom	Gronstal	Mathis	Whitver
Bowman	Hahn	McCoy	Wilhelm
Chelgren	Hamerlinck	McKinley	Zaun
Courtney	Hancock	Quirnbach	
Danielson	Hatch	Ragan	

Nays, none.

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 2086** and **2120** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:17 a.m. until 1:00 p.m., Monday, February 13, 2012.

APPENDIX

COMMUNICATION RECEIVED

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

DEPARTMENT OF NATURAL RESOURCES

Report on the 2012 Resource Enhancement and Protection Congress, pursuant to Iowa Code section 455A.17. Report received on February 9, 2012.

CERTIFICATE OF RECOGNITION

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

Dr. Makram Haluani, Professor at Simon Bolivar University in Caracas, Venezuela—For being recognized as a Distinguished Guest of the people of Iowa. Senator Beall (2/9/12).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 9, 2012, 11:50 a.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Bowman, Courtney, Greiner, Hahn, Hancock, Kapucian, and Kibbie.

Members Absent: Black, Houser, and Rielly (all excused).

Committee Business: Passed [SF 2022](#). Presentation on land use and zoning.

Adjourned: 12:15 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 9, 2012, 2:05 p.m.

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

Members Absent: None.

Committee Business: Voted on governor's appointees. Passed [SF 2110](#).

Recessed: 2:15 p.m.

Reconvened: 2:30 p.m.

Adjourned: 2:50 p.m.

GOVERNMENT OVERSIGHT

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

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:35 a.m.

HUMAN RESOURCES

Convened: Wednesday, February 8, 2012, 1:05 p.m.

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

Members Absent: None.

Committee Business: Introduced governor's appointees. Passed [SF 2082](#). Approved SSBs 3054 and 3082. Approved SSBs 3037, 3056, 3083, and 3111 as amended. Considered [SSB 3039](#).

Adjourned: 2:00 p.m.

STATE GOVERNMENT

Convened: Tuesday, February 7, 2012, 4:05 p.m.

Members Present: Danielson, Chair; Kibbie, Vice Chair; Sorenson, Ranking Member; Chelgren, Dearden, Dix, Feenstra, Fraise, Hatch, Horn, Jochum, McCoy, Smith, and Sodders.

Members Absent: Bertrand (excused).

Committee Business: Passed [SF 2011](#). Approved [SSB 3022](#) as amended. Introduced governor's appointee.

Recessed: 4:10 p.m.

Reconvened: 4:20 p.m.

Adjourned: 4:45 p.m.

WAYS AND MEANS

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

Members Present: Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Bartz, Black, Chelgren, Dotzler, Jochum, Mathis, McCoy, Quirmbach, Smith, and Zaun.

Members Absent: Anderson and Hogg (both excused).

Committee Business: Presentation on Earned Income Tax Credit.

Adjourned: 2:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Thursday, February 9, 2012, 10:25 a.m.

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

Members Absent: None.

Committee Business: Presentations by DMACC and Hawkeye Community College.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Thursday, February 2, 2012, 10:00 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Bacon and Bolkcom.

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations by Oklahoma DHS, Genesis Development, Iowa Association of Community Providers, and the Department of Human Services.

Adjourned: 11:15 a.m.

ALSO:

Convened: Thursday, February 9, 2012, 10:20 a.m.

Members Present: Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Bacon and Bolkcom.

Members Absent: None.

Committee Business: Presentations on IowaCare and the Affordable Care Act.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 9, 2012, 10:30 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Fraise and Smith.

Members Absent: Seymour, Ranking Member (excused).

Committee Business: Presentation by the Department of Corrections.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: Thursday, February 9, 2012, 10:25 a.m.

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

Members Absent: Anderson (excused).

Committee Business: Presentations by the Department of Cultural Affairs, the Department of Administrative Services, and the Fort Des Moines Museum.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Feenstra, a resolution to preserve habeas corpus and civil liberties.

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

INTRODUCTION OF BILLS

Senate File 2152, by Houser, Seng, Johnson, and Kibbie, a bill for an act relating to the land application of wastewater from on-farm processing operations, and including effective date provisions.

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

Senate File 2153, by committee on Transportation, a bill for an act increasing the size of the commercial and industrial highway network.

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

Senate File 2154, by committee on State Government, a bill for an act relating to the licensure of the practice of naturopathic medicine.

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

Senate File 2155, by Hogg, a bill for an act relating to the appropriate uses of returning dropout and dropout prevention program funding.

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

Senate File 2156, by Anderson, Bertrand, Whitver, Hamerlinck, Feenstra, Sorenson, Bacon, Kapucian, Ernst, Greiner, and Ward, a bill for an act relating to funding for projects on state and local roads and bridges in critical need of repair or maintenance, and making an appropriation.

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

Senate File 2157, by Zaun, a bill for an act relating to continuing education required for real estate brokers and salespersons.

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

Senate File 2158, by committee on Human Resources, a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

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

Senate File 2159, by committee on Human Resources, a bill for an act relating to child support enforcement including protection of child support information.

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

Senate File 2160, by committee on Human Resources, a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

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

Senate File 2161, by committee on Ways and Means, a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions.

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

Senate File 2162, by Anderson and Bertrand, a bill for an act relating to the state housing credit ceiling allocation and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and referred to committee on **Economic Growth/Rebuild Iowa**.

Senate File 2163, by committee on Human Resources, a bill for an act relating to an exception from state certification for adult day services programs.

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

Senate File 2164, by committee on Human Resources, a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

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

STUDY BILLS RECEIVED

SSB 3149 Human Resources

Relating to the state comprehensive Alzheimer's disease response strategy.

SSB 3150 Veterans Affairs

Requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home.

SSB 3151 Economic Growth/Rebuild Iowa

Relating to the amount allowable as an innovation fund investment tax credit and including effective date and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2137**

LOCAL GOVERNMENT: Beall, Chair; Courtney and Ernst

Senate File 2139

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

Senate File 2144

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Chelgren and Horn

Senate File 2147

HUMAN RESOURCES: Ragan, Chair; Bolkcom and Whitver

Senate File 2149

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Whitver

Senate File 2151

TRANSPORTATION: Rielly, Chair; Hancock and Houser

SSB 3149

HUMAN RESOURCES: Mathis, Chair; Boettger and Jochum

SSB 3150

VETERANS AFFAIRS: Soddors, Chair; Ernst and Ragan

SSB 3151

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Hatch and Greiner

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2158](#) (formerly [SF 2082](#)), a bill for an act relating to reimbursement of speech pathology services under the medical assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2159](#) ([SSB 3082](#)), a bill for an act relating to child support enforcement including protection of child support information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2160](#) ([SSB 3054](#)), a bill for an act relating to allowing financial supplementation to a nursing facility for provision of a private room to a recipient of medical assistance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 2163](#) ([SSB 3037](#)), a bill for an act relating to an exception from state certification for adult day services programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. 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 Human Resources Committee on [Senate File 2163](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2164 \(SSB 3111\)](#), a bill for an act relating to department of human services' evaluations of criminal or abuse records of employees of health care facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Hatch, Jochum, Johnson, Mathis, Quirnbach, and Whitver. 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 Human Resources Committee on [Senate File 2164](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 2154 \(SSB 3022\)](#), a bill for an act relating to the licensure of the practice of naturopathic medicine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Sorenson, Chelgren, Feenstra, Fraise, Hatch, Jochum, and Soddors. Nays, 5: Dearden, Dix, Horn, McCoy, and Smith. Absent, 1: Bertrand.

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 2154](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 2153 \(SSB 3115\)](#), a bill for an act increasing the size of the commercial and industrial highway network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rielly, Bowman, Kapucian, Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: **SENATE FILE 2161 (SSB 3116)**, a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bolkcom, Seng, Feenstra, Anderson, Bartz, Black, Chelgren, Dotzler, Hogg, Jochum, Mathis, McCoy, Quirnbach, Smith, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**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/REBUILD IOWA

Gordon R. Neumann – Iowa Capital Investment Board

Theodore Crosbie – Economic Development Authority

Brenda Cushing – Economic Development Authority

Delia Meier – Economic Development Authority

Rosemary Parson – Economic Development Authority

Daniel White – Economic Development Authority

Jeffrey Heil – Iowa Finance Authority

HUMAN RESOURCES

David Kaptain – Board of Behavioral Science

Wade Leuwerke – Board of Behavioral Science

**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:

STATE GOVERNMENT

San Wong – Director of the Department of Human Rights