

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 14, 2012

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JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 14, 2012

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

Prayer was offered by The Most Reverend Martin Amos, Bishop of the Diocese of Davenport. He was the guest of Senators Hamerlinck and Seng.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Monday, February 13, 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 13, 2012, **passed** the following bill in which the concurrence of the House was asked:

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.

ALSO: That the House has on February 13, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2245, a bill for an act relating to requirements for the enactment of the state percent of growth and the categorical state percent of growth and including effective date provisions.

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

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced San Wong, the governor's appointee to be the Director of the Department of Human Rights. She was the guest of Senator Jochum and the committee on State Government.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:03 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:04 a.m. until 11:30 a.m.

RECONVENED

The Senate reconvened at 11:44 a.m., President Kibbie presiding.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2161](#).

Senate File 2161

On motion of Senator Bolckcom, [Senate File 2161](#), a bill for an act relating to the amount of the earned income tax credit and including retroactive applicability provisions, was taken up for consideration.

Senator Bolckcom offered amendment [S-5012](#), filed by him from the floor to page 1 of the bill.

([Senate File 2161](#) and amendment [S-5012](#) were deferred.)

The Senate stood at ease at 11:50 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Johnson and Zaun, until they return, on request of Senator Behn.

The Senate resumed consideration of [Senate File 2161](#) and amendment [S-5012](#), previously deferred.

Senator Bolkcom moved the adoption of amendment [S-5012](#).

Amendment [S-5012](#) was adopted by a voice vote.

Senator Bolkcom 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. 2161](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Johnson Zaun

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 File 2161** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:28 p.m. until 9:00 a.m., Wednesday, February 15, 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 REVENUE

Tax Year 2010 Dependent Health Care Coverage Report, pursuant to 2008 Iowa Acts, **HF 2539**, section 4. Report received on February 10, 2012.

2011 Research Activities Tax Credit Annual Report, pursuant to 2009 Iowa Acts, **SF 478**, sections 232–234. Report received on February 10, 2012.

CERTIFICATES OF RECOGNITION

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

The Honorable Yang Guoqiang, Consul General of the People's Republic of China in China—For being recognized as a distinguished guest of the people of Iowa and an esteemed visitor to the Iowa Capitol. Senator Beall (2/14/12).

John and DeDe Kopsa, Tama—For celebrating their 60th wedding anniversary. Senator Kapucian (2/14/12).

Janice K. Laue, Des Moines—In honor of her retirement from service to the Iowa AFL-CIO of Des Moines. Senator Kibbie (2/14/12).

The Honorable Zhang Qingwei, Governor of the People's Government of Hebei Province—For being recognized as a distinguished guest of the people of Iowa and an esteemed visitor to the Iowa Capitol. Senator Beall (2/14/12).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Thursday, February 9, 2012, 1:00 p.m.

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

Members Absent: Courtney (excused).

Committee Business: Approved [SSB 3063](#). Approved [SSB 3098](#) as amended. Presentation by Clean Line Energy Partners.

Recessed: 1:05 p.m.

Reconvened: 1:15 p.m.

Adjourned: 1:50 p.m.

ALSO:

Convened: Tuesday, February 14, 2012, 1:05 p.m.

Members Present: McCoy, Chair; Rielly, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3101 and 3125. Discussed governor's appointee.

Adjourned: 1:40 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Tuesday, February 14, 2012, 2:00 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: Approved governor's appointees. Approved [SSB 3072](#). Presentation by IEDA.

Recessed: 2:05 p.m.

Reconvened: 2:20 p.m.

Adjourned: 3:05 p.m.

HUMAN RESOURCES

Convened: Monday, February 13, 2012, 4:00 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: Approved SSBs 3053 and 3084. Approved **SSB 3080** as amended.

Adjourned: 4:20 p.m.

GOVERNMENT OVERSIGHT

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

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

Members Absent: None.

Committee Business: Presentations by the Department of Human Services and the Iowa Health Care Association. Considered **SSB 3111**.

Adjourned: 11:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 14, 2012, 2:05 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: Approved **SSB 3050** as amended. Presentation by The Raccoon Watershed Association.

Adjourned: 2:50 p.m.

RULES AND ADMINISTRATION

Convened: Tuesday, February 14, 2012, 12:30 p.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Behn, Ranking Member; Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun.

Members Absent: None.

Committee Business: Passed SR 105.

Adjourned: 12:35 p.m.

STATE GOVERNMENT

Convened: Thursday, February 9, 2012, 3:00 p.m.

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

Members Absent: Feenstra (excused).

Committee Business: Passed SF 2012. Approved SSB 3092. Discussed governor's appointee.

Recessed: 3:05 p.m.

Reconvened: 3:15 p.m.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

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

Members Present: Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

Members Absent: None.

Committee Business: Budget discussion.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 14, 2012, 10:00 a.m.

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

Members Absent: Johnson, Ranking Member (excused).

Committee Business: Presentations on healthcare workforce.

Adjourned: 11:30 a.m.

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

Convened: Tuesday, February 14, 2012, 10:10 a.m.

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

Members Absent: Beall, Vice Chair (excused).

Committee Business: Approved LSBs 5121JA and 5121.

Adjourned: 10:20 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 105, by Gronstal, Kibbie, and Behn, a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa.

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

Senate Joint Resolution 2002, by Danielson, a joint resolution requesting the proposal of an amendment to the Constitution of the United States relating to Citizens United v. Federal Election Commission.

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

INTRODUCTION OF BILLS

Senate File 2179, by Danielson, a bill for an act establishing a teacher loan forgiveness match program.

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

Senate File 2180, by Danielson, a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.

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

Senate File 2181, by Danielson, a bill for an act relating to coverage under the medical assistance program for the costs associated with the birth of a child relinquished under the newborn safe haven Act.

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

Senate File 2182, by Quirnbach, a bill for an act relating to the retention of funds due to contractors for claims for labor, service, and transportation on public improvements.

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

Senate File 2183, by Danielson, a bill for an act relating to nomination papers filing deadlines for school district and merged area elections.

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

Senate File 2184, by Danielson, a bill for an act relating to the staffing of department of human services local offices.

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

Senate File 2185, by committee on Human Resources, a bill for an act relating to the supervision of physician assistants.

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

Senate File 2186, by committee on Human Resources, a bill for an act relating to medical assistance eligibility for inmates of public institutions.

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

Senate File 2187, by Chelgren, a bill for an act eliminating public employee collective bargaining and including effective date, applicability, and transition provisions.

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

Senate File 2188, by committee on Human Resources, a bill for an act relating to the renewal period for foster care licensing.

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

Senate File 2189, by Ernst, Zaun, Hahn, Johnson, McKinley, Whitver, Chelgren, Bartz, Ward, Feenstra, Bertrand, Anderson, and Sorenson, a bill for an act relating to reserve peace officers approved and certified to carry weapons in the line of duty and nonprofessional permits to carry weapons.

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

Senate File 2190, by Ernst, a bill for an act relating to county commissions of veteran affairs.

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

STUDY BILLS RECEIVED

SSB 3155 Appropriations

Relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and including effective date and retroactive applicability provisions.

SSB 3156 Veterans Affairs

Permitting the temporary allocation and use of moneys in the veterans trust fund for cemetery grant development purposes.

SSB 3157 Veterans Affairs

Requiring that a veteran be seriously injured or very seriously injured in order to be eligible to receive a grant under the injured veterans grant program.

SSB 3158 Commerce

Relating to boiler inspections.

SSB 3159 Commerce

Requiring a commercial breeder of dogs and cats to file evidence of financial responsibility with the department of agriculture and land stewardship, and making penalties applicable.

SSB 3160 Commerce

Relating to security interests in farm products, providing for fees and their expenditure, and including contingent applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 495**

HUMAN RESOURCES: Ragan, Chair; Bacon and Bolkom

Senate File 2131

HUMAN RESOURCES: Ragan, Chair; Bolkom and Seymour

Senate File 2148

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

Senate File 2152

AGRICULTURE: Kibbie, Chair; Fraise and Houser

Senate File 2155

EDUCATION: Hogg, Chair; Dvorsky and Hamerlinck

Senate File 2162

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Mathis and Whitver

Senate File 2167

WAYS AND MEANS: Black, Chair; Chelgren and Seng

Senate File 2176

HUMAN RESOURCES: Bolkcom, Chair; Bacon and Hatch

Senate File 2177

HUMAN RESOURCES: Ragan, Chair; Boettger and Jochum

House File 2144

COMMERCE: Wilhelm, Chair; Feenstra and Seng

House File 2168

COMMERCE: McCoy, Chair; Kettering and Rielly

House File 2226

HUMAN RESOURCES: Dotzler, Chair; Whitver and Wilhelm

SSB 3155

APPROPRIATIONS: Jochum, Chair; Dvorsky and Bartz

SSB 3156

VETERANS AFFAIRS: Black, Chair; Ernst and Horn

SSB 3157

VETERANS AFFAIRS: Ragan, Chair; Danielson and Ernst

SSB 3158

COMMERCE: McCoy, Chair; Courtney and Anderson

SSB 3159

COMMERCE: McCoy, Chair; Bolkcom and Zaun

SSB 3160

COMMERCE: Mathis, Chair; Wilhelm and Kettering

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2185 \(SSB 3053\)](#), a bill for an act relating to the supervision of physician assistants.

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 2186 \(SSB 3084\)](#), a bill for an act relating to medical assistance eligibility for inmates of public institutions.

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 2188 \(SSB 3080\)](#), a bill for an act relating to the renewal period for foster care licensing.

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 2188](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 105](#), a resolution welcoming His Excellency Xi Jinping, Vice President of the People's Republic of China on his visit to the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gronstal, Kibbie, Behn, Bartz, Courtney, Danielson, Dearden, Dvorsky, McKinley, Ragan, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 14, 2012, when the vote was taken on [Senate File 2161](#). Had I been present, I would have voted "Aye."

BRAD ZAUN

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

Pete Brownell – Economic Development Authority
Kaye DeLange – Economic Development Authority

Dustin Embree – Iowa Great Places Board

AMENDMENT FILED

S-5012 S.F. 2161 Joe Bolkom