

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 15, 2012

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JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 15, 2012

The Senate met in regular session at 9:12 a.m., President Kibbie presiding.

Prayer was offered by Reverend Jim Laupp, pastor of the First Baptist Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Thomas Day.

The Journal of Tuesday, February 14, 2012, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 105](#).

Senate Resolution 105

On motion of Senator Gronstal, [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, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of [Senate Resolution 105](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:16 a.m. until 9:00 a.m., Thursday, February 16, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

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

James and Gwenath Anderson, Williams—For celebrating their 60th wedding anniversary. Senator Bacon (2/15/12).

Pastor Jim Laupp, First Baptist Church, Fort Dodge—For blessing us with the opening prayer in the Iowa Senate. Senator Beall (2/15/12).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Tuesday, February 14, 2012, 5:05 p.m.

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

Members Absent: Bartz, Fraise, and Johnson (all excused).

Committee Business: Passed SF 2024 as amended. Approved SSB 3130 as amended.

Recessed: 5:10 p.m.

Reconvened: 5:40 p.m.

Adjourned: 5:50 p.m.

JUDICIARY

Convened: Tuesday, February 14, 2012, 3:10 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed SF 2021 as amended. Approved SSBs 3026, 3075, and 3134 as amended. Approved governor's appointees.

Recessed: 3:15 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: Wednesday, February 15, 2012, 2:00 p.m.

Members Present: Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Danielson, Dearden, Dvorsky, Ernst, Hahn, Hancock, Houser, McCoy, and Zaun.

Members Absent: None.

Committee Business: Approved SSBs 3120 and 3141.

Adjourned: 2:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 15, 2012, 10:10 a.m.

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

Members Absent: Bartz, Ranking Member (excused).

Committee Business: Discussed appropriations.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: Wednesday, February 15, 2012, 10:05 a.m.

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

Members Absent: None.

Committee Business: Presentations by Small Business Development Centers and Main Street Iowa of the Iowa Economic Development Authority.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: Wednesday, February 15, 2012, 10:15 a.m.

Members Present: Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

Members Absent: None.

Committee Business: Discussed budget proposal.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 15, 2012, 10:00 a.m.

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

Members Absent: Johnson, Ranking Member; and Bolkcom (both excused).

Committee Business: Presentations by Iowa Workforce Development and Iowa Medicaid Enterprises. Panel discussion on health care delivery.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by Hatch, Hogg, Mathis, Dvorsky, Horn, Dearden, Fraise, Gronstal, Kibbie, Black, McCoy, Beall, Wilhelm, Quirnbach, Ragan, Bowman, Seng, Schoenjahn, Bolkcom, Dotzler, Danielson, Rielly, and Jochum, a resolution honoring Art Pennington, an American baseball great.

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

INTRODUCTION OF BILLS

Senate File 2191, by Zaun, a bill for an act providing for the distribution of fines collected under a city or county automated traffic law enforcement program to local nonprofit organizations.

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

Senate File 2192, by Seng, a bill for an act relating to open records requests and violations.

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

Senate File 2193, by Chelgren, a bill for an act creating an exemption from the computation of the state individual income tax of net capital gains from an equity investment in a qualified Iowa business and including retroactive applicability provisions.

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

Senate File 2194, by Sorenson, a bill for an act relating to the prohibition of terminations of pregnancy and abortions, providing penalties, and including effective date provisions.

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

Senate File 2195, by Rielly, a bill for an act relating to payment of medical assistance debts from certain insurance policy and annuity proceeds.

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

Senate File 2196, by Zaun, a bill for an act relating to the creation of a transfer on death designation affidavit, and providing penalties, and including applicability provisions.

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

Senate File 2197, by Rielly, a bill for an act relating to the criminal offense of incest, and making penalties applicable.

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

Senate File 2198, by Sorenson, a bill for an act establishing an Iowa freedom and sovereignty Act and including penalties.

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

Senate File 2199, by Hatch, Hancock, Danielson, Dotzler, Dvorsky, Bolkom, Quirnbach, Ragan, Wilhelm, Beall, Kibbie, Gronstal, Soddors, Fraise, and Dearden, a bill for an act relating to approval, notification, and reporting of political activities by certain corporations and other entities.

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

Senate File 2200, by Sorenson, a bill for an act prohibiting the use of automated traffic law enforcement systems by local authorities and providing a monetary penalty for noncompliance.

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

Senate File 2201, by Sorenson, a bill for an act relating to the use of a full-body scanner at an airport and providing penalties.

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

Senate File 2202, by committee on Commerce, a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

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

Senate File 2203, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective date provisions.

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

Senate File 2204, by Soddors, a bill for an act establishing a public safety training and equipment trust fund and providing for appropriations of moneys in the fund.

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

Senate File 2205, by Whitver, a bill for an act relating to the promulgation and review of administrative rules.

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

Senate File 2206, by Chelgren, a bill for an act providing an exemption from the computation of net income for the individual state income tax of all social security benefits and including retroactive applicability provisions.

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

Senate File 2207, by Whitver and Kapucian, a bill for an act concerning payment of health insurance premium costs by members of the general assembly and statewide elected officials.

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

Senate File 2208, by committee on Judiciary, a bill for an act relating to the confidentiality of an arrest warrant.

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

Senate File 2209, by committee on Judiciary, a bill for an act prohibiting certain credits for time served while on probation.

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

Senate File 2210, by committee on Commerce, a bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits.

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

STUDY BILLS RECEIVED

SSB 3161 State Government

Relating to approval, notification, and reporting of political activities by certain corporations and other entities and making penalties applicable.

SSB 3162 Natural Resources and Environment

Requiring the department of natural resources to conduct pheasant studies, contingent on outside funding, and including a repeal.

SSB 3163 State Government

Concerning persons voluntarily excluded from gambling facilities and providing an appropriation.

SSB 3164 State Government

Authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable.

SSB 3165 Transportation

Relating to motorcycle dealer activities at motorcycle rallies and to the definition of travel trailer for purposes of travel trailer dealer requirements.

SSB 3166 Education

Establishing an internet site to distribute information regarding internship opportunities in Iowa.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2002

STATE GOVERNMENT: Danielson, Chair; Chelgren and Hatch

Senate File 2028
(Reassigned)

JUDICIARY: Quirnbach, Chair; Dvorsky and Sorenson

Senate File 2128

COMMERCE: Beall, Chair; Bertrand and Bolkcom

Senate File 2179

EDUCATION: Schoenjahn, Chair; Beall and Feenstra

Senate File 2180

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

Senate File 2181

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Whitver

Senate File 2183

STATE GOVERNMENT: Danielson, Chair; Chelgren and Jochum

Senate File 2184

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolkcom

Senate File 2187

STATE GOVERNMENT: Horn, Chair; Chelgren and Dearden

Senate File 2192

STATE GOVERNMENT: Horn, Chair; Dearden and Smith

Senate File 2204

STATE GOVERNMENT: Soddors, Chair; Danielson and Dix

House File 2145

COMMERCE: Rielly, Chair; McCoy and Ward

House File 2245

EDUCATION: Quirnbach, Chair; Hamerlinck and Schoenjahn

SSB 3161

STATE GOVERNMENT: Danielson, Chair; Dix and Soddors

SSB 3162

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Kapucian and Ragan

SSB 3163

STATE GOVERNMENT: Danielson, Chair; Dix and Kibbie

SSB 3164

STATE GOVERNMENT: Danielson, Chair; Bertrand and Horn

SSB 3165

TRANSPORTATION: Bowman, Chair; Beall and Ernst

SSB 3166

EDUCATION: Quirnbach, Chair; Beall and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

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-5013](#).

Final Vote: Ayes, 12: Dvorsky, McCoy, Black, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, and Schoenjahn. Nays, 6: Dix, Boettger, Houser, Kapucian, Kettering, and Seymour. Absent, 3: Bartz, Fraise, and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: [SENATE FILE 2202 \(SSB 3125\)](#), a bill for an act relating to matters under the purview of the banking division of the department of commerce, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2210 (SSB 3101), a bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McCoy, Rielly, Anderson, Beall, Bertrand, Bolkcom, Courtney, Feenstra, Kettering, Mathis, Schoenjahn, Seng, Ward, Wilhelm, and Zaun. 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 Commerce Committee on Senate File 2210, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2203 (SSB 3134), a bill for an act relating to nonsubstantive Code corrections and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2208 (SSB 3026), a bill for an act relating to the confidentiality of an arrest warrant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Soddors, Sorenson, Ward, 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 Judiciary Committee on Senate File 2208, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2209 (SSB 3075), a bill for an act prohibiting certain credits for time served while on probation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, 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 Judiciary Committee on [Senate File 2209](#), and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 15, 2012, the Governor approved and transmitted to the Secretary of State the following bill:

[Senate File 93](#) – Enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

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:

AGRICULTURE

Cindy Hall – Agricultural Development Authority

JUDICIARY

Mardi Allen – Criminal and Juvenile Justice Planning Advisory Council

Patrick Gibbs – Criminal and Juvenile Justice Planning Advisory Council

Todd Thoeming – Iowa Drug Policy Advisory Council

Nancy Bodnar – Iowa Law Enforcement Academy Council

Lisa Campbell – Iowa Law Enforcement Academy Council

Brian Gardner – Iowa Law Enforcement Academy Council

Brian Guy – Iowa Law Enforcement Academy Council

AMENDMENTS FILED

S-5013	S.F.	2024	Appropriations
S-5014	S.F.	2125	Amanda Ragan