

**PROOF**

---

---

**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 16, 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

---

THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 16, 2012

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Wendy Abrahamson of St. John's Episcopal Church in Mason City, Iowa. She was the guest of Senator Ragan.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Sean Duff.

The Journal of Wednesday, February 15, 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 15, 2012, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2120**, a bill for an act relating to the practice of optometry.

ALSO: That the House has on February 15, 2012, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2071**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 2011, and including effective dates. (S-5015)

ALSO: That the House has on February 14, 2012, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2274**, a bill for an act relating to property taxation and local government budgets by increasing the regular program foundation base percentage, establishing a property tax exemption for certain commercial and industrial property, establishing and modifying property assessment limitations, providing for certain property tax replacement payments, modifying the assessment and taxation of telecommunications company property, establishing budget limitations for counties and cities, eliminating certain reporting requirements, making appropriations, and including effective date and applicability provisions.

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:09 a.m. until 1:00 p.m., Monday, February 20, 2012.

#### APPENDIX

##### CERTIFICATES OF RECOGNITION

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

Kayla De Weerd, Hull—In recognition of her exemplary volunteer service by receiving the 2012 Prudential Spirit of Community Award. Senator Feenstra (2/16/12).

Lorna Rebhuhn, Webster City—For celebrating her 80<sup>th</sup> birthday. Senator Bacon (2/16/12).

##### REPORTS OF COMMITTEE MEETINGS

###### ECONOMIC GROWTH/REBUILD IOWA

**Convened:** Thursday, February 16, 2012, 2:05 p.m.

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

**Members Absent:** Bertrand and Horn (both excused).

**Committee Business:** Passed SF 2148. Approved SSB 3151. Approved governor's appointee.

**Recessed:** 2:10 p.m.

**Reconvened:** 2:20 p.m.

**Adjourned:** 2:30 p.m.

#### JUDICIARY

**Convened:** Thursday, February 16, 2012, 12:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3061 and 3074 as amended. Approved governor's appointee.

**Recessed:** 12:10 p.m.

**Reconvened:** 12:25 p.m.

**Adjourned:** 12:35 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Thursday, February 16, 2012, 10:10 a.m.

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

**Members Absent:** Hamerlinck (excused).

**Committee Business:** Passed LSB 5117SA as amended.

**Adjourned:** 10:15 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Convened:** Thursday, February 16, 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 the Department of Health and the Commission on Tobacco Use Prevention and Control.

**Adjourned:** 11:25 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 107**, by Quirnbach, a resolution honoring Dr. Gregory L. Geoffroy's remarkable achievements as President of Iowa State University.

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

## INTRODUCTION OF BILLS

**Senate File 2211**, by Mathis, a bill for an act establishing an Iowans first tax credit program within the economic development authority for taxpayers who hire qualified individuals and including effective date and applicability provisions.

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

**Senate File 2212**, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

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

**Senate File 2213**, by Kapucian, Soddors, Beall, Johnson, Anderson, Bacon, Boettger, Ernst, Hahn, Bartz, Chelgren, Whitver, Seymour, and Houser, a bill for an act exempting certain veterans organizations from payment of sales tax and certain fees for conducting games and raffles.

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

**Senate File 2214**, by Danielson, a bill for an act relating to the knowing misrepresentation or knowing omission of a person's financial information on the person's application for free legal assistance from a nonprofit legal aid organization and providing penalties.

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

**Senate File 2215**, by Mathis, a bill for an act relating to bidding for purchases or public improvements through a competitive bidding process by the state or political subdivisions.

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

**Senate File 2216**, by committee on Transportation, a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

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

**Senate File 2217**, by committee on Appropriations, a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

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

**Senate File 2218**, by committee on Judiciary, a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

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

**Senate File 2219**, by committee on Education, a bill for an act relating to the continuation of the Iowa early intervention block grant program and including effective date provisions.

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

**Senate File 2220**, by committee on Education, a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

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

**Senate File 2221**, by committee on Education, a bill for an act requiring background checks for school bus drivers and making penalties applicable.

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

**Senate File 2222**, by Dotzler, Dvorsky, Seng, Hancock, Bowman, Hatch, Horn, Dearden, Fraise, Courtney, Gronstal, Kibbie, Black, Jochum, Ragan, Wilhelm, Danielson, Bolkcom, Schoenjahn, Sodders, and Rielly, a bill for an act requiring American products to be used for public improvements, providing a penalty, and including applicability provisions.

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

#### STUDY BILLS RECEIVED

##### **SSB 3167      Education**

Concerning oversight of schools offering postsecondary educational programs by the college student aid commission and making penalties applicable.

##### **SSB 3168      State Government**

Concerning public construction bidding by establishing a pilot program for alternative project delivery processes for certain public projects and utilizing alternative selection procedures for certain professional services and making an appropriation.

##### **SSB 3169      State Government**

Relating to radon control by requiring the state building code commissioner to adopt statewide radon control standards in residential construction, requiring that radon testing, mitigation, or

abatement be conducted in schoolhouses and certain residential buildings, requiring certain notifications, and providing an income tax credit, and including retroactive applicability provisions.

**SSB 3170 State Government**

Relating to enhanced 911 emergency communication systems, including surcharges and the allocation of moneys collected from such surcharges.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2191**

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

**Senate File 2194**

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolcom

**Senate File 2198**

STATE GOVERNMENT: Hatch, Chair; Fraise and Sorenson

**Senate File 2199**

STATE GOVERNMENT: Danielson, Chair; Hatch and Smith

**Senate File 2200**

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

**Senate File 2201**

TRANSPORTATION: Rielly, Chair; Hancock and Houser

**Senate File 2205**

STATE GOVERNMENT: Danielson, Chair; Feenstra and Kibbie

**Senate File 2211**

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

**Senate File 2215**

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



**House File 2145**  
(Reassigned)

COMMERCE: Rielly, Chair; Schoenjahn and Ward

**SSB 3167**

EDUCATION: Quirnbach, Chair; Feenstra and Hogg

**SSB 3168**

STATE GOVERNMENT: McCoy, Chair; Feenstra and Jochum

**SSB 3169**

STATE GOVERNMENT: Hatch, Chair; Feenstra and Sodders

**SSB 3170**

STATE GOVERNMENT: Sodders, Chair; Dix and McCoy

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**APPROPRIATIONS**

**Bill Title:** \*SENATE FILE 2217 (SSB 3130), a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 18: Dvorsky, McCoy, Dix, Black, Boettger, Bolkcom, Danielson, Dotzler, Hancock, Hatch, Hogg, Houser, Jochum, Kapucian, Kettering, Ragan, Schoenjahn, and Seymour. Nays, none. Absent, 3: Bartz, Fraise, and 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 Appropriations Committee on Senate File 2217, and they were attached to the committee report.

**ECONOMIC GROWTH/REBUILD IOWA**

**Bill Title:** \*[SENATE FILE 2212 \(SSB 3072\)](#), a bill for an act relating to economic development by making technical and policy changes related to environmental response projects and to certain programs administered by the economic development authority and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Soddors, Dotzler, Greiner, Bacon, Bertrand, Bowman, Chelgren, Danielson, Hatch, Horn, Mathis, Rielly, Ward, Whitver, and Wilhelm. 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 Economic Growth/Rebuild Iowa Committee on [Senate File 2212](#), and they were attached to the committee report.

**EDUCATION**

**Bill Title:** [SENATE FILE 2219 \(SSB 3102\)](#), a bill for an act relating to the continuation of the Iowa early intervention block grant program and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Quirnbach, Schoenjahn, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. Nays, 1: Hamerlinck. Absent, 1: Johnson.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2220](#) (formerly [SF 2044](#)), a bill for an act relating to the licensing of schools of cosmetology arts and sciences and barber schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. 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 Education Committee on [Senate File 2220](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2221 (SSB 3003), a bill for an act requiring background checks for school bus drivers and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm. 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 Education Committee on [Senate File 2221](#), and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** \*SENATE FILE 2218 (formerly SF 2021), a bill for an act relating to school bus safety, including providing penalties for failure to obey school bus warning lamps and stop signal arms, providing for a school bus safety study and administrative remedies, and making an appropriation.

**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 2218](#), and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** SENATE FILE 2216 (SSB 3120), a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions.

**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.

GOVERNOR'S APPOINTEE PLACED ON  
EN BLOC CONFIRMATION CALENDAR

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

**ECONOMIC GROWTH/REBUILD IOWA**

Larry Den Herder – Economic Development Authority

AMENDMENTS FILED

S-5015	S.F.	2071	House
S-5016	S.F.	2203	Judiciary