

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 23, 2012

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 23, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Dr. Reverend Cathleen Bascom of the Cathedral Church of St. Paul in Des Moines, Iowa. She was the guest of Senator Hatch.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Jaeschke.

The Journal of Wednesday, February 22, 2012, was approved.

BILL PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that **House File 2150** be placed on the **Unfinished Business Calendar**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:11 a.m. until 1:00 p.m., Monday, February 27, 2012.

APPENDIX**CERTIFICATE OF RECOGNITION**

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

Chief Merle Clemen, Dyersville—For ten years of outstanding service as Dyersville Fire Chief. Senator Hancock (2/23/12).

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: Thursday, February 23, 2012, 9:30 a.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: Passed SFs 2042 and 2072 and [HF 2168](#). Approved SSBs 3064, 3066, 3124, 3158, and 3159.

Recessed: 9:35 a.m.

Reconvened: 10:45 a.m.

Adjourned: 12:20 p.m.

ECONOMIC GROWTH/REBUILD IOWA

Convened: Thursday, February 23, 2012, 1:45 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: Confirmed governor's appointees. Passed [SF 2215](#) as amended and [SF 2222](#). Approved [SSB 3178](#) as amended and [SSB 3110](#).

Recessed: 1:50 p.m.

Reconvened: 2:35 p.m.

Adjourned: 3:05 p.m.

GOVERNMENT OVERSIGHT

Convened: Thursday, February 23, 2012, 11:00 a.m.

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

Members Absent: None.

Committee Business: Presentations on online academies and internet schools.

Adjourned: 12:30 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 21, 2012, 9:50 a.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: Passed [SF 2101](#) as amended. Approved [SSB 3079](#). Approved [SSBs 3039, 3040, 3136, and 3149](#) as amended.

Adjourned: 11:05 a.m.

ALSO:

Convened: Thursday, February 23, 2012, 11:10 a.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: Passed [SF 2180](#) as amended. Approved [SSBs 3137 and 3152](#) as amended.

Adjourned: 11:25 a.m.

JUDICIARY

Convened: Thursday, February 23, 2012, 12:30 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: Passed SF 2229. Approved SSBs 3154 and 3177. Passed SFs 380 and 335 as amended. Approved SSBs 3028 and 3135 as amended.

Recessed: 12:35 p.m.

Reconvened: 1:25 p.m.

Adjourned: 1:45 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Thursday, February 23, 2012, 9:05 a.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 SSBs 3001, 3049, and 3052.

Adjourned: 9:35 a.m.

STATE GOVERNMENT

Convened: Wednesday, February 22, 2012, 1:40 p.m.

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

Members Absent: None.

Committee Business: Passed SFs 27, 2089, 2108, and 2204. Approved SSBs 3021, 3078, 3090, 3095, 3114, 3163, 3164, 3168, 3170, 3176, and 3179.

Recessed: 3:00 p.m.

Reconvened: 5:40 p.m.

Adjourned: 9:30 p.m.

TRANSPORTATION

Convened: Thursday, February 23, 2012, 11:05 a.m.

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

Members Absent: Houser (excused).

Committee Business: Passed SFs 2003 and 2093.

Adjourned: 11:25 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 112, by Bartz, Feenstra, Hahn, Kettering, Ernst, Anderson, Zaun, Behn, Kapucian, Seymour, Dix, McKinley, Bacon, Chelgren, Whitver, Greiner, Sorenson, Bertrand, Johnson, Ward, Smith, Boettger, Seng, Hancock, and Rielly, a resolution supporting the tradition of youth involvement in family farming and opposing federal labor regulations to the contrary.

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

Senate Resolution 113, by Danielson, a resolution urging Congress to enact campaign finance restrictions relating to Citizens United v. Federal Election Commission.

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

INTRODUCTION OF BILLS

Senate File 2258, by committee on Education, a bill for an act establishing an internet site to distribute information regarding internship opportunities in Iowa.

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

Senate File 2259, by committee on Judiciary, a bill for an act prohibiting employment discrimination based on unemployment status and providing penalties.

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

Senate File 2260, by committee on Judiciary, a bill for an act revising the Iowa nonprofit corporation Act.

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

Senate File 2261, by Chelgren, a bill for an act providing education savings grants for pupils attending a public school or an accredited nonpublic school or receiving competent private

instruction, establishing an education savings grant fund, providing for the establishment of education achievement standards, making appropriations, providing penalties, and including applicability provisions.

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

Senate File 2262, by committee on State Government, a bill for an act relating to the Iowa health care coverage partnership program and including effective date provisions.

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

Senate File 2263, by committee on State Government, a bill for an act relating to fire protection and emergency medical services, including tax credits, service charges, and applicability provisions.

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

Senate File 2264, by committee on State Government, a bill for an act 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.

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

Senate File 2265, by committee on Judiciary, a bill for an act providing for notarial acts, providing for fees, and including effective date provisions.

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

Senate File 2266, by committee on Local Government, a bill for an act providing that a county enterprise includes natural gasworks.

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

Senate File 2267, by committee on Education, a bill for an act concerning oversight of schools offering postsecondary educational

programs by the college student aid commission and making penalties applicable.

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

Senate File 2268, by committee on Education, a bill for an act establishing the creating outstanding instructional leaders pilot program for school districts, making an appropriation, and including a repeal date.

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

STUDY BILLS RECEIVED

SSB 3187 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions.

SSB 3188 Appropriations

Relating to the types of containers included under the beverage container control laws and the reimbursement amount paid by a distributor for empty beverage containers and making appropriations.

SSB 3189 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the general fund of the state, and providing for related matters.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2162
(Reassigned)

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

Senate File 2246

STATE GOVERNMENT: Danielson, Chair; Chelgren and Jochum

SSB 3187

APPROPRIATIONS: Schoenjahn, Chair; Dix and Dvorsky

SSB 3188

APPROPRIATIONS: Bolkcom, Chair; Hogg and Houser

SSB 3189

APPROPRIATIONS: McCoy, Chair; Dvorsky and Kapucian

FINAL COMMITTEE REPORTS OF BILL ACTION**EDUCATION**

Bill Title: [SENATE FILE 2258 \(SSB 3166\)](#), a bill for an act establishing an internet site to distribute information regarding internship opportunities in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 2267 \(SSB 3167\)](#), a bill for an act concerning oversight of schools offering postsecondary educational programs by the college student aid commission 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, 1: Johnson. 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 Education Committee on [Senate File 2267](#), and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2268 (formerly SF 2087), a bill for an act establishing the creating outstanding instructional leaders pilot program for school districts, making an appropriation, and including a repeal date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Quirnbach, Schoenjahn, Beall, Bowman, Dvorsky, Hogg, Soddors, and Wilhelm. Nays, 5: Hamerlinck, Boettger, Feenstra, Johnson, and Smith. 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 Education Committee on Senate File 2268, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2259 (formerly SF 2028), a bill for an act prohibiting employment discrimination based on unemployment status and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Hogg, Dvorsky, Horn, Jochum, Quirnbach, and Soddors. Nays, 6: Boettger, Dix, Hancock, Sorenson, Ward, and Whitver. 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 2259, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2260 (SSB 3126), a bill for an act revising the Iowa nonprofit corporation Act.

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 2260, and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 2265 \(SSB 3133\)](#), a bill for an act providing for notarial acts, providing for fees, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, 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 2265](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *[SENATE FILE 2266 \(SSB 3096\)](#), a bill for an act providing that a county enterprise includes natural gasworks.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Wilhelm, Beall, Bartz, Bacon, Bowman, Courtney, Ernst, Hamerlinck, Quirnbach, Rielly, and Schoenjahn. 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 Local Government Committee on [Senate File 2266](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2262](#) (formerly [SF 2108](#)), a bill for an act relating to the Iowa health care coverage partnership program and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2263 \(SSB 3179\)](#), a bill for an act relating to fire protection and emergency medical services, including tax credits, service charges, and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Danielson, Kibbie, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 6: Sorenson, Bertrand, Chelgren, Dix, Feenstra, and Smith. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2264 \(SSB 3168\)](#), a bill for an act 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Danielson, Kibbie, Bertrand, Dearden, Fraise, Hatch, Horn, Jochum, McCoy, and Sodders. Nays, 5: Sorenson, Chelgren, Dix, Feenstra, and Smith. 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 committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

ECONOMIC GROWTH/REBUILD IOWA

Robert Riley, Jr. – Board of Iowa Innovation Corporation

Jamie Zanius – Board of Iowa Innovation Corporation

AMENDMENT FILED

S-5021 S.F. 2058 Matt McCoy