

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 11, 2014

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JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 11, 2014

The Senate met in regular session at 9:13 a.m., President Jochum presiding.

Prayer was offered by Reverend Cory Stout, pastor of the Community Heights Alliance Church in Newton, Iowa. He was the guest of Senator Taylor.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Caleb Bell.

The Journal of Monday, February 10, 2014, was approved.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2138](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:39 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:07 a.m., President Jochum presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:08 a.m. until 12:30 p.m.

RECONVENED

The Senate reconvened at 12:37 p.m., President Jochum presiding.

The Senate stood at ease at 12:38 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 12:46 p.m., President Jochum presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, until he arrives, on request of Senator Dix.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2110](#).

[Senate File 2110](#)

On motion of Senator Mathis, [Senate File 2110](#), a bill for an act making a supplemental appropriation for the low-income home energy assistance program and including effective date provisions, was taken up for consideration.

Senator Rozenboom offered amendment [S-5002](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall the amendment be adopted?" ([S.F. 2110](#)), the vote was:

Yeas, 22:

Anderson	Dix	Johnson	Smith
Behn	Ernst	Kapucian	Whitver
Bertrand	Garrett	Rozenboom	Zaun
Boettger	Greiner	Schneider	Zumbach
Breitbach	Guth	Segebart	
Chapman	Houser	Sinclair	

Nays, 27:

Beall	Dearden	Hogg	Ragan
Black	Dotzler	Horn	Schoenjahn
Bolkcom	Dvorsky	Jochum	Seng
Bowman	Feenstra	Mathis	Sodders

Brase	Gronstal	McCoy	Taylor
Courtney	Hart	Petersen	Wilhelm
Danielson	Hatch	Quirnbach	

Absent, 1:

Chelgren

Amendment [S-5002](#) lost.

Senator Mathis 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. 2110](#)), the vote was:

Yeas, 41:

Anderson	Dotzler	Jochum	Segebart
Beall	Dvorsky	Johnson	Seng
Bertrand	Ernst	Kapucian	Sinclair
Black	Garrett	Mathis	Smith
Boettger	Greiner	McCoy	Sodders
Bolkcom	Gronstal	Petersen	Taylor
Bowman	Hart	Quirnbach	Wilhelm
Brase	Hatch	Ragan	Zaun
Courtney	Hogg	Rozenboom	
Danielson	Horn	Schneider	
Dearden	Houser	Schoenjahn	

Nays, 8:

Behn	Chapman	Feenstra	Whitver
Breitbach	Dix	Guth	Zumbach

Absent, 1:

Chelgren

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 2110](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 9:00 a.m., Wednesday, February 12, 2014.

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 PUBLIC SAFETY

FY 2012 Annual Report, pursuant to Iowa Code section 7E.3. Report received on February 11, 2014.

FY 2013 Annual Report, pursuant to Iowa Code section 7E.3. Report received on February 11, 2014.

CERTIFICATE OF RECOGNITION

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

Iris Hemmingson, Le Mars – For being named Le Mars Citizen of the Year and for her service and commitment to her fellow citizens. Senator Anderson.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, February 10, 2014, 4:10 p.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Boettger, Bolcom, Dotzler, Ernst, Jochum, Mathis, Quirnbach, Segebart, and Whitver.

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

Committee Business: Approved SSBs 3010, 3011, 3012, and 3054; presentation.

Adjourned: 4:40 p.m.

STATE GOVERNMENT

Convened: Monday, February 10, 2014, 3:00 p.m.

Members Present: Danielson, Chair; Jochum, Vice Chair; Smith, Ranking Member; Anderson, Bertrand, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, Petersen, Schneider, and Sadders.

Members Absent: McCoy (excused).

Committee Business: Approved SSB's 3059 and 3108; presentation.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: Monday, February 10, 2014, 4:10 p.m.

Members Present: Bowman, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Brase, Breitbach, Danielson, Dvorsky, and Taylor.

Members Absent: Behn, Dearden, Feenstra, McCoy, and Zumbach (all excused).

Committee Business: Presentation.

Adjourned: 4:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: Tuesday, February 11, 2014, 10:15 a.m.

Members Present: Rozenboom, Ranking Member; Greiner, and Wilhelm.

Members Absent: Black, Chair; and Dearden, Vice Chair (both excused).

Committee Business: Presentations.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Tuesday, February 11, 2014, 10:10 a.m.

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

Members Absent: None.

Committee Business: Presentation.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Tuesday, February 11, 2014, 10:00 a.m.

Members Present: Courtney, Chair; Hogg, Vice Chair; Garrett, Ranking Member; and Taylor.

Members Absent: Chelgren (excused).

Committee Business: Organizational meeting.

Adjourned: 11:50 a.m.

INTRODUCTION OF BILLS

[Senate File 2139](#), by Feenstra, Anderson, Bertrand, Boettger, Chapman, Greiner, Sinclair, Rozenboom, Ernst, Zumbach, Kapucian, Smith, Zaun, Whitver, Breitbach, Segebart, Behn, and Guth, a bill for an act concerning requirements for state purchasing from prison industries.

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

[Senate File 2140](#), by Anderson, a bill for an act providing for the issuance of special disabled veteran vehicle registration plates to certain disabled veterans who qualify for a persons with disabilities parking permit.

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

[Senate File 2141](#), by Ernst, a bill for an act relating to notice of human trafficking support services.

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

[Senate File 2142](#), by Schoenjahn, a bill for an act relating to the withdrawal of a specimen of blood or urine for chemical testing pursuant to a search warrant issued in an operating-while-intoxicated case.

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

[Senate File 2143](#), by Petersen, a bill for an act relating to the state child care assistance program eligibility and application provisions.

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

[Senate File 2144](#), by Petersen, a bill for an act establishing an Iowa healthiest children initiative in the department of public health and including effective date provisions.

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

[Senate File 2145](#), by Dvorsky, a bill for an act relating to elder and dependent adult abuse, and providing penalties.

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

[Senate File 2146](#), by Bowman and Schoenjahn, a bill for an act relating to the underage possession or consumption of alcohol and providing penalties.

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

[Senate File 2147](#), by committee on Human Resources, a bill for an act providing for an executive director of the dental board.

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

[Senate File 2148](#), by committee on State Government, a bill for an act relating to fantasy sports contests.

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

[Senate File 2149](#), by Ernst, a bill for an act concerning the transfer of a portion of state sales tax revenue to the road use tax fund.

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

[Senate File 2150](#), by Smith and Seng, a bill for an act relating to the limitations of actions in certain sexual offenses, and providing penalties.

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

[Senate File 2151](#), by Schoenjahn, a bill for an act relating to mental health treatment costs of certain persons accused of a crime.

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

[Senate File 2152](#), by Soddors and Boettger, a bill for an act providing for the practice of a licensed midwife and providing for a fee and a penalty.

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

[Senate File 2153](#), by Zaun, Johnson, Guth, Behn, Kapucian, Anderson, Garrett, Segebart, Feenstra, Ernst, Chapman, Boettger, Sinclair, and Bertrand, a bill for an act establishing religious conscience protections for employers regarding the provision of health insurance or benefit coverages that include abortion and certain contraceptive services.

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

[Senate File 2154](#), by Behn, Johnson, Guth, Segebart, Garrett, Sinclair, Ernst, Chapman, Rozenboom, Kapucian, Chelgren, Zaun, Anderson, Bertrand, Whitver, Boettger, Feenstra, Zumbach, Breitbach, Greiner, Schneider, Dix, Smith, and Houser, a bill for an act relating to education savings grants for pupils attending a nonpublic school or receiving competent private instruction, establishing an education savings grant fund, providing an income tax exemption, making appropriations, providing penalties, and including applicability provisions.

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

[Senate File 2155](#), by committee on State Government, a bill for an act concerning the rights of parties to private construction contracts and including applicability provisions.

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

[Senate File 2156](#), by committee on Human Resources, a bill for an act relating to in-state special or limited-use pharmacy licensure and nonresident pharmacy practices, licensure, and discipline.

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

[Senate File 2157](#), by Schneider, a bill for an act regulating the use of drones and unmanned aircraft, and providing penalties.

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

[Senate File 2158](#), by Bowman, a bill for an act relating to an assault on a sports official, and providing penalties.

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

[Senate File 2159](#), by Bolkcom, a bill for an act relating to rural and urban woodlands and trees.

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

STUDY BILLS RECEIVED

[SSB 3162](#) **Ways and Means**

Relating to the rebate of sales tax imposed and collected at an automobile racetrack facility and including effective date and retroactive applicability provisions.

[SSB 3163](#) **State Government**

Relating to the administration and operation of the Iowa communications network.

[SSB 3164](#) **State Government**

Concerning requirements for state purchasing from prison industries.

[SSB 3165](#) **State Government**

Providing for the revocation of certain training certificates issued to fire fighters.

SSB 3166 Appropriations

Relating to and making appropriations involving state government entities involved with agriculture, natural resources, and environmental protection and including effective date provisions.

SSB 3167 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, the economic development authority, the department of workforce development, and the state board of regents, and providing for related matters.

SSB 3168 Appropriations

Relating to appropriations to the judicial branch.

SSB 3169 Judiciary

Relating to the criminal offenses of enticing a minor, prostitution, sexual exploitation of a minor, and human trafficking, and providing for a fee.

SSB 3170 Judiciary

Relating to nonsubstantive code corrections.

SSB 3171 Local Government

Relating to the vehicle registration duties of county treasurers.

SSB 3172 Agriculture

Allowing the holders of interests in certain entities eligible to hold agricultural land to be elected as trustees of drainage or levee districts.

SUBCOMMITTEE ASSIGNMENTS**Senate File 335**

TRANSPORTATION: Taylor, Chair; Danielson and Feenstra

Senate File 2107

COMMERCE: Bolkom, Chair; Beall and Sinclair

[Senate File 2112](#)

COMMERCE: Hatch, Chair; Bolkcom and Schneider

[Senate File 2122](#)

COMMERCE: Petersen, Chair; Bertrand and Wilhelm

[Senate File 2134](#)

LOCAL GOVERNMENT: Quirnbach, Chair; Dvorsky and Sinclair

[Senate File 2135](#)

TRANSPORTATION: Beall, Chair; Behn and Brase

[Senate File 2143](#)

HUMAN RESOURCES: Mathis, Chair; Ragan and Whitver

[Senate File 2144](#)

HUMAN RESOURCES: Dotzler, Chair; Boettger and Quirnbach

[Senate File 2145](#)

HUMAN RESOURCES: Wilhelm, Chair; Johnson and Mathis

[SSB 3162](#)

WAYS AND MEANS: Dotzler, Chair; Black and Chapman

[SSB 3163](#)

STATE GOVERNMENT: McCoy, Chair; Petersen and Schneider

[SSB 3164](#)

STATE GOVERNMENT: Courtney, Chair; Feenstra and McCoy

[SSB 3165](#)

STATE GOVERNMENT: Horn, Chair; Dearden and Smith

[SSB 3166](#)

APPROPRIATIONS: Dvorsky, Chair; and Chapman

[SSB 3167](#)

APPROPRIATIONS: Dvorsky, Chair; and Chapman

[SSB 3168](#)

APPROPRIATIONS: Dvorsky, Chair; and Chapman

[SSB 3169](#)

JUDICIARY: Dvorsky, Chair; Petersen and Schneider

[SSB 3170](#)

JUDICIARY: Garrett, Chair; Hogg and Horn

[SSB 3171](#)

LOCAL GOVERNMENT: Brase, Chair; Chelgren and Hart

[SSB 3172](#)

AGRICULTURE: Hart, Chair; Beall and Kapucian

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2147 \(SSB 3010\)](#), a bill for an act providing for an executive director of the dental board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Boettger, Bolkcom, Dotzler, Ernst, Jochum, Mathis, Quirnbach, Segebart, and Whitver. Nays, none. Absent, 2: Johnson and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [*SENATE FILE 2156 \(SSB 3012\)](#), a bill for an act relating to in-state special or limited-use pharmacy licensure and nonresident pharmacy practices, licensure, and discipline.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Ragan, Wilhelm, Boettger, Bolkcom, Dotzler, Ernst, Jochum, Mathis, Quirnbach, Segebart, and Whitver. Nays, none. Absent, 2: Johnson and Hatch.

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 2156](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: [SENATE FILE 2148 \(SSB 3108\)](#), a bill for an act relating to fantasy sports contests.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Jochum, Smith, Anderson, Bertrand, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, Petersen, Schneider, and Sodders. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2155 \(SSB 3059\)](#), a bill for an act concerning the rights of parties to private construction contracts and including applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Danielson, Jochum, Smith, Anderson, Bertrand, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, Petersen, Schneider, and Sodders. Nays, none. Absent, 1: McCoy.

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 2155](#), and they were attached to the committee report.

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittee of standing committee on February 11, 2014, to investigate the appointment and reappointment of the following appointees:

JUDICIARY

As members of the Board of Parole:

John Hodges – Hogg, Chair; Courtney and Schneider
Sue Lerdal – Hogg, Chair; Courtney and Schneider

AMENDMENT FILED

[S-5002](#) [S.F. 2110](#) Ken Rozenboom