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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 12, 2014**

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# JOURNAL OF THE SENATE

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THIRTY-FIRST CALENDAR DAY  
NINETEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 12, 2014

The Senate met in regular session at 9:07 a.m., President Jochum presiding.

Prayer was offered by Pastor Michael Wolfram of Trinity Lutheran Church in Des Moines, Iowa. He was the guest of Senators McCoy and Petersen.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alex Cook.

The Journal of Tuesday, February 11, 2014, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 11, 2014, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2067](#), a bill for an act relating to the use of youth spring wild turkey hunting licenses.

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

[House File 2108](#), a bill for an act relating to property tax assessment and taxation by modifying requirements relating to property assessment notices and equalization order notices, modifying provisions relating to property assessment protests, and including applicability provisions.

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

[House File 2109](#), a bill for an act relating to vapor products and alternative nicotine products, and providing penalties.

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

[House File 2130](#), a bill for an act relating to matters under the purview of the banking division of the department of commerce.

Read first time and attached to **companion** [Senate File 2115](#).

[House File 2131](#), a bill for an act modifying provisions applicable to the recording of a mortgage or deed of trust executed by a transmitting utility.

Read first time and attached to **companion** [Senate File 2093](#).

[House File 2132](#), a bill for an act establishing the Gideon fellowship program in the office of the state public defender.

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

[House File 2175](#), a bill for an act relating to the use of telecommunications technology in terminations of pregnancies, and providing penalties.

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 9:00 a.m., Thursday, February 13, 2014.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Watershed Improvement Review Board 2013 Annual Report, pursuant to Iowa Code section 466A.3. Report received on February 12, 2014.

### CERTIFICATES OF RECOGNITION

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

Earl and Mildred Beckman, Burlington – For celebrating their 50<sup>th</sup> anniversary. Senator Courtney.

Mildred Harbison, Morning Sun – For celebrating her 90<sup>th</sup> birthday. Senator Courtney.

Frances Pogemiller, Winfield – For celebrating her 104<sup>th</sup> birthday. Senator Courtney.

Neil and MaryAnn Stanbary, West Burlington – For celebrating their 65<sup>th</sup> anniversary. Senator Courtney.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** Wednesday, February 12, 2014, 11:35 a.m.

**Members Present:** Seng, Chair; Zumbach, Ranking Member; Beall, Bowman, Brase, Greiner, Guth, Hart, Houser, Kapucian, and Soddors.

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

**Committee Business:** Passed [SF 2055](#).

**Adjourned:** 11:40 a.m.

#### COMMERCE

**Convened:** Tuesday, February 11, 2014, 2:00 p.m.

**Members Present:** McCoy, Chair; Petersen, Vice Chair; Anderson, Ranking Member; Beall, Bertrand, Bolkcom, Breitbach, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm.

**Members Absent:** Chapman and Hatch (both excused).

**Committee Business:** Presentations.

**Adjourned:** 2:45 p.m.

#### ECONOMIC GROWTH

**Convened:** Tuesday, February 11, 2014, 3:05 p.m.

**Members Present:** Soddors, Chair; Bowman, Vice Chair; Behn, Danielson, Dotzler, Hart, Houser, Mathis, Schneider, Taylor, Whitver, and Wilhelm.

**Members Absent:** Bertrand, Ranking Member; Chelgren, and Hatch (all excused).

**Committee Business:** Approved [SSB 3121](#); presentation.

**Adjourned:** 3:55 p.m.

#### EDUCATION

**Convened:** Wednesday, February 12, 2014, 1:05 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun.

**Members Absent:** Ernst, Ranking Member (excused).

**Committee Business:** Appointments; presentations.

**Adjourned:** 2:00 p.m.

#### JUDICIARY

**Convened:** Tuesday, February 11, 2014, 4:00 p.m.

**Members Present:** Hogg, Chair; Courtney, Vice Chair; Schneider, Ranking Member; Boettger, Dvorsky, Garrett, Horn, Petersen, Quirnbach, Soddors, Taylor, Whitver, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed SFs 2015, 2019, and 2041; approved SSBs 3075, 3077, 3116, and 3143; governor's appointees.

**Adjourned:** 4:50 p.m.

**LABOR AND BUSINESS RELATIONS**

**Convened:** Wednesday, February 12, 2014, 1:00 p.m.

**Members Present:** Horn, Chair; Dearden, Vice Chair; Houser, Ranking Member; Anderson, Brase, Chapman, Dix, Dotzler, Seng, and Sodders.

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

**Committee Business:** Approved [SSB 3005](#).

**Adjourned:** 1:05 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** Tuesday, February 11, 2014, 3:00 p.m.

**Members Present:** Dearden, Chair; Greiner, Ranking Member; Bolkcom, Brase, Breitbach, Hogg, Johnson, Ragan, Rozenboom, Schoenjahn, Seng, and Zumbach.

**Members Absent:** Black, Vice Chair (excused).

**Committee Business:** Presentation.

**Adjourned:** 3:35 p.m.

**TRANSPORTATION**

**Convened:** Wednesday, February 12, 2014, 3:05 p.m.

**Members Present:** Bowman, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, Taylor, and Zumbach.

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

**Committee Business:** Passed [SF 2059](#); presentation.

**Adjourned:** 3:25 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Wednesday, February 12, 2014, 10:05 a.m.

**Members Present:** Black, Chair; Dearden, Vice Chair; Rozenboom, Ranking Member; Greiner, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Presentation.

**Adjourned:** 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Wednesday, February 12, 2014, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Wednesday, February 12, 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:** 11:15 a.m.

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

**Convened:** Tuesday, February 11, 2014, 10:20 a.m.

**Members Present:** McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson, and Bowman.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 11:45 a.m.

**ALSO:**

**Convened:** Wednesday, February 12, 2014, 10:15 a.m.

**Members Present:** McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; and Anderson.

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

**Committee Business:** Organizational meeting.

**Adjourned:** 10:50 a.m.

## INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 2003](#), by Bolkcom, Dvorsky, and Black, a joint resolution requesting the call of a constitutional convention in order to propose an amendment to the Constitution of the United States to allow Congress and the states to prohibit or otherwise regulate the expenditure of funds for political speech by any corporation, limited liability company, or other corporate entity.

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

## INTRODUCTION OF BILLS

[Senate File 2160](#), by committee on Human Resources, a bill for an act relating to third-party payment of services provided by physical therapists, occupational therapists, and speech pathologists.

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

[Senate File 2161](#), by Bolkcom, a bill for an act relating to the use of certain chemicals in children's products, providing civil penalties, and including effective date provisions.

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

[Senate File 2162](#), by Petersen, a bill for an act requiring the chief technology officer to implement a confidential common database in conjunction with state agencies involved with administering or verifying eligibility for public benefits programs.

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

[Senate File 2163](#), by Soddors, a bill for an act relating to the calculation of the amount of the child and dependent care tax credit, and including effective date and retroactive applicability provisions.

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

[Senate File 2164](#), by Hatch, a bill for an act relating to the individual income tax by modifying the income tax brackets and tax



rates, increasing the net income amounts for purposes of the alternate tax and minimum filing thresholds, eliminating the deduction for federal income taxes paid, increasing the personal exemption credit for dependents, and creating an exemption for certain married wage earners, and including effective date and retroactive applicability provisions.

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

[Senate File 2165](#), by Dvorsky, a bill for an act relating to rural water providers by making changes to water service requirements.

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

[Senate File 2166](#), by McCoy, a bill for an act providing for the regulation of commercial establishments keeping nonagricultural animals, providing for fees and appropriations, and making penalties applicable.

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

[Senate File 2167](#), by committee on Human Resources, a bill for an act relating to employment, disciplinary, and other procedures for entities regulated by the department of inspections and appeals, and including applicability provisions.

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

[Senate File 2168](#), by committee on Judiciary, a bill for an act creating the Iowa uniform power of attorney Act and providing penalties and including applicability provisions.

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

[Senate File 2169](#), by committee on Judiciary, a bill for an act relating to wills including witness testimony, distribution of property, and claims of personal representatives, and including retroactive and other applicability provisions.

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

[Senate File 2170](#), by Hart, a bill for an act related to customers with delinquent accounts for the provision of wastewater, sewer system, storm water drainage system, or sewage treatment services by a city utility or city enterprise.

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

[Senate File 2171](#), by Garrett, Segebart, Behn, Anderson, Johnson, Greiner, Bertrand, Zaun, and Rozenboom, a bill for an act relating to the employment of unauthorized aliens and providing penalties.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 2172](#), by Chapman, a bill for an act relating to providing material support to federal agencies under certain circumstances, providing penalties, and including effective date provisions.

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

[Senate File 2173](#), by Petersen, a bill for an act establishing an Iowa center for suicide prevention in the department of education and requiring school employee training and protocols relating to suicide prevention and trauma-informed care and making an appropriation.

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

[Senate File 2174](#), by Quirnbach, a bill for an act relating to the regulation of tanning facilities and making penalties applicable.

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

[Senate File 2175](#), by Hart, a bill for an act concerning alcoholic beverage control, by allowing micro-distilled spirits manufacturers to sell its micro-distilled spirits at retail for on-site consumption and concerning dramshop liability insurance, and establishing fees.

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

[Senate File 2176](#), by Petersen, a bill for an act establishing a refugee family support services pilot program and making appropriations.

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

[Senate File 2177](#), by Quirnbach, a bill for an act relating to the use of construction managers for certain public improvement projects.

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

#### STUDY BILLS RECEIVED

[SSB 3173](#)      **Commerce**

Exempting internet protocol-enabled service and voice over internet protocol service from specified regulatory authority.

[SSB 3174](#)      **State Government**

Concerning government accountability and concerning service contract requirements.

#### SUBCOMMITTEE ASSIGNMENTS

[Senate File 2140](#)

TRANSPORTATION: Danielson, Chair; Beall and Kapucian

[Senate File 2153](#)

COMMERCE: McCoy, Chair; Chapman and Petersen

[Senate File 2154](#)

EDUCATION: Dvorsky, Chair; Boettger and Hogg

[Senate File 2159](#)

NATURAL RESOURCES AND ENVIRONMENT: Bolkcom, Chair; Black and Rozenboom

[Senate File 2161](#)

HUMAN RESOURCES: Bolkcom, Chair; Quirnbach and Whitver

[House File 2067](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Brase and Zumbach

[House File 2109](#)

HUMAN RESOURCES: Dotzler, Chair; Johnson and Quirmbach

[House File 2175](#)

HUMAN RESOURCES: Quirmbach, Chair; Bolkcom and Ernst

[SSB 3173](#)

COMMERCE: McCoy, Chair; Anderson, Beall, Bertrand, Bolkcom, Breitbach, Chapman, Hatch, Mathis, Petersen, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm.

[SSB 3174](#)

STATE GOVERNMENT: Danielson, Chair; Dearden, Schneider

## FINAL COMMITTEE REPORTS OF BILL ACTION

### HUMAN RESOURCES

**Bill Title:** \*[SENATE FILE 2160 \(SSB 3054\)](#), a bill for an act relating to third-party payment of services provided by physical therapists, occupational therapists, and speech pathologists.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Ragan, Wilhelm, Boettger, Bolkcom, Dotzler, Ernst, Jochum, Mathis, Quirmbach, 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 2160](#), and they were attached to the committee report.

### ALSO:

**Bill Title:** \*[SENATE FILE 2167 \(SSB 3011\)](#), a bill for an act relating to employment, disciplinary, and other procedures for entities regulated by the department of inspections and appeals, and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Ragan, Wilhelm, Boettger, Bolkcom, Dotzler, Ernst, Jochum, Mathis, Quirmbach, 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 2167](#), and they were attached to the committee report.

#### JUDICIARY

**Bill Title:** [SENATE FILE 2168 \(SSB 3116\)](#), a bill for an act creating the Iowa uniform power of attorney Act and providing penalties and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Courtney, Schneider, Boettger, Dvorsky, Garrett, Horn, Petersen, Quirmbach, Soddors, Taylor, Whitver, and Zaun. Nays, none. Absent, none.

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

#### ALSO:

**Bill Title:** [SENATE FILE 2169 \(SSB 3143\)](#), a bill for an act relating to wills including witness testimony, distribution of property, and claims of personal representatives, and including retroactive and other applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Courtney, Schneider, Boettger, Dvorsky, Garrett, Horn, Petersen, Quirmbach, Soddors, Taylor, Whitver, 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

Linda Crookham-Hansen – Economic Development Authority

#### AMENDMENT FILED

[S-5003](#)      [S.F. 2133](#)      Janet Petersen