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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 19, 2014**

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# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 19, 2014

The Senate met in regular session at 9:05 a.m., President Jochum presiding.

Prayer was offered by the Most Reverend Michael Jackels, Archbishop of the Diocese of Dubuque. He was the guest of Senator Breitbach and President Jochum.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ryan Halder.

The Journal of Tuesday, February 18, 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 18, 2014, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2159](#), a bill for an act relating to Miller trusts and including applicability provisions.

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

[House File 2172](#), a bill for an act providing for the use of an electronic filing and notice system by the public employment relations board.

Read first time and attached to **companion** [Senate File 2184](#).

[House File 2180](#), a bill for an act relating to transitional coaching authorizations issued by the board of educational examiners.

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

[House File 2181](#), a bill for an act relating to the maximum weight of motor vehicles covered under the lemon law and including applicability provisions.

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

[House File 2192](#), a bill for an act relating to rural water providers by making changes to water service requirements.

Read first time and referred to committee on **Economic Growth**.

[House File 2199](#), a bill for an act relating to conformity with federal law concerning the voluntary shared work program under the state unemployment insurance law and including applicability provisions.

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

[House File 2216](#), a bill for an act concerning the definition of off-road utility vehicle for purposes of regulation by the department of natural resources.

Read first time and attached to **companion** [Senate File 2128](#).

#### BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2198](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:23 a.m. until 9:00 a.m., Thursday, February 20, 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 NATURAL RESOURCES

Application of Liquid Manure on Snow-Covered or Frozen Ground 2012 Report, pursuant to Iowa Code section 459.313B(1). Report received on February 19, 2014.

### CERTIFICATES OF RECOGNITION

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

Maria Belding, Pella – For achieving a Prudential Spirit of Community Award. Senator Rozenboom.

Up With People – For engaging students from 20 countries to live with local families, work with community members, and perform a live show featuring songs and dances from around the world. Senator Zaun.

Dian Van Wyngarden, Oskaloosa – For providing leadership that resulted in Iowa State University being named the Top Road Scholar Program in North America. Senator Rozenboom.

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** Wednesday, February 19, 11:35 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 401](#); approved [SSB 3172](#).

**Adjourned:** 12:05 p.m.

#### COMMERCE

**Convened:** Tuesday, February 18, 2:35 p.m.

**Recessed:** 2:40 p.m.

**Reconvened:** 3:20 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SFs 376, 2112, and 2166; governor's appointee.

**Adjourned:** 3:50 p.m.

## EDUCATION

**Convened:** Wednesday, February 19, 9:30 a.m.

**Recessed:** 9:35 a.m.

**Reconvened:** 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Considered SFs 2070, 2124, 2127, 2173, 2176, 2219; considered SSBs 3048, 3149, 3150, and 3155.

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

## LABOR AND BUSINESS RELATIONS

**Convened:** Wednesday, February 19, 9:35 a.m.

**Recessed:** 9:40 a.m.

**Reconvened:** 9:55 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed [SF 191](#), as amended; approved [SSB 3194](#).

**Adjourned:** 10:30 a.m.

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Wednesday, February 19, 2:55 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 3179](#), as amended; moved governor's appointee to en bloc calendar.

**Adjourned:** 3:05 p.m.

#### WAYS AND MEANS

**Convened:** Wednesday, February 19, 2:50 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Feenstra, Ranking Member; Behn, Bertrand, Black, Chapman, Dotzler, Hogg, Jochum, McCoy, Petersen, Quirmbach, Schneider, and Smith.

**Members Absent:** None.

**Committee Business:** Approved [SSB 3117](#).

**Adjourned:** 3:00 p.m.

#### INTRODUCTION OF BILLS

[Senate File 2228](#), by committee on Transportation, a bill for an act allowing a person with a special minor's license to drive to a school for the purpose of participating in extracurricular activities conducted under a sharing agreement with the student's school of enrollment.

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

[Senate File 2229](#), by committee on Education, a bill for an act providing for the establishment of an Iowa middle school extended learning time pilot project grant program.

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

[Senate File 2230](#), by committee on Education, a bill for an act relating to education by providing technical corrections to revise references and to adjust language to reflect current state school finance practices, revising references to an accrediting agency,

reestablishing a rulemaking provision relating to the beginning teacher mentoring and induction program, and providing for disposition and sale of certain school district property.

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

[Senate File 2231](#), by committee on Human Resources, a bill for an act relating to the performance of background checks for certified nurse aide training program students.

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

[Senate File 2232](#), by committee on State Government, a bill for an act establishing a mass notification and emergency messaging system fund.

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

[Senate File 2233](#), by committee on State Government, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, the judicial retirement system, making appropriations, and including effective date and retroactive applicability provisions.

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

[Senate File 2234](#), by committee on State Government, a bill for an act providing for the licensing of polysomnographic technologists, making penalties applicable, and including effective date provisions.

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

[Senate File 2235](#), by committee on State Government, a bill for an act concerning government accountability and relating to service contract requirements and reporting and other requirements concerning the department of administrative services and other state agencies.

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

[Senate File 2236](#), by Mathis, a bill for an act relating to the entrepreneur investment awards program.

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

[Senate File 2237](#), by Johnson, a bill for an act relating to the testing for intoxication of motorboat or sailboat operators involved in accidents causing death or injury reasonably likely to cause death.

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

[Senate File 2238](#), by Hatch, a bill for an act relating to health enterprise zones, providing for tax credits and other financial assistance, and including applicability provisions.

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

[Senate File 2239](#), by committee on Human Resources, a bill for an act relating to elder abuse and providing penalties.

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

[Senate File 2240](#), by committee on Judiciary, a bill for an act relating to nonsubstantive code corrections.

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

[Senate File 2241](#), by committee on Judiciary, a bill for an act relating to restrictions on the receipt by certain felons of certain insurance proceeds and other benefits.

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

[Senate File 2242](#), by committee on Veterans Affairs, a bill for an act relating to the home ownership assistance program for military members.

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



[Senate File 2243](#), by committee on Transportation, a bill for an act relating to driving on a roadway laned for traffic, and making penalties applicable.

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

[Senate File 2244](#), by committee on State Government, a bill for an act relating to confidential employees under the state merit system and including effective date and retroactive applicability provisions.

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

#### STUDY BILL RECEIVED

#### [SSB 3200](#)     **Appropriations**

Relating to reimbursement of community mental health centers under the medical assistance program for the fiscal year beginning July 1, 2013, and including effective date and retroactive applicability provisions.

#### SUBCOMMITTEE ASSIGNMENTS

##### [Senate File 2237](#)

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Johnson

##### [House File 2159](#)

HUMAN RESOURCES: Dotzler, Chair; Whitver and Wilhelm

##### [House File 2180](#)

EDUCATION: Bowman, Chair; Behn and Dvorsky

##### [SSB 3200](#)

APPROPRIATIONS: Dvorsky, Chair; and Chapman

#### FINAL COMMITTEE REPORTS OF BILL ACTION

##### EDUCATION

**Bill Title:** \*[SENATE FILE 2229 \(SSB 3021\)](#), a bill for an act providing for the establishment of an Iowa middle school extended learning time pilot project grant program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Quirnbach, Schoenjahn, Ernst, Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, 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 Education Committee on [Senate File 2229](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2230 \(SSB 3019\)](#), a bill for an act relating to education by providing technical corrections to revise references and to adjust language to reflect current state school finance practices, revising references to an accrediting agency, reestablishing a rulemaking provision relating to the beginning teacher mentoring and induction program, and providing for disposition and sale of certain school district property.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Quirnbach, Schoenjahn, Ernst, Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, 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 Education Committee on [Senate File 2230](#), and they were attached to the committee report.

#### HUMAN RESOURCES

**Bill Title:** [SENATE FILE 2231](#) (formerly [SF 2182](#)), a bill for an act relating to the performance of background checks for certified nurse aide training program students.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Wilhelm, Johnson, Boettger, Bolcom, Dotzler, Ernst, Hatch, Jochum, Mathis, Quirnbach, Segebart, and Whitver. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2239](#) (formerly [SF 2117](#)), a bill for an act relating to elder abuse and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Wilhelm, Johnson, Boettger, Bolkcom, Dotzler, Ernst, Hatch, Jochum, Mathis, Quirmbach, Segebart, 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 Human Resources Committee on [Senate File 2239](#), and they were attached to the committee report.

## JUDICIARY

**Bill Title:** \*[SENATE FILE 2240 \(SSB 3170\)](#), a bill for an act relating to nonsubstantive code corrections.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2240](#), and they were attached to the committee report.

## ALSO:

**Bill Title:** \*[SENATE FILE 2241](#) (formerly [SF 2051](#)), a bill for an act relating to restrictions on the receipt by certain felons of certain insurance proceeds and other benefits.

**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.

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2241](#), and they were attached to the committee report.

## STATE GOVERNMENT

**Bill Title:** \*[SENATE FILE 2232 \(SSB 3104\)](#), a bill for an act establishing a mass notification and emergency messaging system fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Danielson, Jochum, Smith, Anderson, Bertrand, Bowman, Chapman, Courtney, Dearden, Feenstra, Horn, McCoy, Petersen, Schneider and Sodders. 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 State Government Committee on [Senate File 2232](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2233 \(SSB 3159\)](#), a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, the judicial retirement system, making appropriations, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Danielson, Jochum, Smith, Anderson, Bertrand, Bowman, Courtney, Dearden, Horn, McCoy, Petersen, and Sodders. Nays, 3: Chapman, Feenstra, and Schneider. 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 State Government Committee on [Senate File 2233](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2234 \(SSB 3057\)](#), a bill for an act providing for the licensing of polysomnographic technologists, making penalties applicable, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Danielson, Jochum, Bowman, Courtney, Dearden, Horn, McCoy, Petersen, and Sodders. Nays, 6: Smith, Anderson, Bertrand, Chapman, Feenstra, and Schneider. 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 State Government Committee on [Senate File 2234](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2235 \(SSB 3138\)](#), a bill for an act concerning government accountability and relating to service contract requirements and reporting and other requirements concerning the department of administrative services and other state agencies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Danielson, Jochum, Bowman, Courtney, Dearden, Horn, Petersen, and Soddors. Nays, 6: Smith, Anderson, Bertrand, Chapman, Feenstra, and Schneider. Present, 1: McCoy. 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 State Government Committee on [Senate File 2235](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 2244](#) (formerly [SF 2054](#)), a bill for an act relating to confidential employees under the state merit system and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Danielson, Jochum, Bowman, Courtney, Dearden, Horn, McCoy, Petersen, and Soddors. Nays, 6: Smith, Anderson, Bertrand, Chapman, Feenstra, and Schneider. 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 State Government Committee on [Senate File 2244](#), and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** [SENATE FILE 2228 \(SSB 3148\)](#), a bill for an act allowing a person with a special minor's license to drive to a school for the purpose of participating in extracurricular activities conducted under a sharing agreement with the student's school of enrollment.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Bowman, Beall, Kapucian, Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, Feenstra, McCoy, Taylor, and Zumbach. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2243 \(SSB 3118\)](#), a bill for an act relating to driving on a roadway laned for traffic, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Bowman, Beall, Kapucian, Behn, Brase, Breitbach, Danielson, Dearden, Dvorsky, McCoy, Taylor, and Zumbach. Nays, 1: Feenstra. 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 Transportation Committee on [Senate File 2243](#), and they were attached to the committee report.

**VETERANS AFFAIRS**

**Bill Title:** [SENATE FILE 2242 \(SSB 3178\)](#), a bill for an act relating to the home ownership assistance program for military members.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Beall, Danielson, Rozenboom, Chelgren, Ernst, Hart, Horn, Ragan, Segebart, and Sodders. Nays, none. Absent, 1: Black.

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