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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 11, 2016**

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# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 11, 2016

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

Prayer was offered by Reverend Dr. Tom Boomershine, pastor of the DeWitt United Methodist Church in DeWitt, Iowa. He was the guest of Senator Hart.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Samantha Lofthouse.

The Journal of Wednesday, February 10, 2016, 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 10, 2016, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2035](#), a bill for an act relating to the reimbursement rate for juvenile shelter care homes and including effective date and retroactive applicability provisions.

ALSO: That the House has on February 10, 2016, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2118](#), a bill for an act concerning reports of financial irregularities filed by the state auditor with a county attorney.

Read first time and attached to **companion** [Senate File 2156](#).

[House File 2147](#), a bill for an act relating to absentee voting by uniformed and overseas citizens.

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

[House File 2180](#), a bill for an act relating to requirements for the transfer of township funds raised for purposes of acquiring or repairing a public hall.

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

#### BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate Files 2073 and 2146** be referred from the Regular Calendar to the committee on **Appropriations**.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kapucian and Zaun, until they arrive, on request of Senator Dix.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:58 a.m., President Pro Tempore Soddors presiding.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2125](#).

[Senate File 2125](#)

On motion of Senator Jochum, [Senate File 2125](#), a bill for an act relating to the termination of Medicaid managed care contracts, and including effective date provisions, was taken up for consideration.

Senator Jochum 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. 2125](#)), the vote was:

Yeas, 29:

Allen	Dearden	Johnson	Seng
Bisignano	Dotzler	Kinney	Shiple
Bolkcom	Dvorsky	Mathis	Sodders
Bowman	Gronstal	McCoy	Taylor
Brase	Hart	Petersen	Wilhelm
Chapman	Hogg	Quirnbach	
Courtney	Horn	Ragan	
Danielson	Jochum	Schoenjahn	

Nays, 19:

Anderson	Costello	Kraayenbrink	Sinclair
Behn	Dix	Rozenboom	Smith
Bertrand	Feenstra	Schneider	Whitver
Breitbach	Garrett	Schultz	Zumbach
Chelgren	Guth	Segebart	

Absent, 2:

Kapucian	Zaun
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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 2125](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:13 a.m. until 1:00 p.m., Monday, February 15, 2016.

## 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 EDUCATION

Education Report—School Infrastructure Funding Report, pursuant to Iowa Code section 256.9(19). Report received on February 11, 2016.

Iowa Association of School Boards Annual Report, pursuant to Iowa Code section 279.38. Report received on February 11, 2016.

#### BOARD OF REGENTS

Gifts and Grants Quarterly Report for Quarter Ending December 31, 2015, pursuant to Iowa Code section 8.44. Report received on February 11, 2016.

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH

**Convened:** Thursday, February 11, 2016, 1:05 p.m.

**Members Present:** Hart, Chair; Sodders, Vice Chair; Chelgren, Ranking Member; Anderson, Bisignano, Bowman, Breitbach, Chapman, Danielson, Dotzler, Guth, Mathis, Schneider, Taylor, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved [SSB 3095](#). Presentation by Iowa Center for Economic Success.

**Adjourned:** 1:45 p.m.

#### HUMAN RESOURCES

**Convened:** Wednesday, February 10, 2016, 3:00 p.m.

**Members Present:** Mathis, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Allen, Bolkcom, Chelgren, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed [SF 2075](#), as amended; approved SSBs 3036, 3072, and 3109.

**Adjourned:** 4:00 p.m.

**JUDICIARY**

**Convened:** Thursday, February 11, 2016, 2:00 p.m.

**Recessed:** 2:05 p.m.

**Reconvened:** 2:30 p.m.

**Members Present:** Soddors, Chair; Hogg, Vice Chair; Schneider, Ranking Member; Bisignano, Garrett, Horn, Kinney, Petersen, Quirnbach, Shipley, Taylor, and Whitver.

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

**Committee Business:** Passed [SF 2082](#) and [SF 2083](#); approved SSBs 3008, 3077, 3111, 3121, and 3127.

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

**VETERANS AFFAIRS**

**Convened:** Thursday, February 11, 2016, 12:30 p.m.

**Members Present:** Horn, Chair; Mathis, Vice Chair; Segebart, Ranking Member; Allen, Chelgren, Costello, Danielson, Hart, Ragan, and Rozenboom.

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

**Committee Business:** Approved SSBs 3083, 3084, and 3085.

**Adjourned:** 12:50 p.m.

**EDUCATION APPROPRIATIONS SUBCOMMITTEE**

**Convened:** Thursday, February 11, 2016, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by Regent Universities: Steven Gettel, Superintendent for School for the Deaf and the Braille and Sight Saving School; William Rudd, President of UNI; Steven Leath, President of ISU; and J. Bruce Harreld, President of UI.

**Adjourned:** 11:00 a.m.

## INTRODUCTION OF BILLS

[Senate File 2157](#), by committee on State Government, a bill for an act relating to elections administration with respect to the address confidentiality program, satellite absentee voting, and the conduct of school district elections.

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

[Senate File 2158](#), by committee on Judiciary, a bill for an act relating to the placement of shorthand reporters in exempt status and to the supervision of the board of examiners of shorthand reporters.

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

[Senate File 2159](#), by committee on Human Resources, a bill for an act relating to public health including public health modernization and boards of health.

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

[Senate File 2160](#), by committee on Human Resources, a bill for an act relating to the prescribing and dispensing of oral contraceptives under the Medicaid program.

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

[Senate File 2161](#), by committee on Human Resources, a bill for an act relating to children's mental health and well-being and making an appropriation.

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

[Senate File 2162](#), by committee on State Government, a bill for an act providing for the use of an electronic filing system for administrative proceedings by the administrative hearings division of the department of inspections and appeals.

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

[Senate File 2163](#), by committee on Education, a bill for an act relating to licensing fees collected by the board of educational examiners, nullifying related administrative rules, and including effective date and retroactive applicability provisions.

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

[Senate File 2164](#), by committee on Judiciary, a bill for an act relating to the expungement of criminal offenses for alcohol consumption in public, public intoxication, simulated public intoxication, or similar local ordinances, or when a finding of contempt has been entered, and including applicability provisions.

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

[Senate File 2165](#), by Allen, a bill for an act relating to a child in need of assistance and child abuse and a drug-endangered child.

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

[Senate File 2166](#), by Schneider, a bill for an act relating to forfeiture of property for criminal offenses.

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

[Senate File 2167](#), by Schneider, a bill for an act relating to regulation and supervision of executive branch administrative units that regulate a profession.

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

[Senate File 2168](#), by committee on Veterans affairs, a bill for an act establishing a veterans treatment court in each judicial district.

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



[Senate File 2169](#), by committee on Veterans Affairs, a bill for an act concerning veterans preference information.

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

[Senate File 2170](#), by committee on State Government, a bill for an act modifying the notice requirements for public improvement projects.

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

[Senate File 2171](#), by Guth, Chapman, Rozenboom, Segebart, Johnson, Schultz, Behn, Kraayenbrink, Shipley, Costello, and Garrett, a bill for an act relating to the standard of judicial review and providing a claim or defense when a state action burdens a person's exercise of religion, and including effective date provisions.

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

[Senate File 2172](#), by Petersen, a bill for an act establishing a task force related to extending juvenile court jurisdiction in delinquency matters and proceedings to include persons under the age of twenty-one years.

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

[Senate File 2173](#), by Petersen, a bill for an act relating to law enforcement profiling by standardizing the collection and centralizing the compilation and reporting of officer stop and complaint data, providing for officer training, creating a community policing advisory board, providing for penalties and remedies, and including effective date provisions.

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

[Senate File 2174](#), by Courtney, a bill for an act relating to the access to and retention of peace officer body camera data.

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

[Senate File 2175](#), by Bisignano, a bill for an act concerning employment prohibitions relating to receiving an annuity under the judicial retirement system.

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

[Senate File 2176](#), by Guth, a bill for an act restricting the movement of dogs and cats into this state by certain persons regulated by the department of agriculture and land stewardship, and including penalties.

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

[Senate File 2177](#), by Guth, a bill for an act relating to persons selling dogs or cats to persons for their own use and enjoyment, by providing for express warranties covering the condition of the dogs or cats, and including penalties.

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

[Senate File 2178](#), by Smith, a bill for an act relating to a declaration concerning the final disposition of a person's remains and including applicability provisions.

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

#### STUDY BILLS RECEIVED

#### [SSB 3142](#)      **Economic Growth**

Relating to small farm operations involved in the production of certain commodities that are unprocessed or processed, including by establishing programs to support production and marketing, and requiring government entities to provide a preference for certified small farm operators when purchasing food.

**SSB 3143 Human Resources**

Providing for the licensure of genetic counselors, making penalties applicable, and including effective date and implementation provisions.

**SSB 3144 Judiciary**

Creating the uniform deployed parents custody and visitation Act, and repealing current Code provisions relating to parents on active military duty.

**SSB 3145 State Government**

Relating to the distribution and permissible expenditures of the emergency communications service surcharge and the name of the surcharge fund.

**SSB 3146 Economic Growth**

Modifying the state sales tax rebate to the owner or operator of a baseball and softball tournament facility and movie site.

**SSB 3147 State Government**

Relating to the administration of city elections by permitting the county commissioner of elections to designate a city clerk to receive city candidate filings.

**SSB 3148 Commerce**

Relating to certain disclosure requirements for the transfer of real estate involving limited liability companies.

**SSB 3149 Agriculture**

Providing for an in-field watershed quality education pilot project.

**SSB 3150 Local Government**

Relating to the standards for land surveying, including requirements for recorded document formatting, monument preservation certificates, and retracement plats of survey.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 2120](#)

JUDICIARY: Petersen, Chair; Bisignano and Schneider

[Senate File 2138](#)

JUDICIARY: Bisignano, Chair; Petersen and Schneider

[Senate File 2139](#)

JUDICIARY: Hogg, Chair; Schneider and Sodders

[Senate File 2148](#)

EDUCATION: Quirnbach, Chair; Dvorsky and Zaun

[SSB 3142](#)

ECONOMIC GROWTH: Taylor, Chair; Bowman and Chelgren

[SSB 3143](#)

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Mathis

[SSB 3144](#)

JUDICIARY: Sodders, Chair; Garrett and Horn

[SSB 3145](#)

STATE GOVERNMENT: Danielson, Chair; Chapman and Dvorsky

[SSB 3146](#)

ECONOMIC GROWTH: Dotzler, Chair; Guth and Mathis

[SSB 3147](#)

STATE GOVERNMENT: Dearden, Chair; Chapman and Petersen

[SSB 3148](#)

COMMERCE: Allen, Chair; Anderson and Schoenjahn

[SSB 3149](#)

AGRICULTURE: Hart, Chair; Kapucian and Seng

[SSB 3150](#)

LOCAL GOVERNMENT: Taylor, Chair; Allen and Guth

FINAL COMMITTEE REPORTS OF BILL ACTION

**EDUCATION**

**Bill Title:** \*[SENATE FILE 2163 \(SSB 3047\)](#), a bill for an act relating to licensing fees collected by the board of educational examiners, nullifying related administrative rules, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Quirmbach, Schoenjahn, Sinclair, Behn, Bowman, Dvorsky, Hart, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, and Wilhelm. Nays, none. Absent, 2: Hogg and Zaun.

**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 2163](#), and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2159 \(SSB 3072\)](#), a bill for an act relating to public health including public health modernization and boards of health.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Mathis, Ragan, Johnson, Allen, Bolkcom, Chelgren, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2160 \(SSB 3036\)](#), a bill for an act relating to the prescribing and dispensing of oral contraceptives under the Medicaid program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Mathis, Ragan, Allen, Bolkcom, Dotzler, Jochum, Segebart, Taylor, and Wilhelm. Nays, 4: Johnson, Chelgren, Costello, and Garrett. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2161 \(SSB 3109\)](#), a bill for an act relating to children's mental health and well-being and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Mathis, Ragan, Johnson, Allen, Bolcom, Chelgren, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm. Nays, none. Absent, none.

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

**JUDICIARY**

**Bill Title:** [\\*SENATE FILE 2158 \(SSB 3028\)](#), a bill for an act relating to the placement of shorthand reporters in exempt status and to the supervision of the board of examiners of shorthand reporters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Soddors, Hogg, Schneider, Bisignano, Garrett, Horn, Kinney, Petersen, Quirnbach, Shipley, 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 2158](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** [\\*SENATE FILE 2164](#) (formerly [SF 2023](#)), a bill for an act relating to the expungement of criminal offenses for alcohol consumption in public, public intoxication, simulated public intoxication, or similar local ordinances, or when a finding of contempt has been entered, and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Soddors, Hogg, Schneider, Bisignano, Garrett, Horn, Kinney, Petersen, Quirnbach, Shipley, 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 2164](#), and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** [SENATE FILE 2157 \(SSB 3020\)](#), a bill for an act relating to elections administration with respect to the address confidentiality program, satellite absentee voting, and the conduct of school district elections.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Danielson, Courtney, Bertrand, Bowman, Chapman, Dearden, Dvorsky, Feenstra, Horn, Johnson, McCoy, Petersen, Schoenjahn, Schultz, and Whitver. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2162 \(SSB 3022\)](#), a bill for an act providing for the use of an electronic filing system for administrative proceedings by the administrative hearings division of the department of inspections and appeals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Danielson, Courtney, Bertrand, Bowman, Chapman, Dearden, Dvorsky, Feenstra, Horn, Johnson, McCoy, Petersen, Schoenjahn, Schultz, and Whitver. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2170 \(SSB 3040\)](#), a bill for an act modifying the notice requirements for public improvement projects.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Courtney, Bertrand, Bowman, Chapman, Dearden, Dvorsky, Feenstra, Horn, McCoy, Petersen, Schoenjahn, Schultz, and Whitver. 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 State Government Committee on [Senate File 2170](#), and they were attached to the committee report.

**VETERANS AFFAIRS**

**Bill Title:** [SENATE FILE 2168 \(SSB 3085\)](#), a bill for an act establishing a veterans treatment court in each judicial district.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Horn, Mathis, Segebart, Allen, Chelgren, Costello, Danielson, Hart, Ragan, and Rozenboom. Nays, none. Absent, 1: Sodders.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2169 \(SSB 3084\)](#), a bill for an act concerning veterans preference information.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Horn, Mathis, Segebart, Allen, Chelgren, Costello, Danielson, Hart, Ragan, and Rozenboom. Nays, none. Absent, 1: Sodders.

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

### EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, February 11, 2016, when the vote was taken on [Senate File 2125](#). Had I been present, I would have voted AYE.

BRAD ZAUN

### 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:

#### HUMAN RESOURCES

George Belitsos – Commission on Tobacco Use Prevention and Control

#### AMENDMENT FILED

[S-5005](#)      [S.F. 2157](#)      Jeff Danielson