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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 16, 2016**

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# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 16, 2016

The Senate met in regular session at 9:01 a.m., President Jochum presiding.

Prayer was offered by The Most Reverend Martin J. Amos, Bishop of the Diocese of Davenport. He was the guest of Senators Johnson, Seng, and Smith.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Cade Olmstead.

The Journal of Monday, February 15, 2016, was approved.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 9:00 a.m., Wednesday, February 17, 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

Iowa Association of School Boards Annual Report, pursuant to Iowa Code section 279.38. Report received on February 15, 2016.

## LEGISLATIVE SERVICES AGENCY

Urban Renewal Report—Tax Increment Financing (TIF), pursuant to Iowa Code section 331.403. Report received on February 15, 2016.

## CERTIFICATES OF RECOGNITION

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

KDTH Radio, Dubuque—For celebrating its 75<sup>th</sup> anniversary of being on air. Senator Jochum.

Faye Wookey, Emerson—For celebrating her 100<sup>th</sup> birthday. Senator Costello.

## REPORTS OF COMMITTEE MEETINGS

## COMMERCE

**Convened:** Tuesday, February 16, 2016, 9:35 a.m.

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

**Reconvened:** 10:15 a.m.

**Members Present:** Petersen, Chair; McCoy, Vice Chair; Anderson, Ranking Member; Allen, Bertrand, Bolkcom, Courtney, Mathis, Schneider, Schoenjahn, Seng, Sinclair, Smith, Sodders, and Zumbach.

**Members Absent:** None.

**Committee Business:** Appointment of Ron Hansen, Superintendent of Banking. Discussed SSBs 3019, 3082, 3099, and 3120; and discussed [SF 2019](#).

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

## HUMAN RESOURCES

**Convened:** Monday, February 15, 2016, 3:35 p.m.

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

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

**Committee Business:** Passed [SF 2008](#), as amended; [SF 2079](#), as amended; and [SF 2107](#). Approved [SSB 3113](#).

**Adjourned:** 4:30 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** Tuesday, February 16, 2016, 1:00 p.m.

**Members Present:** Dearden, Chair; Brase, Vice Chair; Rozenboom, Ranking Member; Behn, Bolkcom, Johnson, Kinney, Petersen, Ragan, Schoenjahn, Seng, Shipley, and Zumbach.

**Members Absent:** None.

**Committee Business:** Discussed [SSB 3126](#).

**Adjourned:** 1:15 p.m.

**TRANSPORTATION**

**Convened:** Tuesday, February 16, 2016, 2:05 p.m.

**Members Present:** Bowman, Chair; Dvorsky, Vice Chair; Kapucian, Ranking Member; Brase, Breitbach, Danielson, Dearden, Feenstra, Horn, Kraayenbrink, McCoy, Quirnbach, and Smith.

**Members Absent:** None.

**Committee Business:** Passed [SF 2076](#) and approved [SSB 3078](#).

**Adjourned:** 2:25 p.m.

**HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE**

**Convened:** Tuesday, February 16, 2016, 11:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Update from Mikki Stier on Medicaid.

**Adjourned:** 12:20 p.m.

**INTRODUCTION OF BILLS**

[Senate File 2193](#), by committee on Labor and Business Relations, a bill for an act relating to wage discrimination under the Iowa civil rights Act of 1965, making penalties applicable, and establishing an equal pay task force.

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

[Senate File 2194](#), by committee on Labor and Business Relations, a bill for an act concerning administrative law judges appointed or employed by the public employment relations board.

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

[Senate File 2195](#), by committee on Education, a bill for an act requiring that human growth and development instruction by school boards include age-appropriate information regarding dating violence and prevention.

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

[Senate File 2196](#), by committee on Education, a bill for an act relating to reading and literacy requirements for practitioner preparation programs.

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

[Senate File 2197](#), by committee on Human Resources, a bill for an act relating to the membership of the medical assistance advisory council and executive committee.

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

[Senate File 2198](#), by committee on State Government, a bill for an act relating to the use of experimental treatments for patients with a terminal illness.

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

[Senate File 2199](#), by committee on State Government, a bill for an act relating to absentee voting by uniformed and overseas citizens.

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

[Senate File 2200](#), by committee on Education, a bill for an act concerning instruction provided through the Iowa learning online initiative.

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

[Senate File 2201](#), by Chapman, Zaun, Segebart, Chelgren, Shipley, Behn, Schultz, Kraayenbrink, Kapucian, Breitbach, Anderson, Guth, Bertrand, and Sinclair, a bill for an act requiring search warrants for certain activities under the jurisdiction of the natural resource commission.

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

[Senate File 2202](#), by Petersen, a bill for an act concerning department of administrative services' procedures regarding the designation of individuals as ineligible for state employment and sanctions for violations of competitive bidding procedures.

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

[Senate File 2203](#), by Chelgren, a bill for an act relating to participation in extracurricular activities in the school district of residence by pupils who open enroll to receive educational instruction and course content primarily over the internet.

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

[Senate File 2204](#), by committee on Commerce, a bill for an act relating to insurance coverage for the assessment and treatment of eating disorders and including applicability date provisions.

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

[Senate File 2205](#), by committee on Education, a bill for an act relating to varsity interscholastic athletic contests and athletic competitions eligibility limitations for pupils who participate in open enrollment, and including effective date and retroactive applicability provisions.

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

[Senate File 2206](#), by Schneider, a bill for an act relating to institutional health facilities under the newborn safe haven Act.

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

[Senate File 2207](#), by Chapman, a bill for an act restricting certain city utility boards from approving payment of bonus compensation to specified officers of the city utility, and including effective date and retroactive applicability provisions.

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

[Senate File 2208](#), by Chapman and Anderson, a bill for an act relating to state financing involving the state general fund expenditure limitation by revising calculation requirements for the limitation, increasing reserve fund balances, creating a safety net fund, creating an Iowa personal income tax rate reduction fund, making transfers, and providing for related state personal income tax rate reductions, and including effective and applicability dates.

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

[Senate File 2209](#), by McCoy, a bill for an act relating to higher education by providing for the establishment of the state of Iowa higher education bank and revolving fund and eliminating the deduction for federal taxes paid by certain individual income taxpayers and including retroactive applicability provisions.

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

[Senate File 2210](#), by Dix, a bill for an act relating to a right of first refusal for cotenants of family farms and defendants in certain partition actions, and including applicability provisions.

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

[Senate File 2211](#), by Guth, Segebart, Schultz, Johnson, Rozenboom, Chapman, Zaun, Kraayenbrink, Behn, and Feenstra, a bill for an act establishing the government nondiscrimination Act, and including effective date provisions.

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

[Senate File 2212](#), by committee on Economic Growth, a bill for an act modifying the state sales tax rebate to the owner or operator of a baseball and softball tournament facility and movie site.

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

[Senate File 2213](#), by committee on Human Resources, a bill for an act relating to Medicaid program improvement, and including effective date and retroactive applicability provisions.

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

[Senate File 2214](#), by committee on Human Resources, a bill for an act relating to the dispensing of additional quantities of a prescription within the limitations of the prescription.

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

#### STUDY BILLS RECEIVED

[SSB 3157](#)      **Transportation**

Establishing a motor vehicle insurance verification program, establishing fees, and including penalty and effective date provisions.

[SSB 3158](#)      **State Government**

Relating to emergency response services by authorizing the establishment of benefited emergency response districts.

**SSB 3159 Appropriations**

Relating to appropriations to the justice system, and including effective date provisions.

**SSB 3160 Appropriations**

Relating to appropriations to the judicial branch.

**SSB 3161 Appropriations**

Relating to and making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, and the state board of regents and certain regents institutions.

**SSB 3162 Appropriations**

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the state bond repayment fund, providing for related matters, and including effective date provisions.

**SSB 3163 Ways and Means**

Amending the sales tax imposed on certain machinery, equipment, attachments, and replacement parts used in construction.

**SSB 3164 Ways and Means**

Establishing a retirement savings plan trust, making appropriations, and including contingent implementation and effective date provisions.

**SSB 3165 Ways and Means**

Relating to licensure, regulation, and complaint procedures for the hotel sanitation code, home food establishments, and food establishments and food processing plants, and modifying fees and penalties.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 2088](#)

JUDICIARY: Taylor, Chair; Quirnbach and Zaun

[Senate File 2128](#)

(Reassigned)

STATE GOVERNMENT: Courtney, Chair; Bowman and Schultz

[Senate File 2179](#)

WAYS AND MEANS: Dotzler, Chair; Bolkcom and Smith

[Senate File 2201](#)

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

[Senate File 2203](#)

EDUCATION: Dvorsky, Chair; Hogg and Schultz

[SSB 3157](#)

TRANSPORTATION: Danielson, Chair; Breitbach and McCoy

[SSB 3158](#)

STATE GOVERNMENT: Danielson, Chair; Chapman and Dvorsky

[SSB 3159](#)

APPROPRIATIONS: Dvorsky, Chair; Courtney and Garrett

[SSB 3160](#)

APPROPRIATIONS: Dvorsky, Chair; Courtney and Garrett

[SSB 3161](#)

APPROPRIATIONS: Dvorsky, Chair; Dotzler and Schneider

[SSB 3162](#)

APPROPRIATIONS: Dvorsky, Chair; Kapucian and McCoy

[SSB 3163](#)

WAYS AND MEANS: Dotzler, Chair; Allen and Behn

[SSB 3164](#)

WAYS AND MEANS: Petersen, Chair; Bolkcom and Feenstra

[SSB 3165](#)

WAYS AND MEANS: Dotzler, Chair; Quirnbach and Schultz

FINAL COMMITTEE REPORTS OF BILL ACTION

**COMMERCE**

**Bill Title:** [SENATE FILE 2204](#) (formerly [SF 2019](#)), a bill for an act relating to insurance coverage for the assessment and treatment of eating disorders and including applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Petersen, McCoy, Allen, Bertrand, Bolkcom, Courtney, Mathis, Schoenjahn, Seng, Smith, and Soddors. Nays, 4: Anderson, Schneider, Sinclair, and Zumbach. Absent, none.

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

**ECONOMIC GROWTH**

**Bill Title:** [SENATE FILE 2212](#) ([SSB 3146](#)), a bill for an act modifying the state sales tax rebate to the owner or operator of a baseball and softball tournament facility and movie site.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Hart, Soddors, Chelgren, Anderson, Bisignano, Danielson, Dotzler, Mathis, Taylor, and Wilhelm. Nays, 5: Bowman, Breitbach, Chapman, Guth, and Schneider. Absent, none.

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

**EDUCATION**

**Bill Title:** [SENATE FILE 2195](#) (formerly [SF 2077](#)), a bill for an act requiring that human growth and development instruction by school boards include age-appropriate information regarding dating violence and prevention.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Quirnbach, Schoenjahn, Sinclair, Behn, Bowman, Hart, Hogg, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, Wilhelm, and Zaun. Nays, none. Absent, 1: Dvorsky.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2196 \(SSB 3046\)](#), a bill for an act relating to reading and literacy requirements for practitioner preparation programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Quirnbach, Schoenjahn, Sinclair, Behn, Bowman, Hart, Hogg, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, Wilhelm, and Zaun. Nays, none. Absent, 1: Dvorsky.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2200 \(SSB 3091\)](#), a bill for an act concerning instruction provided through the Iowa learning online initiative.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Quirnbach, Schoenjahn, Sinclair, Behn, Bowman, Hart, Hogg, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, Wilhelm, and Zaun. Nays, none. Absent, 1: Dvorsky.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2205](#) (formerly [SF 2132](#)), a bill for an act relating to varsity interscholastic athletic contests and athletic competitions eligibility limitations for pupils who participate in open enrollment, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Quirnbach, Schoenjahn, Sinclair, Behn, Bowman, Hart, Hogg, Johnson, Kinney, Kraayenbrink, Mathis, Schultz, Wilhelm, and Zaun. Nays, none. Absent, 1: Dvorsky.

**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 2205](#), and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** [SENATE FILE 2197 \(SSB 3113\)](#), a bill for an act relating to the membership of the medical assistance advisory council and executive committee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Mathis, Ragan, Johnson, Allen, Bolkcom, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm. Nays, none. Absent, 1: Chelgren.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2213](#) (formerly [SF 2107](#)), a bill for an act relating to Medicaid program improvement, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Mathis, Ragan, Johnson, Allen, Bolkcom, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm. Nays, none. Absent, 1: Chelgren.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 2214](#) (formerly [SF 2079](#)), a bill for an act relating to the dispensing of additional quantities of a prescription within the limitations of the prescription.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Mathis, Ragan, Johnson, Allen, Bolkcom, Costello, Dotzler, Garrett, Jochum, Segebart, Taylor, and Wilhelm. Nays, none. Absent, 1: Chelgren.

**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 2214](#), and they were attached to the committee report.

#### LABOR AND BUSINESS RELATIONS

**Bill Title:** [SENATE FILE 398](#), a bill for an act relating to the state wage payment collection law and making an appropriation.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT [S-5007](#).

**Final Vote:** Ayes, 11: Bisignano, Seng, Shipley, Bertrand, Brase, Costello, Courtney, Dearden, Dotzler, Soddors, and Whitver. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2193](#) ([SSB 3071](#)), a bill for an act relating to wage discrimination under the Iowa civil rights Act of 1965, making penalties applicable, and establishing an equal pay task force.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Bisignano, Seng, Brase, Courtney, Dearden, Dotzler, and Soddors. Nays, 4: Shipley, Bertrand, Costello, and Whitver. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2194](#) (formerly [SF 2129](#)), a bill for an act concerning administrative law judges appointed or employed by the public employment relations board.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bisignano, Seng, Shipley, Bertrand, Brase, Costello, Courtney, Dearden, Dotzler, Soddors, and Whitver. Nays, none. Absent, none.

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

#### STATE GOVERNMENT

**Bill Title:** [SENATE FILE 2198 \(SSB 1264\)](#), a bill for an act relating to the use of experimental treatments for patients with a terminal illness.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Courtney, Bertrand, Bowman, Chapman, Dearden, Feenstra, Horn, Johnson, McCoy, Petersen, Schoenjahn, Schultz, and Whitver. Nays, none. Absent, 1: Dvorsky.

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

**ALSO:**

**Bill Title:** [SENATE FILE 2199 \(SSB 3037\)](#), a bill for an act relating to absentee voting by uniformed and overseas citizens.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Danielson, Courtney, Bertrand, Bowman, Chapman, Dearden, Feenstra, Horn, Johnson, McCoy, Petersen, Schoenjahn, Schultz, and Whitver. Nays, none. Absent, 1: Dvorsky.

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

### PRESENTATION OF VISITORS

Senator Dotzler welcomed the following visitors who were present in the Senate gallery:

Sarah Novacek, CEO and Founder of Legacy Logistics Freight, Inc., in Mason City, Iowa, who received the 2016 Deb Dalziel Woman Entrepreneur Achievement Award; and Tony Halsted, Owner of Hoover's Hatchery Company, LLC, in Rudd, Iowa, who received the 2016 Neal Smith Entrepreneur of the Year Award.

### GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### COMMERCE

Ron Hansen – Superintendent of Banking

### AMENDMENTS FILED

<a href="#">S-5006</a>	<a href="#">S.F. 2112</a>	Robert M. Hogg
<a href="#">S-5007</a>	<a href="#">S.F. 398</a>	Labor and Business Relations
<a href="#">S-5008</a>	<a href="#">S.F. 2155</a>	Jeff Danielson