

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 13, 2017

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JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 13, 2017

The Senate met in regular session at 1:04 p.m., President Whitver presiding.

Prayer was offered by Bob Christenson, Lay Minister from West Des Moines, Iowa, and the secretary of Senator Ragan.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Devyn Leeson.

The Journal of Friday, February 10, 2017, was approved.

RECESS

On motion of Senator Dix, the Senate recessed at 1:09 p.m. until 4:00 p.m.

APPENDIX—1

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:

STATE APPEAL BOARD

Claims Report for CY 2016. Report received on February 13, 2017.

DEPARTMENT OF COMMERCE (BANKING DIVISION)

Bank Required Collateral 3/31/2015 Report, pursuant to Iowa Code section 12C.20. Report received on February 10, 2017.

Bank Required Collateral 6/30/2015 Report, pursuant to Iowa Code section 12C.20. Report received on February 10, 2017.

Bank Required Collateral 2016 Qtr 2 Report, pursuant to Iowa Code section 12C.20. Report received on February 10, 2017.

Bank Required Collateral 2016 Qtr 4 Report, pursuant to Iowa Code section 12C.20. Report received on February 10, 2017.

Judicial Review Report, pursuant to Iowa Code section 625.29. Report received on February 10, 2017.

DEPARTMENT OF MANAGEMENT

Grants Enterprise Management Compliance Report, pursuant to Iowa Code section 8.9. Report received on February 10, 2017.

SECRETARY OF STATE

Use of Intelligent Mail Barcodes During 2016 General Election, pursuant to 2016 Iowa Acts, chapter 1121, section 15. Report received on February 10, 2017.

CERTIFICATE OF RECOGNITION

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

Jim Kuhlman, Mason City—For celebrating his 80th birthday. Senator Ragan.

INTRODUCTION OF BILLS

[Senate File 231](#), by committee on Commerce, a bill for an act relating to provisions applicable to life insurance companies and associations, and credit for reinsurance, and including retroactive applicability provisions.

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

[Senate File 232](#), by committee on Commerce, a bill for an act relating to notifications made by the commissioner of insurance of the potential need for a receivership for certain preneed sellers and cemeteries.

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

[Senate File 233](#), by committee on Commerce, a bill for an act eliminating filing fees for requests for independent review of certain determinations under long-term care insurance policies.

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

[Senate File 234](#), by committee on Transportation, a bill for an act relating to the use of electronic communication devices to write, send, or read text messages while driving as a primary offense.

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

[Senate File 235](#), by committee on Transportation, a bill for an act permitting motor vehicles to stand unattended without first stopping the engine.

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

[Senate File 236](#), by committee on State Government, a bill for an act relating to the possession, sale, transfer, purchase, and use of fireworks, providing penalties, and including effective date provisions.

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

[Senate File 237](#), by committee on State Government, a bill for an act relating to the practice of public accountants.

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

[Senate File 238](#), by committee on Education, a bill for an act relating to the criminal offense of sexual exploitation by a school employee, and making penalties applicable.

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

[Senate File 239](#), by committee on Education, a bill for an act relating to disciplinary actions taken against a licensed school employee required to be reported to the board of educational examiners.

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

[Senate File 240](#), by committee on Education, a bill for an act relating to statewide assessments of student progress utilizing core academic indicators, and including effective date provisions.

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

STUDY BILLS RECEIVED

[SSB 1084](#) **Judiciary**

Requiring the master list for juror service to be updated annually using an electronic data processing system and eliminating jury commissions.

[SSB 1085](#) **Judiciary**

Making changes to the controlled substance schedules, modifying the regulation of precursor substances, and providing penalties, and including effective date provisions.

[SSB 1086](#) **Judiciary**

Relating to a fiduciary's access to digital assets and including applicability provisions.

[SSB 1087](#) **Judiciary**

Relating to medical malpractice claims, including noneconomic damage awards, contingency fees, expert witnesses, and defenses.

[SSB 1088](#) **Judiciary**

Providing immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons who report, seek, or require emergency assistance for alcohol or drug-related overdoses or protection from certain crimes, and modifying penalties.

[SSB 1089](#) **Judiciary**

Relating to the commission of child endangerment by allowing a sex offender access to a child or minor, and providing penalties.

SSB 1090 **Judiciary**

Creating an exception to the statutory rule against perpetuities and making related changes.

SSB 1091 **Judiciary**

Relating to search warrants, by allowing an application for and the issuance of a search warrant by electronic means, and allowing for the written inventory of any property seized to be filed with the clerk of the district court.

SSB 1092 **Judiciary**

Relating to mechanics' liens and public construction liens.

SSB 1093 **Judiciary**

Relating to termination of parental rights and adoption proceedings, and providing penalties.

SSB 1094 **Judiciary**

Relating to an action to quiet title of real property and the doctrine of adverse possession.

SSB 1095 **Judiciary**

Relating to disclosure of asbestos bankruptcy trust claims in civil asbestos actions, asbestos and silica claims prioritization, and successor corporation asbestos-related liability, and including applicability provisions.

SSB 1096 **Judiciary**

Relating to the revised uniform athlete agents Act and providing remedies and penalties.

SUBCOMMITTEE ASSIGNMENTS

SSB 1084

JUDICIARY: Garrett, Chair; Schneider and Taylor

[SSB 1085](#)

JUDICIARY: Garrett, Chair; Edler and Kinney

[SSB 1086](#)

JUDICIARY: Shipley, Chair; Sinclair and Taylor

[SSB 1087](#)

JUDICIARY: Schneider, Chair; Boulton and Zaun

[SSB 1088](#)

JUDICIARY: Zaun, Chair; Bisignano and Edler

[SSB 1089](#)

JUDICIARY: Shipley, Chair; Petersen and Sinclair

[SSB 1090](#)

JUDICIARY: Schneider, Chair; Boulton and Garrett

[SSB 1091](#)

JUDICIARY: Schultz, Chair; Kinney and Shipley

[SSB 1092](#)

JUDICIARY: Shipley, Chair; Bisignano and Schneider

[SSB 1093](#)

JUDICIARY: Garrett, Chair; Petersen and Sinclair

[SSB 1094](#)

JUDICIARY: Zaun, Chair; Bisignano and Schneider

[SSB 1095](#)

JUDICIARY: Zaun, Chair; Boulton and Schneider

[SSB 1096](#)

JUDICIARY: Zaun, Chair; Bisignano and Edler

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 231 \(SSB 1040\)](#), a bill for an act relating to provisions applicable to life insurance companies and associations, and credit for reinsurance, and including retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Anderson, Breitbach, Petersen, Allen, Boulton, Guth, C. Johnson, Lykam, Mathis, McCoy, Sinclair, Zaun, and Zumbach. Nays, none. Absent, 2: Bertrand and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 232 \(SSB 1042\)](#), a bill for an act relating to notifications made by the commissioner of insurance of the potential need for a receivership for certain preneed sellers and cemeteries.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Anderson, Breitbach, Petersen, Allen, Boulton, Guth, C. Johnson, Lykam, Mathis, McCoy, Sinclair, Zaun, and Zumbach. Nays, none. Absent, 2: Bertrand and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 233 \(SSB 1041\)](#), a bill for an act eliminating filing fees for requests for independent review of certain determinations under long-term care insurance policies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Anderson, Breitbach, Petersen, Allen, Boulton, Guth, C. Johnson, Lykam, Mathis, McCoy, Sinclair, Zaun, and Zumbach. Nays, none. Absent, 2: Bertrand and Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: [*SENATE FILE 238](#) (formerly [SF 83](#)), a bill for an act relating to the criminal offense of sexual exploitation by a school employee, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sinclair, Edler, Quirnbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, C. Johnson, Kraayenbrink, Lofgren, Mathis, and Rozenboom. 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 238](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 239 \(SSB 1017\)](#), a bill for an act relating to disciplinary actions taken against a licensed school employee required to be reported to the board of educational examiners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sinclair, Edler, Quirnbach, Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, C. Johnson, Kraayenbrink, Lofgren, Mathis, and Rozenboom. 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 239](#), and they were attached to the committee report.

ALSO:

Bill Title: *[SENATE FILE 240 \(SSB 1001\)](#), a bill for an act relating to statewide assessments of student progress utilizing core academic indicators, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sinclair, Edler, Quirnbach, Behn, Bowman, Chelgren, Dvorsky, Greene, C. Johnson, Kraayenbrink, Lofgren, and Rozenboom. Nays, 3: Danielson, Hart, and Mathis. 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 240](#), and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *[SENATE FILE 236 \(SSB 1051\)](#), a bill for an act relating to the possession, sale, transfer, purchase, and use of fireworks, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Smith, Chapman, Anderson, Bowman, Brown, Danielson, Dawson, Horn, Schneider, Schultz, and Zaun. Nays, 3: Bisignano, Jochum, and Petersen. Absent, 1: Feenstra.

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

ALSO:

Bill Title: [SENATE FILE 237 \(SSB 1033\)](#), a bill for an act relating to the practice of public accountants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Smith, Chapman, Bisignano, Anderson, Bowman, Brown, Danielson, Dawson, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun. Nays, none. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: [SENATE FILE 234 \(SSB 1002\)](#), a bill for an act relating to the use of electronic communication devices to write, send, or read text messages while driving as a primary offense.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kapucian, Breitbach, Bowman, Anderson, Bisignano, Danielson, Greene, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 235 \(SSB 1020\)](#), a bill for an act permitting motor vehicles to stand unattended without first stopping the engine.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kapucian, Breitbach, Bowman, Anderson, Bisignano, Danielson, Greene, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. Nays, none. Absent, 1: Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 4:00 p.m., President Whitver presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 230](#).

[Senate File 230](#)

On motion of Senator Breitbach, [Senate File 230](#), a bill for an act concerning payment of insurance premium costs by members and full-time employees of the general assembly and including effective date and applicability provisions, was taken up for consideration.

([Senate File 230](#) was deferred.)

The Senate stood at ease at 4:01 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 4:10 p.m., President Whitver presiding.

The Senate resumed consideration of [Senate File 230](#), previously deferred.

Senator Breitbach 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. 230](#)), the vote was:

Yeas, 50:

Allen	Danielson	Jochum	Rozenboom
Anderson	Dawson	Johnson, C.	Schneider
Behn	Dix	Johnson, D.	Schultz
Bertrand	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shiple
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor

Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirnbach	
Costello	Horn	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that [Senate File 230](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 4:32 p.m. until 9:00 a.m., Tuesday, February 14, 2017.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: Monday, February 13, 2017, 3:00 p.m.

Members Present: Segebart, Chair; Costello, Vice Chair; Mathis, Ranking Member; Bolkcom, Chapman, Chelgren, Garrett, Greene, Jochum, C. Johnson, Quirnbach, Ragan, and Shipley.

Members Absent: None.

Committee Business: Approved [SF 77](#).

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: Monday, February 13, 2017, 2:10 p.m.

Members Present: Smith, Chair; Chapman, Vice Chair; Bisignano, Ranking Member; Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schneider, Schultz, and Zaun.

Members Absent: None.

Committee Business: Approved [SF 165](#), as amended.

Adjourned: 2:20 p.m.

TRANSPORTATION

Convened: Monday, February 13, 2017, 3:00 p.m.

Members Present: Kapucian, Chair; Breitbach, Vice Chair; Bowman, Ranking Member; Anderson, Bertrand, Bisignano, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach.

Members Absent: Greene (excused).

Committee Business: Passed [SSB 1037](#).

Adjourned: 3:10 p.m.

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS APPROPRIATIONS SUBCOMMITTEE

Convened: Thursday, January 12, 2017, 10:10 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:20 a.m.

ALSO:

Convened: Wednesday, January 18, 2017, 10:05 a.m.

Members Present: Bertrand, Chair; McCoy, Ranking Member; Anderson, and Bowman.

Members Absent: Kapucian, Vice Chair (excused).

Committee Business: Organizational meeting.

Adjourned: 11:00 a.m.

ALSO:

Convened: Tuesday, January 24, 2017, 10:15 a.m.

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

Members Absent: Bertrand, Chair (excused).

Committee Business: Organizational meeting.

Adjourned: 11:10 a.m.

ALSO:

Convened: Wednesday, January 25, 2017, 10:15 a.m.

Members Present: Kapucian, Vice Chair; Anderson, and Bowman.

Members Absent: Bertrand, Chair; and McCoy, Ranking Member (both excused).

Committee Business: Organizational meeting.

Adjourned: 10:55 a.m.

ALSO:

Convened: Wednesday, February 1, 2017, 10:10 a.m.

Members Present: Bertrand, Chair; McCoy, Ranking Member; Anderson, and Bowman.

Members Absent: Kapucian, Vice Chair (excused).

Committee Business: Organizational meeting.

Adjourned: 11:05 a.m.

ALSO:

Convened: Tuesday, February 7, 2017, 10:10 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:45 a.m.

ALSO:

Convened: Wednesday, February 8, 2017, 10:05 a.m.

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

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:00 a.m.

INTRODUCTION OF BILLS

[Senate File 241](#), by Dawson, a bill for an act relating to law enforcement officers including the establishment of a law enforcement officer privilege and the confidentiality of certain law enforcement officer personnel records.

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

[Senate File 242](#), by Allen, a bill for an act relating to child in need of assistance and child abuse cases involving certain drugs and other substances.

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

[Senate File 243](#), by Petersen, a bill for an act extending the limitations of certain criminal actions committed on or with minors, and providing penalties.

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

STUDY BILLS RECEIVED

[SSB 1097](#) **Commerce**

Relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce.

SSB 1098 Commerce

Relating to state credit union examinations and board meetings called by the superintendent of credit unions, and providing penalties.

SSB 1099 Human Resources

Including personal degradation as a form of dependent adult abuse by caretakers in facilities and programs regulated by the department of inspections and appeals.

SUBCOMMITTEE ASSIGNMENTS

Senate File 33
(Reassigned)

STATE GOVERNMENT: Smith, Chair; Brown and Jochum

Senate File 217

APPROPRIATIONS: Schneider, Chair; Dotzler and Lofgren

Senate File 227

TRANSPORTATION: Kraayenbrink, Chair; Anderson and Lykam

Senate File 228

WAYS AND MEANS: Feenstra, Chair; Brown and Quirnbach

Senate File 229

EDUCATION: Kraayenbrink, Chair; Bowman and Greene

SSB 1097

COMMERCE: Anderson, Chair; Bertrand and Mathis

SSB 1098

COMMERCE: Feenstra, Chair; Petersen and Zumbach

SSB 1099

HUMAN RESOURCES: Costello, Chair; Jochum and C. Johnson

AMENDMENT FILED

S-3018 **S.F. 213** Nate Boulton