

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 22, 2017

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JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 22, 2017

The Senate met in regular session at 9:03 a.m., President Whitver presiding.

Prayer was offered by Father Mike Phillips, currently serving Des Moines County and the Diocese of Davenport, Iowa. He was the guest of Senator Greene.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Abram Watson.

The Journal of Tuesday, February 21, 2017, was approved.

RECESS

On motion of Senator Dix, the Senate recessed at 9:11 a.m. until 5:00 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Bradán Birt, Western Dubuque High School—For winning the 132 lb. Class 3A State Wrestling Championship. Senator Bowman.

Aaron Costello, Western Dubuque High School—For winning the 285 lb. Class 3A State Wrestling Championship. Senator Bowman.

Max Lyon, Western Dubuque High School—For winning the 182 lb. Class 3A State Wrestling Championship. Senator Bowman.

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, February 21, 2017, 3:00 p.m.

Members Present: Anderson, Chair; Breitbach, Vice Chair; Petersen, Ranking Member; Allen, Bertrand, Boulton, Feenstra, Guth, C. Johnson, Lykam, Mathis, McCoy, Sinclair, Zaun, and Zumbach.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 3:20 p.m.

JUDICIARY

Convened: Tuesday, February 21, 2017, 2:00 p.m.

Members Present: Zaun, Chair; Dawson, Vice Chair; Taylor, Ranking Member; Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, Shipley, and Sinclair.

Members Absent: None.

Committee Business: Passed [SSB 1085](#) and [SSB 1086](#), as amended.

Adjourned: 2:40 p.m.

EDUCATION APPROPRIATIONS SUBCOMMITTEE

Convened: Wednesday, February 22, 2017, 10:00 a.m.

Members Present: Kraayenbrink, Chair; C. Johnson, Vice Chair; Danielson, Ranking Member; Quirnbach, and Schultz.

Members Absent: None.

Committee Business: Board of Regents FY 2018 Budget.

Adjourned: 11:20 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 6](#), by Zaun, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide home rule for school districts.

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

INTRODUCTION OF BILLS

[Senate File 312](#), by committee on Transportation, a bill for an act authorizing Carroll and Clay counties to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, and including effective date provisions.

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

[Senate File 313](#), by Zaun, a bill for an act prohibiting the mistreatment of animals other than livestock and wild animals, providing for the rescue of animals by local law enforcement agencies, providing for criminal offenses and court orders, and including penalties.

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

[Senate File 314](#), by Zaun, a bill for an act establishing a limitation on the amount of administrative costs for school districts.

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

[Senate File 315](#), by Zaun, a bill for an act relating to the identification and notification of certain relatives of a child after an order for the removal of the child in a child in need of assistance proceeding.

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

[Senate File 316](#), by Kinney, a bill for an act relating to the provision of supported community living services to a member under Medicaid home and community-based services waivers in the home of the member's family, and including effective date and retroactive applicability provisions.

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

[Senate File 317](#), by Danielson, a bill for an act exempting from the sales tax the sale of goods and services sold or furnished to an organization for use in a youth mentoring program certified by the Iowa commission on volunteer service.

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

[Senate File 318](#), by Danielson, a bill for an act relating to operations of townships by requiring that townships provide emergency medical service, modifying provisions related to township cemeteries, and including applicability provisions.

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

[Senate File 319](#), by Mathis, a bill for an act relating to the health and resilience outreach (HERO) project and providing an appropriation.

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

[Senate File 320](#), by Chelgren, a bill for an act requiring notice of topsoil removal in real estate disclosure statements and making penalties applicable.

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

[Senate File 321](#), by Chelgren, a bill for an act specifying procedures for boundary changes involving the severance from and attachment of territory to a school district by petition and election.

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

[Senate File 322](#), by Chelgren, a bill for an act authorizing school districts to approve the use of certain categorical funding supplement moneys for general fund purposes.

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

[Senate File 323](#), by Chelgren, a bill for an act establishing conditions under which a licensed teacher may remove a student from the teacher's assigned classroom, and including administrative protections and immunity from civil and criminal liability.

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

[Senate File 324](#), by Danielson, a bill for an act relating to extending the limitations of criminal actions for sexual offenses, kidnapping, and human trafficking, and providing penalties.

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

[Senate File 325](#), by Smith, a bill for an act requiring certain arrested persons to make an initial appearance before a magistrate prior to release from custody.

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

[Senate File 326](#), by committee on Human Resources, a bill for an act relating to the prescribing of biological products and making penalties applicable.

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

STUDY BILLS RECEIVED

[SSB 1142](#) **Ways and Means**

Exempting from the individual income tax the amount of income resulting from the discharge of certain student loan debt on account of death or total and permanent disability and including retroactive applicability provisions.

[SSB 1143](#) **Judiciary**

Relating to civil protective orders in domestic abuse and sexual abuse cases, and making penalties and remedies applicable.

SSB 1144 Agriculture

Providing for certain court actions involving an allegation of a public or private nuisance or the interference with a person's comfortable use and enjoyment of life or property caused by an animal feeding operation, providing for the award of damages, costs, and expenses, and including effective date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 280**

JUDICIARY: Zaun, Chair; Bisignano and Shipley

Senate File 281

JUDICIARY: Zaun, Chair; Edler and Taylor

Senate File 282

JUDICIARY: Zaun, Chair; Bisignano and Shipley

Senate File 291

JUDICIARY: Sinclair, Chair; Kinney and Schultz

Senate File 292

JUDICIARY: Dawson, Chair; Edler and Petersen

SSB 1142

WAYS AND MEANS: Dawson, Chair; Jochum and Schultz

SSB 1143

JUDICIARY: Sinclair, Chair; Petersen and Schneider

SSB 1144

AGRICULTURE: Zumbach, Chair; Kinney and Shipley

FINAL COMMITTEE REPORTS OF BILL ACTION**HUMAN RESOURCES**

Bill Title: *[SENATE FILE 326 \(SSB 1029\)](#), a bill for an act relating to the prescribing of biological products and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Segebart, Costello, Mathis, Bolkcom, Chelgren, Garrett, Greene, Jochum, C. Johnson, Quirmbach, Ragan, and Shipley. Nays, none. Absent, 1: Chapman.

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

TRANSPORTATION

Bill Title: *[SENATE FILE 312](#) (formerly [SF 174](#)), a bill for an act authorizing Carroll and Clay counties to issue driver's licenses, nonoperator's identification cards, and persons with disabilities identification devices, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kapucian, Breitbach, Bowman, Anderson, Bertrand, Bisignano, Brown, Danielson, Horn, Kraayenbrink, Lykam, Smith, and Zumbach. 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 Transportation Committee on [Senate File 312](#), and they were attached to the committee report.

EVENING SESSION

The Senate reconvened at 5:07 p.m., President Whitver presiding.

The Senate stood at ease at 5:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:25 p.m., President Whitver presiding.

SPECIAL GUEST

President Whitver introduced to the Senate chamber the Honorable Chris Brase, former member of the Senate from Muscatine County, Muscatine, Iowa.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration Senate Files 1 and 180.

Senate File 1

On motion of Senator Anderson, **Senate File 1**, a bill for an act requiring jobs impact statements for administrative rules, with report of committee recommending passage, was taken up for consideration.

Senator Anderson offered amendment **S-3008**, filed by him on February 1, 2017, to page 3 of the bill, and moved its adoption.

Amendment **S-3008** was adopted by a voice vote.

Senator Anderson 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. 1**), 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	Quirmbach	
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.

Senate File 180

On motion of Senator Smith, [Senate File 180](#), a bill for an act relating to the powers and programs of the economic development authority, including apprentice eligibility under the apprenticeship training program, and including effective date and applicability provisions, was taken up for consideration.

Senator Smith asked and received unanimous consent that [House File 231](#) be **substituted** for [Senate File 180](#).

House File 231

On motion of Senator Smith, [House File 231](#), a bill for an act relating to the powers and programs of the economic development authority, including apprentice eligibility under the apprenticeship training program, and including effective date and applicability provisions, was taken up for consideration.

Senator Smith 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?" ([H.F. 231](#)), 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 1](#) and [House File 231](#) be **immediately messaged** to the House.

WITHDRAWN

Senator Smith asked and received unanimous consent that [Senate File 180](#) be **withdrawn** from further consideration of the Senate.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 5:45 p.m. until 9:00 a.m., Thursday, February 23, 2017.

APPENDIX—2

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: Wednesday, February 22, 2017, 1:05 p.m.

Members Present: Sinclair, Chair; Edler, Vice Chair; Quirnbach, Ranking Member; Behn, Bowman, Chelgren, Danielson, Dvorsky, Greene, Hart, C. Johnson, Kraayenbrink, Lofgren, Mathis, and Rozenboom.

Members Absent: None.

Committee Business: Governor's appointments. Passed SSBs 1057 and 1083.

Adjourned: 1:35 p.m.

WAYS AND MEANS

Convened: Wednesday, February 22, 2017, 3:00 p.m.

Members Present: Feenstra, Chair; Behn, Vice Chair; Jochum, Ranking Member; Anderson, Bolkom, Breitbach, Brown, Dawson, Dotzler, Edler, Petersen, Quirnbach, Schultz, and Smith.

Members Absent: McCoy (excused).

Committee Business: Governor's appointments. Passed [SSB 1054](#).

Adjourned: 3:30 p.m.

**ADMINISTRATION AND REGULATION APPROPRIATIONS
SUBCOMMITTEE**

Convened: Tuesday, February 21, 2017, 10:00 a.m.

Members Present: Guth, Chair; Chapman, Vice Chair; Mathis, Ranking Member; Lykam, and Zumbach.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:00 a.m.

HEALTH AND HUMAN SERVICES APPROPRIATIONS SUBCOMMITTEE

Convened: Wednesday, February 22, 2017, 10:10 a.m.

Members Present: Costello, Chair; Segebart, Vice Chair; Ragan, Ranking Member; Bolcom, and Edler.

Members Absent: None.

Committee Business: Update on Medicaid Managed Care by the Department of Human Services agencies.

Adjourned: 11:20 a.m.

JUSTICE SYSTEM APPROPRIATIONS SUBCOMMITTEE

Convened: Wednesday, February 22, 2017, 10:05 a.m.

Members Present: Chelgren, Chair; Dawson, Vice Chair; Dvorsky, Ranking Member; Boulton, and Garrett.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 11:20 a.m.

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

Convened: Wednesday, February 22, 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: 10:50 a.m.

INTRODUCTION OF BILLS

[Senate File 327](#), by Garrett, Shipley, Costello, Behn, Zaun, and Bertrand, a bill for an act relating to the membership of the state judicial nominating commission and district judicial nominating commissions and providing an effective date.

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

[Senate File 328](#), by Petersen, a bill for an act providing for the confinement of agricultural animals and the storage of manure or washwater on karst terrain or terrain that drains into a known sinkhole, and making penalties applicable.

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

STUDY BILLS RECEIVED

[SSB 1145](#) **Labor and Business Relations**

Relating to bidding and contracting for public improvement projects, making penalties applicable, and including effective date and applicability provisions.

[SSB 1146](#) **Agriculture**

Providing for the creation of regional water authorities and regional water authority boards to assume the powers, duties, assets, and liabilities of certain water utilities, and including

[SSB 1147](#) **Human Resources**

Relating to stroke care quality improvement.

SUBCOMMITTEE ASSIGNMENTS

[Senate Joint Resolution 6](#)

EDUCATION: Chelgren, Chair; Behn and Quirmbach

[Senate File 249](#)

STATE GOVERNMENT: Dawson, Chair; Feenstra and Petersen

[Senate File 261](#)

STATE GOVERNMENT: Dawson, Chair; Feenstra and Petersen

[Senate File 263](#)

STATE GOVERNMENT: Feenstra, Chair; Chapman and Horn

[Senate File 264](#)

LOCAL GOVERNMENT: Guth, Chair; Allen and Greene

[Senate File 283](#)

COMMERCE: C. Johnson, Chair; Bertrand and McCoy

[Senate File 303](#)

WAYS AND MEANS: Feenstra, Chair; Brown and Jochum

[Senate File 309](#)

WAYS AND MEANS: Feenstra, Chair; Behn and Quirmbach

[Senate File 317](#)

WAYS AND MEANS: Feenstra, Chair; Behn and Jochum

[SSB 1034](#)

(Reassigned)

NATURAL RESOURCES AND ENVIRONMENT: Rozenboom, Chair; Dvorsky, Kapucian, Kinney, and Shipley

[SSB 1145](#)

LABOR AND BUSINESS RELATIONS: Guth, Chair; Bisignano and Chapman

[SSB 1146](#)

AGRICULTURE: Zumbach, Chair; Kinney and Rozenboom

[SSB 1147](#)

HUMAN RESOURCES: Greene, Chair; Mathis and Shipley

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

STATE GOVERNMENT

Kathleen Stoppelmoor – Electrical Examining Board
E. J. Giovannetti – Iowa Public Information Board
Keith Luchtel – Iowa Public Information Board
Frederick (Rick) Morain – Iowa Public Information Board
William Peard – Iowa Public Information Board
Julie Pottorff – Iowa Public Information Board
Renee Twedt – Iowa Public Information Board
Mary Unga-Sogaard – Iowa Public Information Board

WAYS AND MEANS

Dr. Nicholas Chilcoat – Economic Development Authority
Bruce Lehrman – Economic Development Authority

**GOVERNOR'S APPOINTEES PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Dr. Ann Lebo – Executive Director of the Board of Educational Examiners
Katherine Schmidt – Board of Educational Examiners
Dr. Michael Richards – State Board of Regents