

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, FEBRUARY 7, 2018

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JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 7, 2018

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

Prayer was offered by Brad Bierma, pastor of the Calvary Christian Reformed Church in Pella, Iowa. He was the guest of Senator Rozenboom.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Isabela Gallegos.

The Journal of Tuesday, February 6, 2018, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Mark Lowe, the Governor's appointee to be the Director of Transportation. He was the guest of Senators Kapucian and Danielson and the committee on Transportation.

The Secretary of the Senate introduced Jerry Foxhoven, the Governor's appointee to be the Director of the Department of Human Services. He was the guest of Senators Segebart and Mathis and the committee on Human Resources.

RECESS

On motion of Senator Dix, the Senate recessed at 9:09 a.m. until 5:00 p.m.

APPENDIX—1**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:

ECONOMIC DEVELOPMENT AUTHORITY

Industrial New Jobs Training Program Review, pursuant to Iowa Code section 260E.7. Report received on February 7, 2018.

CERTIFICATE OF RECOGNITION

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

Ida Breitbach, Cascade—For celebrating her 100th birthday. Senator Bowman.

REPORTS OF COMMITTEE MEETINGS**EDUCATION**

Convened: Wednesday, February 7, 2018, 1:05 p.m.

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

Members Absent: None.

Committee Business: Department of Education presentation.

Adjourned: 1:55 p.m.

HUMAN RESOURCES

Convened: Tuesday, February 6, 2018, 4:05 p.m.

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

Members Absent: None.

Committee Business: Deferred on [SSB 3005](#); passed SSBs 3070 and 3071.

Adjourned: 5:05 p.m.

LOCAL GOVERNMENT

Convened: Wednesday, February 7, 2018, 2:00 p.m.

Members Present: Garrett, Chair; Lofgren, Vice Chair; Hogg, Ranking Member; Allen, Chelgren, Greene, Guth, Kraayenbrink, McCoy, Quirmbach, and Segebart.

Members Absent: None.

Committee Business: Passed [SSB 3069](#) and 3083, as amended.

Adjourned: 2:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, February 6, 2018, 3:05 p.m.

Members Present: Rozenboom, Chair; Shipley, Vice Chair; Dvorsky, Ranking Member; Behn, Bertrand, Carlin, Greene, Hart, D. Johnson, Kapucian, Kinney, Kraayenbrink, and Lykam.

Members Absent: None.

Committee Business: Passed [SSB 3068](#).

Adjourned: 3:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: Wednesday, February 7, 2018, 10:00 a.m.

Members Present: Guth, Chair; and Zumbach.

Members Absent: Chapman, Vice Chair; Mathis, Ranking Member; and Lykam.

Committee Business: Meeting cancelled on account of no quorum.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: Wednesday, February 7, 2018, 10:15 a.m.

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

Members Absent: None.

Committee Business: Presentation on Mental Health and Disability Services.

Adjourned: 11:30 a.m.

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

Convened: Wednesday, February 7, 2018, 10:15 a.m.

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

Members Absent: Smith (excused).

Committee Business: Organizational meeting.

Adjourned: 11:00 a.m.

INTRODUCTION OF RESOLUTION

[Senate Joint Resolution 2005](#), by Dawson, a joint resolution proposing amendments to the Constitution of the State of Iowa limiting years of service for members of the general assembly, the governor, and judges of the supreme court and court of appeals.

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

INTRODUCTION OF BILLS

[Senate File 2187](#), by Kinney, a bill for an act establishing an Iowa employment and education rides initiative and related fund in the state department of transportation.

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

[Senate File 2188](#), by Danielson, a bill for an act transferring the state geologist from the department of natural resources to the Iowa flood center at the state university of Iowa under the jurisdiction of the state board of regents, making appropriations, and including effective date provisions.

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

[Senate File 2189](#), by Sinclair, a bill for an act relating to electronic and mechanical eavesdropping.

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

[Senate File 2190](#), by Whitver, a bill for an act limiting the number of rules that can be included in the Iowa administrative code, providing for related duties of the department of management and other agencies, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

[Senate File 2191](#), by Whitver, a bill for an act relating to academic programs of regents institutions and community colleges.

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

[Senate File 2192](#), by Schultz, a bill for an act relating to excessively dark or reflective window tint, and making penalties applicable.

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

[Senate File 2193](#), by Schultz, a bill for an act relating to the handling fees for beverage containers.

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

[Senate File 2194](#), by Schultz, a bill for an act relating to the distribution of certain funds for abortions.

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

[Senate File 2195](#), by Schultz, a bill for an act relating to the corroboration of certain evidence provided in a termination of parental rights proceeding.

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

[Senate File 2196](#), by Dawson, a bill for an act modifying criminal code provisions relating to criminal records, penalties, prosecutions, appeals, driving privileges, and postconviction relief, and including effective date provisions.

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

[Senate File 2197](#), by Smith, a bill for an act relating to theft of motor vehicles subsequently used in the commission of a felony, and providing penalties.

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

[Senate File 2198](#), by committee on Human Resources, a bill for an act relating to the Iowa prescription monitoring program, including by establishing an advisory committee, authorizing a registration surcharge, expanding information collection and reporting requirements, and making penalties applicable.

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

[Senate File 2199](#), by Petersen, a bill for an act modifying the periods of time to bring criminal actions for sexual abuse offenses against a minor, providing penalties, and including effective date provisions.

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

[Senate File 2200](#), by committee on Veterans Affairs, a bill for an act regulating veterans' benefit services and related events, by requiring certain disclosures and making penalties applicable.

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

[Senate File 2201](#), by committee on Veterans Affairs, a bill for an act relating to the national guard, by authorizing a morale, welfare, and recreation activity and establishing procedures concerning notification of civilian authorities regarding certain criminal offenses committed by members of the national guard.

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

[Senate File 2202](#), by committee on Natural Resources and Environment, a bill for an act relating to the level of fees imposed pursuant to the land recycling program.

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

[Senate File 2203](#), by committee on Human Resources, a bill for an act authorizing the board of nursing to issue a limited nursing authorization to a nurse to complete the clinical component of a nurse refresher course.

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

STUDY BILLS RECEIVED

[SSB 3154](#) **Judiciary**

Relating to the awarding of joint custody and joint physical care.

[SSB 3155](#) **Judiciary**

Proposing an amendment to the Constitution of the State of Iowa relating to the right of the people to acquire, keep, possess, transport, carry, transfer, and use arms.

SSB 3156 Labor and Business Relations

Permitting employers to provide employees with wage statements by electronic means.

SSB 3157 State Government

Relating to the joint exercise of government powers by federally recognized Indian tribes.

SSB 3158 Commerce

Relating to permissible interest rates and finance charges for certain loans.

SSB 3159 Commerce

Relating to the sale, lease, or rental of water treatment systems and including effective date and applicability provisions.

SSB 3160 Commerce

Relating to the division of domestic stock insurers into two or more domestic stock insurers and including effective date provisions.

SSB 3161 Commerce

Relating to incentive programs and health care cost transparency tools offered by health carriers and health care providers to enable insured individuals to seek lower cost health care services, and including applicability provisions.

SSB 3162 Education

Relating to periods of academic ineligibility for participation in extracurricular activities.

SSB 3163 Local Government

Creating a law enforcement body camera interim workgroup.

SSB 3164 **Commerce**

Relating to matters under the purview of the utilities division of the department of commerce, providing fees, and making penalties applicable.

SSB 3165 **Commerce**

Relating to workers' compensation and insurance fraud and other prohibited health service provider practices, providing appropriations and penalties, and including effective date and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2124**

STATE GOVERNMENT: Brown, Chair; Bisignano and Schultz

Senate File 2185

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

Senate File 2186

LABOR AND BUSINESS RELATIONS: Schultz, Chair; Boulton and Chapman

House File 604

(Reassigned)

COMMERCE: Bertrand, Chair; Allen and C. Johnson

SSB 3154

JUDICIARY: Garrett, Chair; Bisignano and Edler

SSB 3155

JUDICIARY: Zaun, Chair; Bisignano and Schultz

SSB 3156

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

SSB 3157

STATE GOVERNMENT: Schneider, Chair; Bisignano and Brown

[SSB 3158](#)

COMMERCE: Zaun, Chair; Boulton and Breitbach

[SSB 3159](#)

COMMERCE: Guth, Chair; Allen and Sinclair

[SSB 3160](#)

COMMERCE: Sinclair, Chair; Feenstra and McCoy

[SSB 3161](#)

COMMERCE: C. Johnson, Chair; Breitbach and Mathis

[SSB 3162](#)

EDUCATION: Kraayenbrink, Chair; Bowman and C. Johnson

[SSB 3163](#)

LOCAL GOVERNMENT: Garrett, Chair; Allen and Guth

[SSB 3164](#)

COMMERCE: Guth, Chair; Allen and Sinclair

[SSB 3165](#)

COMMERCE: Chapman, Chair; Boulton and Breitbach

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: [SENATE FILE 2198 \(SSB 3071\)](#), a bill for an act relating to the Iowa prescription monitoring program, including by establishing an advisory committee, authorizing a registration surcharge, expanding information collection and reporting requirements, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Segebart, Costello, Mathis, Bolcom, Chapman, Chelgren, Garrett, Greene, Jochum, C. Johnson, Quirnbach, Ragan, and Shipley. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2203 \(SSB 3070\)](#), a bill for an act authorizing the board of nursing to issue a limited nursing authorization to a nurse to complete the clinical component of a nurse refresher course.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Segebart, Costello, Mathis, Bolkcom, Chapman, Chelgren, Garrett, Greene, Jochum, C. Johnson, Quirmbach, Ragan, and Shipley. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT**ALSO:**

Bill Title: [SENATE FILE 2202 \(SSB 3068\)](#), a bill for an act relating to the level of fees imposed pursuant to the land recycling program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rozenboom, Shipley, Dvorsky, Behn, Bertrand, Carlin, Greene, Hart, D. Johnson, Kapucian, Kinney, Kraayenbrink, and Lykam. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

VETERANS AFFAIRS

Bill Title: [SENATE FILE 2200 \(SSB 3067\)](#), a bill for an act regulating veterans' benefit services and related events, by requiring certain disclosures and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Costello, Rozenboom, Horn, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart. Nays, none. Absent, 2: Allen and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE FILE 2201 \(SSB 3052\)](#), a bill for an act relating to the national guard, by authorizing a morale, welfare, and recreation activity and establishing procedures concerning notification of civilian authorities regarding certain criminal offenses committed by members of the national guard.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Costello, Rozenboom, Horn, Bowman, Dawson, Edler, Lofgren, Ragan, and Segebart. Nays, none. Absent, 2: Allen and Bertrand.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

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

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 7, 2018, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2230](#), a bill for an act relating to the state school foundation program by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2018, modifying provisions relating to school district property tax replacement payments, and including effective date provisions.

Read first time and attached to **companion** [Senate File 2164](#).

CONSIDERATION OF BILL
(Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 2164](#).

[Senate File 2164](#)

On motion of Senator Sinclair, [Senate File 2164](#), a bill for an act relating to the state school foundation program by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2018, modifying provisions relating to school district property tax replacement payments, and including effective date provisions, was taken up for consideration.

Senator Kraayenbrink asked and received unanimous consent to withdraw amendment [S-5002](#), filed by Senators Kraayenbrink and Sinclair on February 6, 2018, to pages 1 and 2 and amending the title page of the bill.

Senator Sinclair asked and received unanimous consent that [House File 2230](#) be **substituted** for [Senate File 2164](#).

House File 2230

On motion of Senator Sinclair, [House File 2230](#), a bill for an act relating to the state school foundation program by establishing the state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2018, modifying provisions relating to school district property tax replacement payments, and including effective date provisions, was taken up for consideration.

([House File 2230](#) was deferred.)

The Senate stood at ease at 5:10 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:47 p.m., President Whitver presiding.

The Senate resumed consideration of [HF 2230](#), previously deferred.

Senator Kraayenbrink offered amendment [S-5003](#), filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5003](#) be adopted?" ([H.F. 2230](#)), the vote was:

Yeas, 50:

Allen	Danielson	Jochum	Rozenboom
Behn	Dawson	Johnson, C.	Schneider
Bertrand	Dix	Johnson, D.	Schultz
Bisignano	Dotzler	Kapucian	Segebart
Bolkcom	Dvorsky	Kinney	Shipley
Boulton	Edler	Kraayenbrink	Sinclair
Bowman	Feenstra	Lofgren	Smith
Breitbach	Garrett	Lykam	Taylor
Brown	Greene	Mathis	Whitver
Carlin	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	

Nays, none.

Absent, none.

Amendment [S-5003](#) was adopted.

Senator Sinclair 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. 2230](#)), the vote was:

Yeas, 29:

Behn	Dawson	Kapucian	Sinclair
Bertrand	Dix	Kraayenbrink	Smith
Breitbach	Edler	Lofgren	Whitver
Brown	Feenstra	Rozenboom	Zaun
Carlin	Garrett	Schneider	Zumbach
Chapman	Greene	Schultz	
Chelgren	Guth	Segebart	
Costello	Johnson, C.	Shipley	

Nays, 21:

Allen	Dotzler	Johnson, D.	Quirmbach
Bisignano	Dvorsky	Kinney	Ragan
Bolkcom	Hart	Lykam	Taylor
Boulton	Hogg	Mathis	
Bowman	Horn	McCoy	
Danielson	Jochum	Petersen	

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that [House File 2230](#) be **immediately messaged** to the House.

WITHDRAWN

Senator Sinclair asked and received unanimous consent that [Senate File 2164](#) be **withdrawn** from further consideration of the Senate.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 6:39 p.m. until 9:00 a.m., Thursday, February 8, 2018.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

Convened: Wednesday, February 7, 2018, 3:10 p.m.

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

Members Absent: Chapman (excused).

Committee Business: Presentation by Michael Randol, Director of IA Medicaid Enterprise. Passed [SSB 3005](#).

Adjourned: 4:00 p.m.

STATE GOVERNMENT

Convened: Wednesday, February 7, 2018, 2:10 p.m.

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

Members Absent: None.

Committee Business: Passed SSBs 3090; 3111 and 3117, as amended; 3118, and 3133. Approved [SF 494](#).

Adjourned: 3:05 p.m.

TRANSPORTATION

Convened: Wednesday, February 7, 2018, 3:05 p.m.

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

Members Absent: None.

Committee Business: Approved SFs 296 and 2093; passed [SSB 3046](#).

Adjourned: 4:05 p.m.

SUBCOMMITTEE ASSIGNMENT

[Senate File 270](#)

EDUCATION: Sinclair, Chair; Behn and Quirmbach

AMENDMENT FILED

[S-5003](#)[H.F. 2230](#)

Tim Kraayenbrink