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**STATE OF IOWA**

**Senate Journal**

**THURSDAY, FEBRUARY 25, 2016**

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# JOURNAL OF THE SENATE

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FORTY-SIXTH CALENDAR DAY  
TWENTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 25, 2016

The Senate met in regular session at 9:02 a.m., President Jochum presiding.

Prayer was offered by Father Dave Fleming of St. Pious Catholic Church in Urbandale, Iowa. He was the guest of Senator Zaun.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Hannah Dettmann.

The Journal of Wednesday, February 24, 2016, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Dr. Ryan Wise, the governor's appointee to be the Director of the Department of Education. He was the guest of Senators Kraayenbrink and Quirnbach and the committee on Education.

## 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 24, 2016, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2263](#), a bill for an act relating to disciplinary actions taken against a licensed school employee that are required to be reported to the board of educational examiners.

Read first time and referred to committee on **Education**.

[House File 2264](#), a bill for an act concerning varsity athletics eligibility of students in open enrollment subjected to harassment or bullying.

Read first time and referred to committee on **Education**.

[House File 2271](#), a bill for an act relating to the criminal offense of identity theft, and providing penalties.

Read first time and attached to **companion** [Senate File 2271](#).

[House File 2277](#), a bill for an act relating to utility facilities of electric transmission owners within public road rights-of-way.

Read first time and attached to **companion** [Senate File 2216](#).

[House File 2356](#), a bill for an act providing for the towing of certain implements of husbandry in tandem among manufacturers, retail sellers, and farm purchasers.

Read first time and referred to committee on **Transportation**.

[House File 2373](#), a bill for an act relating to the organization and administration of limited partnerships and limited liability companies doing business in Iowa.

Read first time and referred to committee on **Judiciary**.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:32 a.m., President Jochum presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dix and Sinclair, until they arrive, on request of Senator Whitver.

#### CONSIDERATION OF BILLS

(Regular Calendar)

Senator Bolkcom asked and received unanimous consent to take up for consideration Senate Files 2151, 2163, 2216, and 2254.

### Senate File 2151

On motion of Senator Schoenjahn, [Senate File 2151](#), a bill for an act relating to alcoholic beverage control and matters under the purview of the alcoholic beverages division of the department of commerce, was taken up for consideration.

Senator Danielson withdrew amendment [S-5011](#), filed by him on February 22, 2016, to page 7 and amending the title page of the bill.

Senator Schoenjahn 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. 2151](#)), the vote was:

Yeas, 44:

Allen	Courtney	Horn	Schoenjahn
Anderson	Danielson	Jochum	Schultz
Behn	Dearden	Kapucian	Seng
Bertrand	Dotzler	Kinney	Shipley
Bisignano	Dvorsky	Kraayenbrink	Smith
Bolkcom	Feenstra	Mathis	Sodders
Bowman	Garrett	McCoy	Taylor
Brase	Gronstal	Petersen	Whitver
Breitbach	Guth	Quirnbach	Wilhelm
Chapman	Hart	Ragan	Zaun
Chelgren	Hogg	Schneider	Zumbach

Nays, 4:

Costello	Johnson	Rozenboom	Segebart
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Absent, 2:

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

### Senate File 2163

On motion of Senator Schoenjahn, [Senate File 2163](#), 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, was taken up for consideration.

Senator Schoenjahn offered amendment [S-5028](#), filed by him on February 24, 2016, to page 1 of the bill, and moved its adoption.

Amendment [S-5028](#) was adopted by a voice vote.

Senator Chelgren offered amendment [S-5033](#), filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5033](#) be adopted?” ([S.F. 2163](#)), the vote was:

Yeas, 23:

Anderson	Chelgren	Kapucian	Shipley
Behn	Costello	Kraayenbrink	Smith
Bertrand	Feenstra	Rozenboom	Whitver
Bowman	Garrett	Schneider	Zaun
Breitbach	Guth	Schultz	Zumbach
Chapman	Johnson	Segebart	

Nays, 25:

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

Absent, 2:

Dix	Sinclair
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Amendment [S-5033](#) lost.

Senator Schoenjahn 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. 2163](#)), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart

Bertrand	Dotzler	Kinney	Seng
Bisignano	Dvorsky	Kraayenbrink	Shiple
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Dix                      Sinclair

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

### Senate File 2216

On motion of Senator Allen, Senate File 2216, a bill for an act relating to utility facilities of electric transmission owners within public road rights-of-way, was taken up for consideration.

Senator Allen asked and received unanimous consent that House File 2277 be **substituted** for Senate File 2216.

### House File 2277

On motion of Senator Allen, House File 2277, a bill for an act relating to utility facilities of electric transmission owners within public road rights-of-way, was taken up for consideration.

Senator Allen 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. 2277), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart
Bertrand	Dotzler	Kinney	Seng

Bisignano	Dvorsky	Kraayenbrink	Shipley
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Dix                      Sinclair

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

### WITHDRAWN

Senator Allen asked and received unanimous consent that [Senate File 2216](#) be **withdrawn** from further consideration of the Senate.

### [Senate File 2254](#)

On motion of Senator Schoenjahn, [Senate File 2254](#), a bill for an act requiring certain group health insurance policies, contracts, or plans to provide coverage for autism spectrum disorders for certain persons, providing for a repeal, and including applicability and effective date provisions, was taken up for consideration.

Senator Schoenjahn 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. 2254](#)), the vote was:

Yeas, 41:

Allen	Dotzler	Kinney	Shipley
Anderson	Dvorsky	Kraayenbrink	Smith
Bertrand	Feenstra	Mathis	Sodders
Bisignano	Gronstal	McCoy	Taylor
Bolkcom	Guth	Petersen	Whitver
Bowman	Hart	Quirnbach	Wilhelm
Brase	Hogg	Ragan	Zaun
Breitbach	Horn	Schneider	Zumbach

Courtney	Jochum	Schoenjahn
Danielson	Johnson	Segebart
Dearden	Kapucian	Seng

Nays, 7:

Behn	Chelgren	Garrett	Schultz
Chapman	Costello	Rozenboom	

Absent, 2:

Dix	Sinclair
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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 Files 2151, 2163, and 2254** and [House File 2277](#) be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS

(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2276, 2277, 2282, 2284, 2288, and 2289.

#### [Senate File 2276](#)

On motion of Senator Taylor, [Senate File 2276](#), a bill for an act relating to the standards for land surveying, including requirements for recorded document formatting, monument preservation certificates, and retracement plats of survey, was taken up for consideration.

Senator Taylor 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. 2276](#)), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart



Bertrand	Dotzler	Kinney	Seng
Bisignano	Dvorsky	Kraayenbrink	Shiple
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Dix                      Sinclair

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

### [Senate File 2277](#)

On motion of Senator Sodders, [Senate File 2277](#), a bill for an act relating to the sources of goods or services under a franchise agreement, was taken up for consideration.

Senator Sodders 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. 2277](#)), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart
Bertrand	Dotzler	Kinney	Seng
Bisignano	Dvorsky	Kraayenbrink	Shiple
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Dix                      Sinclair

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

### Senate File 2282

On motion of Senator Hogg, [Senate File 2282](#), a bill for an act relating to reinstatement of lapsed use restrictions within a common interest community, was taken up for consideration.

Senator Hogg 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. 2282](#)), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart
Bertrand	Dotzler	Kinney	Seng
Bisignano	Dvorsky	Kraayenbrink	Shipley
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders
Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

Dix                      Sinclair

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

### Senate File 2284

On motion of Senator Petersen, [Senate File 2284](#), a bill for an act modifying the elements defining hate crimes, and providing penalties, was taken up for consideration.

([Senate File 2284](#) was deferred.)

The Senate stood at ease at 11:33 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 12:00 p.m., President Jochum presiding.

The Senate resumed consideration of [Senate File 2284](#), previously deferred.

Senator Gronstal asked and received unanimous consent that action on [Senate File 2284](#) be **deferred**.

### Senate File 2288

On motion of Senator Petersen, [Senate File 2288](#), a bill for an act relating to the confidentiality of juvenile court records in delinquency proceedings, was taken up for consideration.

Senator Petersen offered amendment [S-5030](#), filed by her on February 24, 2016, to page 7 of the bill, and moved its adoption.

Amendment [S-5030](#) was adopted by a voice vote.

Senator Petersen 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. 2288](#)), the vote was:

Yeas, 48:

Allen	Courtney	Jochum	Schoenjahn
Anderson	Danielson	Johnson	Schultz
Behn	Dearden	Kapucian	Segebart
Bertrand	Dotzler	Kinney	Seng
Bisignano	Dvorsky	Kraayenbrink	Shiple
Bolkcom	Feenstra	Mathis	Smith
Bowman	Garrett	McCoy	Sodders

Brase	Gronstal	Petersen	Taylor
Breitbach	Guth	Quirnbach	Whitver
Chapman	Hart	Ragan	Wilhelm
Chelgren	Hogg	Rozenboom	Zaun
Costello	Horn	Schneider	Zumbach

Nays, none.

Absent, 2:

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

### [Senate File 2289](#)

On motion of Senator Bisignano, [Senate File 2289](#), a bill for an act prohibiting the mistreatment of animals other than livestock and wild animals, providing reporting requirements, providing for criminal offenses, and including penalties, was taken up for consideration.

Senator Bisignano 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. 2289](#)), the vote was:

Yeas, 32:

Allen	Dearden	Kinney	Seng
Bisignano	Dotzler	Mathis	Smith
Bolkcom	Dvorsky	McCoy	Sodders
Bowman	Gronstal	Petersen	Taylor
Brase	Hart	Quirnbach	Whitver
Chelgren	Hogg	Ragan	Wilhelm
Courtney	Horn	Schneider	Zaun
Danielson	Jochum	Schoenjahn	Zumbach

Nays, 16:

Anderson	Chapman	Guth	Rozenboom
Behn	Costello	Johnson	Schultz
Bertrand	Feenstra	Kapucian	Segebart
Breitbach	Garrett	Kraayenbrink	Shipley

Absent, 2:

Dix                      Sinclair

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 Files 2276, 2277, 2282, 2288, and 2289** be **immediately messaged** to the House.

#### 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 25, 2016, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2189](#), a bill for an act relating to nonsubstantive Code corrections.

ALSO: That the House has on February 25, 2016, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2200](#), A bill for an act concerning instruction provided through the Iowa learning online initiative. ([S-5034](#))

ALSO: That the House has on February 25, 2016, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Joint Resolution 2003](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to searches and seizures of electronic communications and data.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on February 25, 2016, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2265](#), a bill for an act relating to the disclosure of an address confidentiality program participant's address in certain legal proceedings.

Read first time and referred to committee on **Judiciary**.

[House File 2342](#), a bill for an act relating to signatures and other writing on applications for hunting, fishing, and fur harvester licenses.

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

[House File 2359](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date provisions.

Read first time and attached to **similar** [Senate File 2283](#).

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 12:23 p.m. until 1:00 p.m., Monday, February 29, 2016.

#### APPENDIX

##### SUBCOMMITTEE ASSIGNMENT

###### [House File 2263](#)

EDUCATION: Schoenjahn, Chair; Dvorsky and Sinclair

###### [House File 2264](#)

EDUCATION: Hogg, Chair; Bowman and Sinclair

###### [House File 2311](#)

TRANSPORTATION: Dearden, Chair; Kraayenbrink and Quirnbach

## AMENDMENTS FILED

<u>S-5031</u>	<u>S.F. 2284</u>	Mark Chelgren
<u>S-5032</u>	<u>S.F. 2258</u>	Liz Mathis
		Julian B. Garrett
		Mark Costello
<u>S-5033</u>	<u>S.F. 2163</u>	Mark Chelgren
<u>S-5034</u>	<u>S.F. 2200</u>	House
<u>S-5035</u>	<u>S.F. 2284</u>	Jake Chapman
<u>S-5036</u>	<u>S.F. 2284</u>	Mark Chelgren