

PROOF

STATE OF IOWA

Senate Journal

WEDNESDAY, APRIL 5, 2017

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JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 5, 2017

The Senate met in regular session at 9:05 a.m., President Whitver presiding.

Prayer was offered by Dr. Reverend John Shaull, Director of Missions at the Metro Baptist Association in Winterset, Iowa. He was the guest of Senator Garrett.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Katie Decker.

The Journal of Tuesday, April 4, 2017, was approved.

HOUSE MESSAGE RECEIVED

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 April 4, 2017, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 438](#), a bill for an act relating to bidding and contracting for public improvement projects, making penalties applicable, and including effective date and applicability provisions.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [House Concurrent Resolution 6](#).

House Concurrent Resolution 6

On motion of Senator Dix, House Concurrent Resolution 6, a concurrent resolution relating to Pioneer Lawmakers, with report of committee recommending passage, was taken up for consideration.

Senator Dix moved the adoption of House Concurrent Resolution 6, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that House Concurrent Resolution 6 be **immediately messaged** to the House.

RECESS

On motion of Senator Dix, the Senate recessed at 9:11 a.m. until 1:45 p.m.

RECONVENED

The Senate reconvened at 1:54 p.m., President Whitver presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

The Senate proceeded to the House chamber, in accordance with House Concurrent Resolution 6, in columns of two led by the Secretary of the Senate and the Sergeant-at-Arms.

RECESS

On motion of Senator Dix, the Senate recessed at 1:55 p.m. until the completion of the Joint Convention.

JOINT CONVENTION
PIONEER LAWMAKERS

Sixty-fourth Biennial Session
House Chamber

In accordance with [House Concurrent Resolution 6](#), duly adopted, the joint convention was called to order at 2:01 p.m., President Whitver presiding.

President Whitver declared a quorum present and the joint convention duly organized.

The Pioneer Lawmakers were seated in the House chamber.

President Whitver welcomed the Pioneer Lawmakers on behalf of the Senate.

President Whitver presented the Honorable Linda Upmeyer, Speaker of the House of Representatives, who welcomed the Pioneer Lawmakers on behalf of the House.

President Whitver presented the Honorable Mary Mascher, member of the House and President of the Pioneer Lawmakers Association, who responded to the welcome.

Representative Mascher announced the following 1997 class of Pioneer Lawmakers: Jeff Angelo, Jerry Behn, James E. Black, Polly Butka, Frank J. Chiodo, Bill Dix, Cecil Dolecheck, William Dotzler, Jr., Steve Falck, Ro H. Foege, Wayne Ford, Marcella R. Frevert, E. Thurman Gaskill, Brad Hansen, Geri Huser, Willard G. Jenkins, Steve King, Rebecca Knight, Larry McKibben, Robert Osterhaus, Henry V. Rayhons, John Redwine, Kathleen Rehberg, Steve Richardson, Paul J. Scherrman, Neal Schuerer, Roger Thomas, Wesley Whitead.

Honorary members of the 2017 class were the following: Mona Bond, David Boyd, Bill Brauch, John Cacciatore, J. D. Davis, Glen Dickinson, Mark Douglas, Pam Dugdale, Susan Fenton, Doreen Freeman, Brad Hudson, Jack Hunt, Chad Kleppe, Linda Laurenzo, Mark Maxwell, Bob Mulqueen, Kathie Obradovich, Jim Obradovich, Steve Ovel, Dave Palmer, Deb Rex, Jody Tomlonovic, and Mike Triplett.

Representative Mascher presented the Honorable Scott Newhard, former member of the House from Cedar County, Anamosa, Iowa and AGC Iowa's Vice President for Public affairs who addressed the joint convention:

Good afternoon. It is a personal honor for me to be addressing a joint session of the General Assembly and particularly to be part of the proceedings welcoming the new Pioneer Lawmakers. Recognition by the General Assembly since 1886 of those lawmakers who have served their state in the past is more than a tradition; it validates the strength of continuity in our democratic process. That continuity is even more obvious as we have here either serving today or being inducted the children of former legislators: Frank Chiodo, Geri Huser, Deb Rex, Bobby Kaufman, Linda Upmeyer. John Forbes is the son-in-law of a former Speaker and the step-son of a former representative, and Andy McKean the great grandson of a Senator.

While today honors historic continuity, we also celebrate that our democratic process is the peaceful, though sometime tumultuous, method to bring about change. In December of last year the legendary lobbyist Chuck Wasker died at the age of 90. Charlie lobbied for over 50 years; and commented more than once "I have seen a lot of changes around here in my career—and I opposed every one of them."

When Rep. Mascher, in her role as President of Pioneer Lawmakers, asked me to make this address it was with some trepidation. A colleague suggested I mention a few of my bills that are still pending. I responded that's a great idea, and then a feeling of terror came over me as I remembered—no one who ever addresses a joint session gets what they ask for—at least not in its original form. So, I will not trouble you with promoting my bills if you will resist checking to see what bills I am currently registered on.

The passage of time allows you new legislator inductees to share the fonder memories of service with one another, the memories of the toughness of the job and tensions that developed on past issues fades. That is a natural thing. My memories of first becoming a legislator and how I felt are very clear. What one of us does not appreciate the first job we had after high school.

Being as young as I was, people asked me right after the election "how did you possibly get elected?" Toward the end of my third term people were still asking "how did you ever get elected?" My response always was the Mark Twain quote about the election of politicians during the gilded age "that man had all the fools on his side and that makes a majority in any town."

A common remark from constituents that has not changed in 40 years, and is spoken today "why can't you all just come together and agree to do what's right for the people." That comment is an inherent citizen trait—the American DNA compels us to want to do what is right. But as President Johnson once reflected, "To do what is right is easy, to know what the right thing to do, can be very difficult." "The design of our system of government is based on checks and balances and separation of powers. These are not merely mechanisms of oversight. By the very nature of duties and powers of each branch of government tensions exist; suspicion of the other's powers arise; assertions of each bodies positions conflict between House and Senate; and both the legislative and executive branches for the last 250 years and for the next thousand years to come will assert "we wanted to do something, but those non-elected, appointed judges won't let us." So by design, the enacting or changing laws with the intent of "doing the right thing" is supposed to be difficult. The process naturally creates stress on those of you who have duties to make the process work, dissatisfaction among citizen's who do not understand the forces at play, and disenchantment by those who

view compromises as sell-outs. It makes you wonder why anyone would ever want to have or keep this job. Each of us probably has our own way of coping with this. It has been my observation during my 45 years around here that the foundation for coping and functioning in a tension designed structure is the relations you develop with one another.

I am troubled when I bring up the name of a House member to a Senator and the reply is "I don't know him". I hear the same from the House and often the people I am talking about are of the same party. As a young legislator, I became acquainted with every House member and Senator. I knew their wives by name and often knew their children.

When I first came here, I sat right about there (second desk in) and behind me at an angle, along the aisle, sat Rep. Harold Fischer from Wellsburg. This man was one of the titans of the House. He had served for 16 years. He was chairman of the House Commerce Committee. He was articulate, had the commanding presence of a former tank commander and was now over 300 pounds. In debate he could cut you to the quick. His nickname, which was well deserved, was "Grumpy." I was terrified of him and so were most people. Several weeks after the session opened, I was having dinner by myself downtown. I was seated and had just placed my order when I walked Grumpy by himself. I kept my head down and when I looked up he was standing over me. He said "have you ordered yet", I replied that I just had and he said "well I'll order now too." He looked at the waiter and added "bring us two drinks." He then looked at me and said "you are old enough to drink aren't you." He sat down and said "you walk by me in the chamber 10 times a day, why don't you ever talk to me." I meekly replied "I'm afraid to. I mean I don't want to bother you." He replied "the only thing I know about you is a speech you gave on the floor—and I got the impression that you are a bonehead. If you would talk to me and I got to know you I might then think you're only half-a-bonehead." And so began what was the final line from the movie Casablanca "Louie, I think this is the beginning of a beautiful friendship."

From that night on, I talked to him every day of our service together. We frequently had dinner either alone or in a small group. He would continue to point out to me how dumb my ideas were. I finally would push back and question his neanderthal thinking. One night we were out together. He looked across the bar and said "there is so and so, we used to serve together, let's go over and see him." His friend was with a bunch of people. Grump introduced me as "This is my good friend, Scott Newhard, he votes wrong all day long, but I am going to help him grow out of that."

Our relations allowed us to take some indulgence with one another. We worked into the evening more often than you do today. We had no midnight cut off rule. One late evening I was walking out of the chamber. Grumpy had his shoes off and his feet up on the desk. He kept a little fan below his desk to "cool himself." As I walked by I reached over and pulled on his big toe. I kept walking. Apparently this took him by so much surprise that he slid out of his chair onto the floor. I was by then at the door and turned around. He ran toward me exclaiming "I'll show you pup." He took me by the neck and the seat of the pants and threw me through the door, down the steps and I rolled to the rail. He then clapped his hands together, laughed loudly to the door man and went back inside. Within the hour I did retaliate in a manner I will not describe today (although an orange was involved). The end result was a special order of business resolution drawn up setting a wrestling match between us to be held opening day of the session in 1974. Regarding that—as I told you Grump was over 300 lbs. and at the time I was 130 lbs. The set match was called off due to my cowardliness, I mean my good sense.

Within the week of the assault on one another, we adjourned for the year, June 24 around 5 in the morning. Grump was gathering up his things to go home. I went over to help him carry some boxes and we walked to the parking lot together. As we got to his car he opened his trunk. I looked in and it was full of original bills. In those days bills were wrapped with rubber bands. These were bills as introduced. If you had possession of them practically nothing could be done on them unless you allowed it. There were hundreds in there. So many that nothing else could fit in the trunk. In fact, some spilled onto the parking lot. I said what are these doing here? Grump said these are "bills assigned to the Commerce Committee that I don't think the people of Iowa deserve to have foisted on them." I asked what are you going to do with them. He replied "bury them in my backyard." He told me to just put those boxes in the back seat. As he climbed in the car he said "You know, Scotty, we've had a lot of fun. I'd like to take you home—climb in the trunk!"

Did Grump and I ever vote together on big issues? No! Did we vote together on some issues? Seldom! Did we ever do anything for one another? We made one another laugh. Did our relationship help the legislative process? Yes, in the sense that we took our jobs seriously, but not ourselves—which made doing a serious job bearable. Did he impact my life? Well, I'm still talking about him 40 years later.

Friendships can suffer in the course of the legislative process. It is not surprising when you feel strongly about an issue and a friend feels strongly the other way. Your mutual conduct can cause bitterness. It can be further amplified because you know you are in the right and your "friend" is not.

In 1975, I handled the bill to allow pilot projects for electronic banking. This was the legislation that first authorized what today we know as electronic bank machines and retail acceptance of electronic payment. My close friend Representative and later Senator Art Small did not like the format of my bill. He was concerned it would have an adverse impact on smaller Iowa banks as well as the consumer. I'm sure he had other reasons too, but I was having none of it. Finally after weeks of preparing this bill, working with the interested parties and so on, an amendment to the bill was developed that we thought was acceptable to enough legislators to pass the bill. During the final preparation of the bill there was a request by Arthur to file some amendments from the floor of which he showed us several. We did not like any of them. I said "I have to oppose them, but let's do a voice vote and I'll say I leave it to the will of the house and if the first two pass so be it. Then you must withdraw the rest of them." All agreed, we shook hands, out we went. The bill was called up for consideration. First amendment, opening remarks by Small, opposition by Newhard, left to the will of the House and amendment passes on a voice vote. Second amendment, same routine, amendment passes. While I am finalizing my thoughts on the major amendment, Rep. Small is recognized for his next amendment. I am not even paying attention as this is supposed to be a withdrawn. Seeing no other mikes up Small gives final remarks and the amendment passes on a voice vote. Now we are on the 4th amendment. Small gives opening remarks. I jump up, agitated because he has not withdrawn it and because I don't even understand it. Now I am screaming that I vigorously oppose this amendment, but to no avail. All the momentum was with Arthur and my request for a division reflected that. I even suffered through one more amendment passing. I didn't know what that did either. I just know I did not like it. So finally I pass my amendment which basically was the final bill that now had been ruined by my friend, Arthur Small. The leader immediately recessed for lunch. Rep. Small sat down there. I bounded over three tiers of desks to where he was sitting. Enraged, I grabbed his tie and started cinching it tightly around his neck while yelling "What were you thinking?" As he was having the life choked out of him, he responded "I was on such a roll I just couldn't help myself." I finally loosened my grip muttering

something about “well the Senate is taking that stuff out. Period. No more discussion on this.” As I turned away in a huff, Art called me back. “Hey Scott, can I borrow some money for lunch?” And off we went to lunch.

Did Art and I vote together on the big issues? Nearly always. Did we vote together on small issues? Sometimes. Did we ever do anything for one another? No, I always did everything for him. But he did make me laugh. Did our relationship help the legislative process? Yes, in the sense that differences of opinion could be within one’s own party and still be resolved. Did he impact my life? Well, I’m still talking about him 40 years later.

You know sometimes you do things around here, either out of a sense of mischief, sometimes to make a point, or sometimes both. During my day, we worked on Friday’s usually adjourning by noon. One Friday morning I listened to a whole variety of introductions of various school groups, pork queens, basketball teams, and former legislators. We would stop whatever debate was going on, listen to the introduction from the hometown legislator, give them an appropriate ovation and on and on and on. I mentioned to Majority Leader Fitzgerald that since no one actually listens to those introductions, I could probably introduce a monkey and get a standing ovation. He acknowledged that probably would be the case. That acknowledgement was all the validation I needed. I promptly returned to my desk and prepared an introduction for my good friend and mentor Professor Ozzie Kincaid of the University of Okoboji. With Fitzgerald’s cooperation, I was to wait for his signal that everything was finished for the day and then I should seek the floor for the purpose of an introduction. Upon being recognized, I prattled on about this man of great accomplishments. If you actually listened to it you realized it, was utter non-sense. Who writes a 10 volume text on township government? What is the University of Okoboji? When I concluded my introduction, I stated he is sitting in the southeast balcony and will you please welcome Professor Ozzie Kincaid. Everyone turned around, stood up and applauded a completely empty balcony. We adjourned and returned Monday to a newspaper account of the Phantom Professor Kincaid feted by the House of Representatives. Now the vast majority of legislators were amused, a few were not. But as weeks went on other legislators would actually start quoting Ozzie in debate. He even made it into Senate debate (not surprising) whenever an authoritative source was needed to bolster an argument. Ozzie became such a legislative fixture that each year we had some type of play or program for the House and Senate at night featuring some new adventure involving Professor Kincaid. In fact, when I was approaching the last few days of my final session – a retirement party was to be held with Ozzie as the featured speaker. However just before the event scheduled for April 5, 1978 the legislature was shocked to learn of Ozzie’s untimely death. So the retirement party ended up being a wake for Ozzie. Upon adjournment, over 100 House members and Senators along with Attorney General Dick Turner led a procession from the Capitol steps down the west side to Norden Hall. Pallbearers carried his casket, with Art Small and myself being chief mourners. One of my severest critics for introducing Ozzie in the first place asked to be pallbearer. The pageantry of it all was featured on the front page of the Des Moines Register with a picture of the casket and pallbearers. As a side note, one of the Representatives that was a pall bearer told me few days later that he was supposed to drive home to his district for a meeting that night, but he called them to say he was working on important legislative business and could not return. He said just my luck I’m on the front page of the paper carrying the casket of a non-existent person. I felt bad and apologized if our highjinks got him in trouble at home. He said “I wouldn’t have missed it for anything.” After I left the legislature, I was still around as I worked in the Attorney Generals’ Office. Each year for 10 years Art Small and I wrote plays revolving around some major issue in the legislature that year with Ozzie coming back

to life in some heroic role after being touched by the wand of his fairy god mother. These plays always featured myself as some hapless do-gooder, being thwarted by legislative leaders who played themselves. My character is always saved by the return of Ozzie played by Art Small. Were they good plays? Probably not. Were they successful plays? Enormously successful. These played year in, and year out to crowds of 500 at the Savery Hotel waiting in anticipation not to see me the hapless do-gooder, or Art as Ozzie, but to see the fairy godmother played every year by Senator Dick Drake wearing a blonde wig, wearing a pink tutu, carrying a wand, while smoking a cigarette. Straight from central casting.

Now was such silliness appropriate for public officials back then? Did those plays bring more cooperation between the majority and minority? Probably not. Did those plays affect the vote on big issues? No. Did those plays impact the legislative process? Well let me just say that legislators of both parties laughed at and with themselves for three hours which made returning to the tough issues the next day a little easier. And why do I believe this—because people are still talking today about the plays that occurred thirty to forty years ago.

To the Pioneer class of 2017, we salute you for not only your service, but for your individual role in the history of this State; for your commitment to wanting to do what's right; and your struggle to figure out the right thing to do. It's been my observation that those who always start out knowing what's right struggle the most to achieve it.

I also salute the honorary members. Your legislative classmates achieve this status automatically. You have been invited. Among you are lobbyists, staff and press. Your role in making the process work is crucial and often unsung in importance until today.

Thomas Jefferson once mused that he thought a democracy should have an upheaval every twenty years, including blood being spilt to nourish the thirst for liberty. Even he did not foresee that the strength of the legislative process created by the founding fathers could avoid such catastrophe. Avoid it by allowing legislative bodies to consider, debate and even clash over the issues facing our citizens. And that alternative to periodic revolutions is what makes this job so hard and so necessary.

The pioneers, those serving today, and those who play a support role in the legislature are the heirs of Madison, Clay, Calhoun, Webster, Reed, and Allison. For those of you who are new legislators, this year, no doubt you will reminisce twenty years from now about the major issues of 2017, and how you did things so much better than the legislature of 2037. I hope also that ask yourselves about each other's families and about where their children are (some of whom you know by name). I hope you laugh about an exchange you had on the floor. I hope you remind yourselves regardless of party that you are part of a comradery that only truly understands what dynamics played on you when reaching a public policy decision. Even your toughest opponent on an issue was influenced by that same dynamic. In this we are all brothers and sisters.

On a personal note, I would like to recognize a double pioneer, Senator Wally Horn. Wally and I came to the House together in 1973. For several years we lived together (those stories are only told at the breakfast table in the cafeteria from 7–8 am each morning). Wally and I not only developed a lifelong friendship as a result of serving together, but he was the predominant influence on me to complete my education after I left the legislature. This was a profound effect on my life. My father preceded my mother in death and at my mother's funeral in December of 2014, I saw Phyliss and Wally walk in, they sat in the back just as we were to begin. I walked to the back and embraced them. I told them "Wally as long as I have you, I will never be an orphan"—and I will always feel that way. Senator Horn, you have served in this legislature for one quarter of the state's entire history and been my friend for two thirds of my life.

The legislature is composed of human beings charged with representing human beings. Therefore we have all the human traits of idealism, prejudice, bravery, cowardice, patience, impatience, high mindedness, and sometimes pettiness. In the late spring of 1977, I was sitting at my desk and the Speaker recognized a colleague who, in my view, was a self-appointed expert on every issue that came along and who felt the need to share that with us on nearly every issue debated. I turned to my clerk and asked her to prepare an announcement for the local press saying I would not seek re-election the following year. She asked me why I would do this and I said "I am sick and tired of listening to him and I'm not going to spend the rest of my life doing it". Despite her protests, the announcement was prepared and sent out. A week later, my clerk was reading one of the eastern Iowa papers and said "Oh look! Representative so and so (the self-appointed expert) has announced he's not running again either. He must have gotten sick and tired of listening to you". Well, some of you in this chamber may have come to that conclusion as well. So again, congratulations to our new pioneer lawmakers and thank you for allowing me the honor of addressing you today.

Representative Hagenow moved that the joint convention be dissolved.

The motion prevailed by a voice vote.

The Senate returned to the Senate chamber.

RECONVENED

The Senate reconvened at 3:02 p.m., President Whitver presiding.

QUORUM CALL

Senator Dix requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Feenstra, until he arrives, on request of Senator Dix.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Dix called up the appointment of Nancy Boettger as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2017, found on page 836 of the Senate Journal.

Senator Sinclair moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Feenstra

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Dix called up the appointment of Sherry Bates as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2017, found on page 836 of the Senate Journal.

Senator Rozenboom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

Allen	Danielson	Johnson, C.	Schneider
Anderson	Dawson	Johnson, D.	Schultz
Behn	Dix	Kapucian	Segebart
Bertrand	Dotzler	Kinney	Shiple
Bisignano	Dvorsky	Kraayenbrink	Sinclair
Bolkcom	Edler	Lofgren	Smith

Boulton	Garrett	Lykam	Taylor
Bowman	Greene	Mathis	Whitver
Breitbach	Guth	McCoy	Zaun
Brown	Hart	Petersen	Zumbach
Chapman	Hogg	Quirnbach	
Chelgren	Horn	Ragan	
Costello	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Feenstra

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Dix called up the appointment of Nancy Dunkel as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on March 30, 2017, found on page 836 of the Senate Journal.

Senator Rozenboom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 49:

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

Nays, none.

Absent, 1:

Feenstra

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 32

Senator Dix called up for consideration Senate File 32, a bill for an act relating to private sector employee drug testing, amended by the House in House amendment S-3276, filed April 4, 2017.

Senator Breitbach moved that the Senate concur in the House amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 32), the vote was:

Yeas, 47:

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

Nays, 3:

Bertrand	Chapman	Chelgren
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Absent, none.

The motion prevailed and the Senate **concurred** in the House amendment.

Senator Breitbach moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 32](#)), the vote was:

Yeas, 35:

Allen	Dix	Kapucian	Schultz
Anderson	Edler	Kinney	Segebart
Behn	Feenstra	Kraayenbrink	Shiple
Bowman	Garrett	Lofgren	Sinclair
Breitbach	Greene	Lykam	Smith
Brown	Guth	Mathis	Whitver
Chelgren	Hart	Ragan	Zaun
Costello	Hogg	Rozenboom	Zumbach
Dawson	Johnson, C.	Schneider	

Nays, 15:

Bertrand	Chapman	Horn	Petersen
Bisignano	Danielson	Jochum	Quirnbach
Bolkcom	Dotzler	Johnson, D.	Taylor
Boulton	Dvorsky	McCoy	

Absent, none.

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

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [Senate File 498](#).

[Senate File 498](#)

On motion of Senator Kraayenbrink, [Senate File 498](#), a bill for an act appropriating federal funds made available from federal block grants and other nonstate sources, allocating portions of federal block grants, providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dix asked and received unanimous consent that action on [Senate File 498](#) be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration [House File 146](#).

[House File 146](#)

On motion of Senator Edler, [House File 146](#), a bill for an act relating to notice requirements for actions for forcible entry and detainer, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Edler offered amendment [S-3270](#), filed by the committee on Judiciary on April 3, 2017, to page 1 of the bill, and moved its adoption.

Amendment [S-3270](#) was adopted by a voice vote.

Senator Edler 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. 146](#)), 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 32](#) and [House File 146](#) be **immediately messaged** to the House.

SPECIAL GUESTS

President Whitver introduced to the Senate chamber the Honorable Gene Fraise, former member of the Senate from Lee County, Fort Madison, Iowa.

The Senate rose and expressed its welcome.

President Whitver introduced to the Senate chamber the Honorable Neal Schuerer, former member of the Senate from Iowa County, Amana, Iowa.

The Senate rose and expressed its welcome.

President Whitver introduced to the Senate chamber the Honorable Larry McKibben, former member of the Senate from Marshall County, Marshalltown, 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 House Files 314, 410, and 472.

[House File 314](#)

On motion of Senator Smith, [House File 314](#), a bill for an act relating to the definition of utility maintenance vehicle, with report of committee recommending passage, was taken up for consideration.

Senator Smith offered amendment [S-3269](#), filed by him on March 31, 2017, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3269](#) was adopted by a voice vote.

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. 314](#)), 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	Shipley
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, as amended, was agreed to.

SPECIAL GUEST

President Whitver introduced to the Senate chamber the Honorable Jeff Angelo, former member of the Senate from Union County, Creston, Iowa.

The Senate rose and expressed its welcome.

[House File 410](#)

On motion of Senator Zumbach, [House File 410](#), a bill for an act classifying Palmer amaranth as a primary noxious weed and an invasive plant and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Zumbach offered amendment [S-3277](#), filed by him on April 4, 2017, to page 1 of the bill, and moved its adoption.

Amendment [S-3277](#) was adopted by a voice vote.

Senator Zumbach 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. 410](#)), 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	Shipley
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.

[House File 472](#)

On motion of Senator Kraayenbrink, [House File 472](#), a bill for an act relating to eligibility requirements for grant and loan forgiveness programs administered by the college student aid commission that provide assistance to elementary and secondary school teachers in this state, with report of committee recommending passage, was taken up for consideration.

Senator Kraayenbrink offered amendment [S-3286](#), filed by him on April 4, 2017, to page 1 and amending the title page of the bill, and moved its adoption.

Amendment [S-3286](#) was adopted by a voice vote.

Senator Kraayenbrink 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. 472](#)), 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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House Files 314, 410, and 472** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration House Files 541, 568, and 601.

[House File 541](#)

On motion of Senator Schultz, [House File 541](#), a bill for an act relating to licensed real estate professionals and real estate disclosure statements, with report of committee recommending passage, was taken up for consideration.

Senator Schultz 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. 541](#)), 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	Shipley
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.

[House File 568](#)

On motion of Senator Dawson, [House File 568](#), a bill for an act relating to pari-mutuel wagering, including horse and dog racing medication requirements and the applicability of certain setoff procedures to advance deposit wagering operators and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Dawson 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. 568](#)), 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	Shipley
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.

[House File 601](#)

On motion of Senator Chapman, [House File 601](#), a bill for an act providing for the confidentiality of certain cyber security and critical infrastructure information developed and maintained by a government body, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Chapman offered amendment [S-3268](#), filed by the committee on State Government on March 31, 2017, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3268](#) was adopted by a voice vote.

Senator Chapman 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. 601](#)), 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	Shipley
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, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House Files 541, 568, and 601** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 4:23 p.m. until 9:00 a.m., Thursday, April 6, 2017.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Jonathan David Hall, Granger—For achieving the rank of Eagle Scout, Troop 44. Senator Zaun.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: Wednesday, April 5, 2017, 1:00 p.m.

Members Present: Schneider, Chair; Kraayenbrink, Vice Chair; Bolkom, Ranking Member; Bertrand, Boulton, Chelgren, Danielson, Garrett, Greene, Guth, Hart, C. Johnson, Lofgren, Mathis, McCoy, Ragan, Shipley, and Zumbach.

Members Absent: Costello, Dotzler, and Rozenboom (all excused).

Committee Business: Approved [SF 454](#).

Adjourned: 1:45 p.m.

GOVERNMENT OVERSIGHT

Convened: Wednesday, April 5, 2017, 11:35 a.m.

Members Present: Breitbach, Chair; Sinclair, Vice Chair; Lofgren, and Petersen.

Members Absent: McCoy, Ranking Member (excused).

Committee Business: Passed [SSB 1184](#).

Adjourned: 11:45 a.m.

SUBCOMMITTEE ASSIGNMENTS

[House File 608](#)

WAYS AND MEANS: Feenstra, Chair; Jochum and Smith

[House File 617](#)

WAYS AND MEANS: Behn, Chair; Dotzler and Schultz

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Dr. Nicholas Chilcoat to Economic Development Authority (Reappointment) be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

ROBERT M. HOGG

AMENDMENTS FILED

S-3287	S.F. 350	Jerry Behn
S-3288	H.F. 393	Roby Smith

JOINT MEMORIAL SERVICE
EIGHTY-SEVENTH GENERAL ASSEMBLY
SENATE CHAMBER
WEDNESDAY, APRIL 5, 2017

PROGRAM

Senate President Jack Whitver, Presiding

“Iowa, My Iowa”Memorial Choir

Invocation.....President Jack Whitver

MEMORIALS

Readers: Rep. Hanusa, Rep. T. Taylor, Rep. Pettengill,
Sen. D. Johnson, Sen. Bowman

Hon. Laurence E. Allen [H]	Hon. Wayne D. Bennett [H/S]	Hon. Glen E. Bortell [H/S]
Hon. Lawrence D. Carstensen [H]	Hon. Richard L. Comito [S]	Hon. James Cooper Jr. [H]
Hon. Paul G. Copenhaver [H]	Hon. Aryln Danker [H]	Hon. Russell De Jong [H]
Hon. Jack Drake [H]	Hon. Josephine Gruhn [H]	Hon. Tom Hancock [S]

“American Anthem”Memorial Choir

MEMORIALS

Readers: Rep. Winckler, Sen. Dvorsky, Rep. Fisher, Sen. Bowman

Hon. H. Kay Hedge [S]	Hon. Joseph Hutter [H]	Hon. Dan Johnston [H]
Hon. Joseph Johnston [H]	Hon. Joan Miller Lipsky [H]	Hon. O. Gene Maddox [H/S]
Hon. Lillian McElroy [H]	Hon. Scott McIntyre [H]	Hon. Lester D. Menke [H]
Hon. Fred W. Nolting [H/S]	Hon. Rich Olive [S]	Hon. Denny Renaud [H]

“A Heart That Will Never Break Again”Rep. Andy McKean

MEMORIALS

Readers: Sen. Lykam, Rep. Sexton, Sen. Lofgren, Rep. Ourth, Rep. Hager

Hon. Sheldon L. Rittmer [S]	Hon. Dr. Joe M. Seng [H/S]	Hon. Art Small [H/S]
Hon. Donald W. Spencer [H]	Hon. David M. Stanley [H/S]	Hon. Ray Taylor [S]
Hon. Janis I. Torrence-Laughlin [H]	Hon. Arne F. Waldstein [S]	
Hon. Richard H. Walter [H]	Hon. Melvin H. Wolf [S]	Hon. Joann Yessler Orr [S]

Responsorial Reading.....Led by President Whitver

“God Be With You”Memorial Choir

SERVED IN THE SENATE

Honorable Richard L. Comito (Black Hawk) 68th, 69th, 69th X, 69th XX, G.A. (1979-1983)

Honorable Tom Hancock (Dubuque) 81st, 82nd, 83rd & 84th G.A. (2005-2013)

Honorable H. Kay Hedge (Mahaska) 73rd, 74th, 74th X, 74th XX, 75th, 76th, 77th & 78th G.A. (1989-2001)

Honorable Rich Olive (Story) 82nd & 83rd G.A. (2007-2011)

Honorable Sheldon L. Rittmer (Clinton) 74th, 74th X, 74th XX, 75th, 76th, 77th, 78th & 79th, 79th X, 79th XX G.A. (1991-2003)

Honorable Ray Taylor (Hardin) 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 74th X, 74th XX & 75th G. A. (1973-1995)

Honorable Arne F. Waldstein (Buena Vista) 68th, 69th, 69th X, 69th XX, 70th & 71st G.A. (1979-1987)

Honorable Melvin H. Wolf (Black Hawk) 58th & 59th G.A. (1959-1963)

Honorable Joann Yessler Orr (Poweshiek) 63rd, 65th, 66th, 67th & 68th G.A. (1969-1981)

SERVED IN THE SENATE AND IN THE HOUSE OF REPRESENTATIVES

Honorable Wayne D. Bennett (Ida) 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX, 75th & 76th G.A. (1973-1997)

Honorable Glen E. Bortell (Adair) 63rd, 65th & 66th G.A. (1970-1977)

Honorable O. Gene Maddox (Polk) 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 80th, 80th X, 80th XX & 81st G.A. (1993-2007)

Honorable Fred W. Nolting (Black Hawk) 63rd, 66th & 67th, 67th X, G.A. (1969-1979)

Honorable Dr. Joe M. Seng (Scott) 79th, 79th X, 79th XX, 80th, 80th X, 80th XX, 81st, 81st X, 82nd, 83rd, 84th, 85th & 86th G.A. (2001-2016)

Honorable Art Small (Johnson) 64th, 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, 70th & 71st G.A. (1971-1987)

Honorable David M. Stanley (Muscatine) 58th, 59th, 60th, 61st, 62nd, 63rd & 65th G.A. (1959-1975)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Laurence E. Allen (Pottawattamie) 62nd G.A. (1967-1969)

Honorable Lawrence D. Carstensen (Clinton) 58th, 59th, 60th & 60th X G.A. (1959-1965)

Honorable James Cooper Jr. (Lucas) 70th, 71st & 72nd, 72nd X, 72nd XX G.A. (1983-1989)

Honorable Paul G. Copenhaver (Buchanan) 69th, 69th X, 69th XX & 70th G.A. (1981-1985)

Honorable Aryln E. Danker (Pottawattamie) 65th, 66th, 67th, 67th X, 68th & 69th, 69th X, & 69th XX G.A. (1973-1983)

Honorable Russell De Jong (Marion) 65th G.A. (1973-1975)

Honorable Jack Drake (Pottawattamie/Cass) 75th, 76th, 77th, 78th, 79th, 79th X, 79th XX, 80th, 80th X, 80th XX, 81st, 81st X, 82nd, 83rd, 84th, 85th & 86th G.A. (1993-2015)

Honorable Josephine Gruhn (Dickinson) 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X & 74th XX G.A. (1983-1993)

Honorable Joseph Hutter (Scott) 80th, 81st & 81st X G.A. (2003-2007)

Honorable Dan Johnston (Polk) 62nd G.A. (1967-1969)

Honorable Joseph Johnston (Johnson) 63rd & 64th G.A. (1969-1973)

Honorable Joan Miller Lipsky (Linn) 62nd, 63rd, 64th, 65th, 66th, 67th & 67th X G.A. (1967-1979)

Honorable Lillian McElroy (Fremont) 64th, 65th & 66th G.A. (1971-1977)

Honorable Scott "Scotty" McIntyre (Linn) 62nd & 63rd G.A. (1967-1971)

Honorable Lester D. Menke (O'Brien) 65th, 66th, 67th, 67th X, 68th, 69th, 69th X, 69th XX, & 70th G.A. (1973-1985)

Honorable Dennis "Denny" Renaud (Polk) 69th, 69th X, 69th XX, 70th, 71st, 72nd, 72nd X, 72nd XX, 73rd, 74th, 74th X, 74th XX & 75th G.A. (1981-1995)

Honorable Donald W. Spencer (Clay) 66th, 67th & 67th X G.A. (1975-1979)

Honorable Janis I. Torrence-Laughlin (Muscatine) 70th & 71st G.A. (1983-1987)

Honorable Richard H. Walter (Pottawattamie) 63rd G.A. (1969-1971)

Senate Memorial Committee

Senator Tony Bisignano

Senator Bill Dotzler

Senator Julian Garrett

Senator David Johnson

Senator Amanda Ragan

Senator Brad Zaun

House Memorial Committee

Representative Rob Bacon

Representative Terry Baxter

Representative Dean Fisher

Representative Jerry Kearns

Representative Vicki Lensing

Candle Lighters

Representative Mary Gaskill

Representative Bruce Hunter

Senator Craig Johnson

Representative Dave Maxwell

Senator Amanda Ragan

Senator Roby Smith

Hosts

Ms. Nancy Garrett

Senator Dennis Guth

Ms. Lyra Halsten

Senator Wally Horn

Mr. Ron Parker

Ms. Phyllis Petersen

Senator Mark Segebart

Choir Director: Rep. Rob Bacon; Pianist: Ms. Margaret Guth

Video recording: Craig Cronbaugh

Co-Coordinators: Meghan Nelson [House] & Maureen Taylor [Senate]

Flowers Arranged by Doherty Flowers, Des Moines, Iowa

Refreshments provided by Hy-Vee