

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, OCTOBER 5, 2021

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JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY
EXTRAORDINARY SESSION

Senate Chamber
Des Moines, Iowa, Tuesday, October 5, 2021

Pursuant to the proclamation of the Governor, the Honorable Kim Reynolds, convening the Eighty-Ninth General Assembly in Extraordinary Session, the Senate was called to order at 10:05 a.m. by the Honorable Jake Chapman, President of the Senate.

Prayer and pledge were offered by the Honorable Jake Chapman, president of the Senate from Dallas County, Adel, Iowa.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

STATE OF IOWA
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION

Whereas, on February 12, 2021, the United States Census Bureau announced that the delivery of redistricting data to the states would be significantly delayed from the Bureau's original plan to deliver data by March 31, 2021; and

Whereas, on May 19, 2021, the 2021 Regular Session of the Eighty-Ninth General Assembly adjourned sine die with the adoption of [House Concurrent Resolution 12](#); and

Whereas, the General Assembly did not enact a plan of legislative and congressional districting in accordance with Chapter 42 of the Iowa Code before adjournment of the Regular Session, due to the delay in delivery of Census Bureau data; and

Whereas, the Census Bureau has now released redistricting data to the State of Iowa; and

Whereas, Article III, Section 35 of the Constitution of the State of Iowa provides that if the apportionment of senatorial and representative districts fails to become law prior to September 15, 2021, “the supreme court shall cause the state to be apportioned into senatorial and representative districts to comply with the requirements of the Constitution prior to December 31 of such year”; and

Whereas, the Iowa Supreme Court, in a statement dated April 8, 2021, announced its tentative plan to permit, to the extent possible, the redistricting framework presently set forth in chapter 42 of the Iowa Code to proceed after September 15, 2021; and

Whereas, the Eighty-Ninth General Assembly should therefore convene in extraordinary session to consider and enact a plan of legislative and congressional districting in accordance with the framework set forth in chapter 42 of the Iowa Code.

Now, Therefore, I, Kim Reynolds, Governor of the State of Iowa, by virtue of the authority vested in me by Article III, Section 2 and Article IV, Section 11 of the Constitution of the State of Iowa, do hereby convene the Eighty-Ninth General Assembly in extraordinary session in Des Moines, Iowa, at 10:00 a.m. on the Fifth day of October, 2021. The purpose of the extraordinary session shall be for the General Assembly to consider and enact a plan of legislative and congressional districting in accordance with Chapter 42 of the Iowa Code.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed at Des Moines, Iowa, this fourteenth day of September in the year Of our Lord Two Thousand Twenty-One.

KIM REYNOLDS, Governor

Attest:

PAUL D. PATE
Secretary of State

ORGANIZATION OF THE SENATE

Senator Whitver moved that the selection of seats, determination of mileage of senators, assignment of press seats, and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for the Extraordinary Session as for the 2021 Regular Session of the Eighty-Ninth General Assembly.

The motion prevailed by a voice vote.

SECRETARY TO NOTIFY THE
GOVERNOR AND THE HOUSE

Senator Whitver moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate is organized and ready to transact business and receive any messages that they may transmit.

The motion prevailed by a voice vote.

Senator Whitver asked and received unanimous consent for the committee on State Government to meet at 11:00 a.m.

RECESS

On motion of Senator Whitver, the Senate recessed at 10:12 a.m. until the completion of a meeting of the committee on State Government.

RECONVENED

The Senate reconvened at 11:12 a.m., President Chapman presiding.

RECESS

On motion of Senator Whitver, the Senate recessed at 11:13 a.m. until 12:00 p.m.

RECONVENED

The Senate reconvened at 12:11 p.m., President Chapman presiding.

INTRODUCTION OF BILL

[Senate File 620](#), by committee on State Government, a bill for an act providing for congressional and legislative districts and including effective date provisions.

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

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: [SENATE FILE 620 \(SSB 1277\)](#), a bill for an act providing for congressional and legislative districts and including effective date provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Yeas, 15: R. Smith, Cournoyer, Bisignano, Boulton, Brown, Celsi, Dawson, Giddens, Goodwin, Guth, Jochum, Johnson, Koelker, Reichman, and Schultz. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 620](#).

[Senate File 620](#)

On motion of Senator R. Smith, [Senate File 620](#), a bill for an act providing for congressional and legislative districts and including effective date provisions, with report of committee without recommendation, was taken up for consideration.

Senator R. 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?" ([S.F. 620](#)), the vote was:

Yeas, 18:

Bisignano	Bolkcom	Boulton	Celsi
Dotzler	Giddens	Hogg	Jochum
Kinney	Lykam	Mathis	Petersen
Quirnbach	Ragan	Smith, J.	Taylor, T.
Trone Garriott	Wahls		

Nays, 32:

Brown	Carlin	Chapman	Costello
Cournoyer	Dawson	Dickey	Driscoll
Edler	Garrett	Goodwin	Green
Guth	Johnson	Klimesh	Koelker
Kraayenbrink	Lofgren	Nunn	Reichman
Rozenboom	Schultz	Shiple	Sinclair
Smith, R.	Sweeney	Taylor, J.	Whiting
Whitver	Williams	Zaun	Zumbach

Absent, none.

The bill, not having received a constitutional majority, was declared to have failed to pass the Senate.

RECESS

On motion of Senator Whitver, the Senate recessed at 12:38 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:17 p.m., President Chapman presiding.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 8](#), by Rules and Administration, a concurrent resolution to provide for adjournment sine die.

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

[Senate Resolution 9](#), by Rules and Administration, a resolution advising the legislative services agency of the reasons for the Senate's rejection of [Senate File 620](#).

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

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE CONCURRENT RESOLUTION 8](#), a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Yeas, 11: Whitver, Chapman, Wahls, Bolkcom, Jochum, Ragan, Sinclair, R. Smith, Whiting, Zaun, and Zumbach. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 9 \(SSB 1278\)](#), a resolution advising the legislative services agency of the reasons for the Senate's rejection of [Senate File 620](#).

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Yeas, 7: Whitver, Chapman, Sinclair, R. Smith, Whiting, Zaun, and Zumbach. Nays, 4: Wahls, Bolkcom, Jochum, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 9](#) and Senate Concurrent 8.

[Senate Resolution 9](#)

On motion of Senator Whitver, [Senate Resolution 9](#), a resolution advising the legislative services agency of the reasons for the Senate's rejection of [Senate File 620](#), was taken up for consideration.

Senator Whitver moved the adoption of [Senate Resolution 9](#), which motion prevailed by a voice vote.

A record roll call was requested.

On the question “Shall the resolution be adopted? ([S.R. 9](#)), the vote was:

Yeas, 32:

Brown	Carlin	Chapman	Costello
Cournoyer	Dawson	Dickey	Driscoll
Edler	Garrett	Goodwin	Green
Guth	Johnson	Klimesh	Koelker
Kraayenbrink	Lofgren	Nunn	Reichman
Rozenboom	Schultz	Shipley	Sinclair
Smith, R.	Sweeney	Taylor, J.	Whiting
Whitver	Williams	Zaun	Zumbach

Nays, 18:

Bisignano	Bolkcom	Boulton	Celsi
Dotzler	Giddens	Hogg	Jochum
Kinney	Lykam	Mathis	Petersen
Quirnbach	Ragan	Smith, J.	Taylor, T.
Trone Garriott	Wahls		

Absent, none.

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate.

[Senate Concurrent Resolution 8](#)

On motion of Senator Whitver, [Senate Concurrent Resolution 8](#), a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Whitver moved the adoption of [Senate Concurrent Resolution 8](#), which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that [Senate Concurrent Resolution 8](#) be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE
GOVERNOR AND THE HOUSE

Senator Whitver moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate has completed its duties.

The motion prevailed by a voice vote.

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 October 5, 2021, **adopted** the following resolution in which the concurrence of the House was asked:

[Senate Concurrent Resolution 8](#), a concurrent resolution to provide for adjournment sine die.

FINAL ADJOURNMENT

By virtue of [Senate Concurrent Resolution 8](#), duly adopted, President Chapman declared the 2021 Extraordinary Session of the Eighty-Ninth General Assembly adjourned sine die.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: Tuesday, October 5, 2021, 1:00 p.m.

Members Present: Whitver, Chair; Chapman, Vice Chair; Wahls, Ranking Member; Bolkcom, Jochum, Ragan, Sinclair, R. Smith, Whiting, Zaun, and Zumbach.

Members Absent: None.

Committee Business: [SSB 1278](#), [SCR 8](#).

Adjourned: 1:30 p.m.

STATE GOVERNMENT

Convened: Tuesday, October 5, 2021, 11:05 a.m.

Members Present: R. Smith, Chair; Cournoyer, Vice Chair; Bisignano, Ranking Member; Boulton, Brown, Celsi, Dawson, Giddens, Goodwin, Guth, Jochum, Johnson, Koelker, Reichman, and Schultz.

Members Absent: None.

Committee Business: Subcommittee of the Whole for [SSB 1277](#). Consideration of [SSB 1277](#).

Adjourned: 11:10 a.m.

STUDY BILLS RECEIVED**[SSB 1277](#) State Government**

Providing for congressional and legislative districts and including effective date provisions.

[SSB 1278](#) Rules and Administration

Advising the legislative services agency of the reasons for the Senate's rejection of [Senate File 620](#).

SUBCOMMITTEE ASSIGNMENTS**[SSB 1277](#)**

STATE GOVERNMENT: R. Smith, Chair; Bisignano, Boulton, Brown, Celsi, Cournoyer, Dawson, Giddens, Goodwin, Guth, Jochum, Johnson, Koelker, Reichman, and Schultz

[SSB 1278](#)

RULES AND ADMINISTRATION: Whitver, Chair; Bolkeom, Chapman, Jochum, Ragan, Sinclair, R. Smith, Wahls, Whiting, Zaun, and Zumbach

REPORTS OF THE SECRETARY OF THE SENATE

July 1, 2021

The Honorable Jake Chapman
Senate President
Via Email

Re: Clarification of [Senate File 342](#) Enactment Date

Dear Mr. President:

When [Senate File 342](#) was in the process of being approved for enactment, the bill was marked as being approved on May 17, 2021. However, the Bill History for [Senate File 342](#) reflects a date of June 17, 2021. In order to remove any confusion concerning this matter, I am hereby submitting this letter to you as follows:

1. On April 14, 2021, [Senate File 342](#) passed the House 63-30 and later that day was “immediately messaged to the Senate.” See House Journal for Wednesday, April 14, 2021, pages 959-961 (94th Day).
2. On May 17, 2021, [Senate File 342](#) passed the Senate as amended 27-18 and later that day was “immediately messaged to the House.” See Senate Journal for Monday, May 17, 2021, page 1063 (127th Day).
3. On May 18, 2021, the House concurred in the Senate’s amendment to [Senate File 342](#) and passed the bill as amended 56-35. See House Journal for Tuesday, May 18, 2021, pages 1169-1170 (128th Day).
4. On June 3, 2021, [Senate File 342](#) was reported as “correctly enrolled, signed by President and Speaker, and sent to Governor.” See the Secretary of the Senate’s Letter to the Senate President on page 1149 of the “Senate Reports Received After Adjournment.”
5. On June 17, 2021, the Governor sent a “transmittal letter” to the Secretary of State with copies to the Secretary of the Senate and the Chief Clerk of the House stating that [Senate File 342](#) was “hereby approved on this date.” This letter is part of the Senate’s official records and is also found on the General Assembly’s Web site at:
<https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=sf342>

For these reasons, it is impossible for [Senate File 342](#) to have been signed prior to June 17, 2021, and any earlier date is merely a scrivener’s error and has no legal impact on the implementation of the bill.

Sincerely,

W. Charles Smithson
Secretary of the Senate

cc: Jack Whitver, Senate Majority Leader

September 27, 2021

Dear Members of the Iowa Senate:

1. Iowa Code section 42.3(1)(a) contains the following directive related to redistricting:

“It is the intent of this chapter that the general assembly shall bring the bill to a vote in either the senate or the house of representatives expeditiously, but not less than three days after the report of the commission required by section 42.6 is received and made available to the members of the general assembly....”

2. I am hereby notifying you that I have received the report on behalf of the Senate and am making the same available to each member of the Senate herein by sending you the attached report.

<https://www.legis.iowa.gov/docs/publications/IP/1230542.pdf>

Sincerely,

W. Charles Smithson
Secretary of the Senate

October 5, 2021

Tim McDermott
Acting Director
Legislative Services Agency
Via Email

Re: [Notice of Failure to Approve Plan 1](#)

Dear Acting Director McDermott:

Iowa Code section 42.3(1)(a) requires certain actions for the preparation and vote on any proposed bill “embodying a plan of legislative and congressional districting....” The statute includes a requirement that if the “bill embodying the plan submitted by the legislative services agency...fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once, but in no event later than seven days after the date the bill failed to be approved, transmit to the legislative services agency information which the senate or house may direct by resolution regarding reasons why the plan was not approved.” Pursuant to Joint Rule 24, the directive for such a resolution is mandatory.

The purpose of this letter is to provide notice that on October 5, 2021, [Senate File 620](#) “fails to be approved by a constitutional majority” in the Senate by a vote of 18-32. The reasons for the rejection and the direction to the Legislative Services Agency are contained in attached [Senate Resolution 9](#) that passed the Senate 32-18.

If you have any questions or concerns, please notify me.

Sincerely,

W. Charles Smithson
Secretary of the Senate