

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 9, 2019

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JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 9, 2019

The Senate met in regular session at 9:00 a.m., President Schneider presiding.

Prayer was offered by Reverend Dr. Steve Turner, president of Iowa District West, The Lutheran Church–Missouri Synod in Fort Dodge, Iowa. He was the guest of Senator Kraayenbrink.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ami Penquite.

The Journal of Monday, April 8, 2019, was approved.

RECESS

On motion of Senator Whitver, the Senate recessed at 9:03 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:06 a.m., President Schneider presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 19](#), a resolution for congratulating and honoring University of Iowa wrestler Spencer Lee for his outstanding wrestling accomplishments, including a second consecutive National Collegiate Athletic Association wrestling championship title at the 125 pound weight-class.

Recommendation: DO PASS.

Final Vote: Yeas, 10: Whitver, Schneider, Petersen, Behn, Bolkcom, Chapman, Jochum, Ragan, Sinclair, and R. Smith. Nays, none. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 19](#).

[Senate Resolution 19](#)

On motion of Senator Kinney, [Senate Resolution 19](#), a resolution for congratulating and honoring University of Iowa wrestler Spencer Lee for his outstanding wrestling accomplishments, including a second consecutive National Collegiate Athletic Association wrestling championship title at the 125 pound weight-class, with report of committee recommending passage, was taken up for consideration.

Senator Kinney moved the adoption of [Senate Resolution 19](#), which motion prevailed by a voice vote.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:22 a.m., President Schneider presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Feenstra, until he arrives, on request of Senator Whitver; and Senator Bisignano, until he arrives, on request of Senator Petersen.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Whitver called up the appointment of Chris Kramer as Director of the Department of Cultural Affairs, placed on the Individual Confirmation Calendar on March 26, 2019, found on page 753 of the Senate Journal.

Senator R. Smith moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbart
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
ShIPLEY	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

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

Senator Whitver called up the appointment of Debi Durham as Director of the Economic Development Authority, placed on the Individual Confirmation Calendar on April 2, 2019, found on page 843 of the Senate Journal.

Senator R. Smith moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbach
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shiple	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

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

Senator Whitver called up the appointment of Phil Hemingway as a member of the Board of Educational Examiners, placed on the Individual Confirmation Calendar on April 1, 2019, found on page 818 of the Senate Journal.

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

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

Yeas, 31:

Behn	Breitbach	Brown	Carlin
Chapman	Costello	Cournoyer	Dawson
Edler	Garrett	Greene	Guth
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Miller-Meeks	Nunn
Rozenboom	Schneider	Schultz	Segebart
Shiple	Sinclair	Smith, R.	Sweeney
Whiting	Zaun	Zumbach	

Nays, 17:

Bolkcom	Boulton	Celsi	Dotzler
Giddens	Hogg	Jochum	Lykam
Mathis	Petersen	Quirnbach	Ragan
Smith, J.	Taylor, R.	Taylor, T.	Wahls
Whitver			

Absent, 2:

Bisignano	Feenstra
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The appointee, having failed to receive a two-thirds vote, was declared to have not been confirmed by the Senate.

Senator Whitver called up the appointment of Rod Roberts as Labor Commissioner, placed on the Individual Confirmation Calendar on April 3, 2019, found on page 853 of the Senate Journal.

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

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

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbach
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shiple	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

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

CONSIDERATION OF BILLS
(Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 329, 368, and 379.

Senate File 329

On motion of Senator Garrett, **Senate File 329**, a bill for an act relating to expert witness testimony in child sexual abuse and child endangerment cases, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Garrett 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. 329**), the vote was:

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbart
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shiple	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Bisignano	Feenstra
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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 368

On motion of Senator Chapman, [Senate File 368](#), a bill for an act relating to restrictions on lawful preexisting nonconforming uses by cities and counties, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Chapman offered amendment [S-3071](#), filed by him on March 25, 2019, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3071](#) was adopted by a voice vote.

Senator Chapman asked and received unanimous consent that [House File 701](#) be substituted for [Senate File 368](#).

House File 701

On motion of Senator Chapman, [House File 701](#), a bill for an act relating to restrictions on lawful preexisting nonconforming uses by cities and counties, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

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. 701](#)), the vote was:

Yeas, 35:

Behn	Breitbach	Brown	Carlin
Chapman	Costello	Cournoyer	Dawson
Edler	Garrett	Greene	Guth
Johnson	Kapucian	Kinney	Koelker
Kraayenbrink	Lofgren	Lykam	Miller-Meeks
Nunn	Rozenboom	Schneider	Schultz
Segebart	Shipley	Sinclair	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Whiting
Whitver	Zaun	Zumbach	

Nays, 13:

Bolkcom	Boulton	Celsi	Dotzler
Giddens	Hogg	Jochum	Mathis
Petersen	Quirnbach	Ragan	Smith, J.
Wahls			

Absent, 2:

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

WITHDRAWN

Senator Chapman asked and received unanimous consent that [Senate File 368](#) be **withdrawn** from further consideration of the Senate.

[Senate File 379](#)

On motion of Senator Garrett, [Senate File 379](#), a bill for an act relating to qualifications to practice law in Iowa and regulation of persons admitted to practice law in a jurisdiction of the United States other than Iowa, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Garrett 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. 379](#)), the vote was:

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbach
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks

Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
ShIPLEY	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Bisignano Feenstra

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

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **Senate Files 329** and **379** and [House File 701](#) be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 542 and 546.

[Senate File 542](#)

On motion of Senator Carlin, [Senate File 542](#), a bill for an act relating to reimbursement for dually eligible Medicare and Medicaid members receiving the Medicare hospice benefit and Medicaid-only members electing the hospice benefit in a nursing facility, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Carlin asked and received unanimous consent that [House File 518](#) be **substituted** for [Senate File 542](#).

House File 518

On motion of Senator Carlin, [House File 518](#), a bill for an act relating to reimbursement for dually eligible Medicare and Medicaid members receiving the Medicare hospice benefit and Medicaid-only members electing the hospice benefit in a nursing facility, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Carlin 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. 518](#)), the vote was:

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbart
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

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

WITHDRAWN

Senator Carlin asked and received unanimous consent that [Senate File 542](#) be **withdrawn** from further consideration of the Senate.

[Senate File 546](#)

On motion of Senator Whiting, [Senate File 546](#), 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 retroactive applicability provisions, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Whiting offered amendment [S-3013](#), filed by the committee on Judiciary on March 7, 2019, to pages 87–88 of the bill, and moved its adoption.

Amendment [S-3013](#) was adopted by a voice vote.

Senator Whiting asked and received unanimous consent that [House File 679](#) be substituted for [Senate File 546](#).

[House File 679](#)

On motion of Senator Whiting, [House File 679](#), 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 retroactive applicability provisions, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Whiting offered amendment [S-3140](#), filed by him from the floor to page 36 of the bill, and moved its adoption.

Amendment [S-3140](#) was adopted by a voice vote.

Senator Whiting 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. 679](#)), the vote was:

Yeas, 48:

Behn	Bolkcom	Boulton	Breitbach
Brown	Carlin	Celsi	Chapman
Costello	Cournoyer	Dawson	Dotzler
Edler	Garrett	Giddens	Greene
Guth	Hogg	Jochum	Johnson
Kapucian	Kinney	Koelker	Kraayenbrink
Lofgren	Lykam	Mathis	Miller-Meeks
Nunn	Petersen	Quirnbach	Ragan
Rozenboom	Schneider	Schultz	Segebart
Shipley	Sinclair	Smith, J.	Smith, R.
Sweeney	Taylor, R.	Taylor, T.	Wahls
Whiting	Whitver	Zaun	Zumbach

Nays, none.

Absent, 2:

Bisignano Feenstra

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

WITHDRAWN

Senator Whiting asked and received unanimous consent that [Senate File 546](#) be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that **House Files 518** and **679** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 530](#).

Senate File 530

On motion of Senator Greene, [Senate File 530](#), a bill for an act relating to the dispensing of insulin in emergency situations, and providing for insurance coverage, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Greene offered amendment [S-3143](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3143](#) was adopted by a voice vote.

Senator Greene asked and received unanimous consent that [House File 700](#) be **substituted** for [Senate File 530](#).

House File 700

On motion of Senator Greene, [House File 700](#), a bill for an act relating to the dispensing of insulin in emergency situations, and providing for insurance coverage, placed on the Unfinished Business Calendar on April 4, 2019, was taken up for consideration.

Senator Greene offered amendment [S-3141](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-3141](#) was adopted by a voice vote.

Senator Greene 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. 700](#)), the vote was:

Yeas, 49:

Behn	Bisignano	Bolkcom	Boulton
Breitbach	Brown	Carlin	Celsi
Chapman	Costello	Cournoyer	Dawson
Dotzler	Edler	Garrett	Giddens
Greene	Guth	Hogg	Jochum
Johnson	Kapucian	Kinney	Koelker

Kraayenbrink	Lofgren	Lykam	Mathis
Miller-Meeks	Nunn	Petersen	Quirnbach
Ragan	Rozenboom	Schneider	Schultz
Segebart	ShIPLEY	Sinclair	Smith, J.
Smith, R.	Sweeney	Taylor, R.	Taylor, T.
Wahls	Whiting	Whitver	Zaun
Zumbach			

Nays, none.

Absent, 1:

Feenstra

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

WITHDRAWN

Senator Greene asked and received unanimous consent that [Senate File 530](#) be **withdrawn** from further consideration of the Senate.

SPECIAL GUEST

President Schneider introduced to the Senate chamber the Honorable Jim Griffin, former member of the Senate from Pottawattamie County, Council Bluffs, Iowa.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Whitver asked and received unanimous consent that [House File 700](#) be **immediately messaged** to the House.

RECONVENED

The Senate reconvened at 1:39 p.m., President Schneider presiding.

The Senate stood at ease at 1:39 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:14 p.m., President Schneider presiding.

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 2:14 p.m. until 9:00 a.m., Wednesday, April 10, 2019.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Tuesday, April 9, 2019, 9:00 a.m.

Members Present: Whitver, Chair; Schneider, Vice Chair; Petersen, Ranking Member; Behn, Bolkcom, Chapman, Jochum, Ragan, Sinclair, and R. Smith.

Members Absent: Feenstra (excused).

Committee Business: [SR 19](#) and [SR 21](#).

Adjourned: 9:05 a.m.

SUBCOMMITTEE ASSIGNMENT

[House File 758](#)

EDUCATION APPROPRIATIONS: Kraayenbrink, Chair; Koelker, Quirmbach, Sinclair, and Wahls

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 21](#), a resolution for recognizing the impact of the Iowa Tuition Grant program on Iowa's citizens, towns, and cities, and honoring the efforts of Governor Robert D. Ray and the legislative leaders of the 63rd Iowa General Assembly on the 50th anniversary of the program.

Recommendation: DO PASS.

Final Vote: Yeas, 10: Whitver, Schneider, Petersen, Behn, Bolkcom, Chapman, Jochum, Ragan, Sinclair, and R. Smith. Nays, none. Absent, 1: Feenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT, I move to reconsider the vote by which the confirmation of Phil Hemingway failed to be approved by the Senate on April 9, 2019.

JACK WHITVER

AMENDMENTS FILED

S-3138	S.F. 608	Robert M. Hogg
S-3139	S.F. 608	Robert M. Hogg
S-3140	H.F. 679	Zach Whiting
S-3141	H.F. 700	Thomas A. Greene
S-3142	S.F. 608	Janet Petersen
S-3143	S.F. 530	Thomas A. Greene
S-3144	S.F. 608	Claire Celsi
S-3145	S.F. 424	Dan Dawson
S-3146	S.F. 425	Dan Dawson
S-3147	H.F. 311	Dan Zumbach