

PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 16, 2018

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JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 16, 2018

The Senate met in regular session at 1:06 p.m., President Schneider presiding.

Prayer was offered by Pastor Todd Heartstock of the United Methodist Church in Titonka, Iowa. He was the guest of Senator Guth.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Talise Tesar.

The Journal of Thursday, April 12, 2018, was approved.

COMMITTEE ON CREDENTIALS

Senator Whitver moved that a committee of five be appointed as a committee on credentials.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Sinclair, Chair; Kraayenbrink, Carlin, Jochum, and Ragan.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the Eighty-seventh General Assembly.

AMY SINCLAIR, Chair
TIM KRAAYENBRINK
JIM CARLIN
PAM JOCHUM
AMANDA RAGAN

STATE OF IOWA

Office of the
Secretary Of State
 CERTIFICATION

To the Honorable Secretary of the Senate:

I, PAUL D. PATE, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the Special Election held on April 10, 2018, the following named person was duly elected to the office of State Senate for residue of the term ending January 2, 2019:

25th Annette Sweeney

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this sixteenth day of April, 2018.

PAUL D. PATE
 Secretary of State

I hereby acknowledge receipt of the original copy of this document on this sixteenth day of April, 2018.

W. Charles Smithson
 Secretary of the Senate

State of Iowa
Abstract of Votes

We, the undersigned members of the State Board of Canvassers, hereby certify the following to be a true and correct abstract of the votes cast at the Special Election held on Tuesday, April 10, 2018, for the office of State Senator District 25 as shown by the county abstract returns.

State Senator District 25

Annette Sweeney, Republican Party	Received five thousand two hundred and eleven (5,211) votes
Tracy Freese, Democratic Party	Received three thousand three hundred ninety-seven (3,397) votes
Scattering	Received five (5) votes
Total	Eight thousand six hundred and thirteen (8,613)

We therefore declare:

Annette Sweeney duly elected to fill a vacancy for the office of the State Senate District 25 for the residue of the term ending January 2, 2019.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Iowa at Des Moines, this Monday, April 16, 2018.

BOARD OF STATE CANVASSERS

KIM REYNOLDS
PAUL D. PATE
MARY MOSIMAN
MICHAEL L. FITZGERALD
MIKE NAIG

On motion of Senator Sinclair, the report was duly adopted by a voice vote, and the duly elected senator appeared before the bar of the Senate, was duly sworn, and subscribed her name to the oath of office.

OATH OF OFFICE

Senator Sweeney was administered the oath of office by the President of the Senate, Charles Schneider.

RECESS

On motion of Senator Whitver, the Senate recessed at 1:13 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX—1

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

IOWA LOTTERY AUTHORITY

Quarterly Report, pursuant to Iowa Code section 99G.7. Report received on April 13, 2018.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: Monday, April 16, 2018, 1:05 p.m.

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

Members Absent: None.

Committee Business: SRs 119, 120, 121, and 122.

Adjourned: 1:10 p.m.

INTRODUCTION OF RESOLUTIONS

[Senate Resolution 119](#), by committee on Rules and Administration, a resolution for honoring Senator Rick Bertrand for his years of service in the Iowa Senate.

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

[Senate Resolution 120](#), by committee on Rules and Administration, a resolution for honoring Senator Robert (Bob) E. Dvorsky for his 34 years of service in the General Assembly.

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

[Senate Resolution 121](#), by committee on Rules and Administration, a resolution for honoring Senator Mark Chelgren for his years of service to the people of Iowa.

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

[Senate Resolution 122](#), by committee on Rules and Administration, a resolution for honoring Senator Wally E. Horn for over four decades of service in the Iowa General Assembly.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 119](#), a resolution for honoring Senator Rick Bertrand for his years of service in the Iowa Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 120](#), a resolution for honoring Senator Robert (Bob) E. Dvorsky for his 34 years of service in the General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 121](#), a resolution for honoring Senator Mark Chelgren for his years of service to the people of Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [SENATE RESOLUTION 122](#), a resolution for honoring Senator Wally E. Horn for over four decades of service in the Iowa General Assembly.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Whitver, Schneider, Petersen, Behn, Chapman, Dvorsky, Feenstra, Jochum, Ragan, Sinclair, and Smith. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 1:16 p.m., President Schneider presiding.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:25 p.m., President Schneider presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 122](#).

[Senate Resolution 122](#)

On motion of Senator Hogg, [Senate Resolution 122](#), a Resolution honoring Senator Wally E. Horn for over four decades of service in the Iowa General Assembly. WHEREAS, Wally E. Horn was first elected to the House of Representatives in 1972, and after five terms he was elected to the Senate in 1982; and WHEREAS, after serving in the United States Army and working for over 30 years as a teacher, coach, and facilitator in Cedar Rapids schools, Senator Horn has been a champion for educational and veterans issues; and WHEREAS, over four decades, Senator Horn, with the capable assistance of his wife, Phyllis Peterson, served as Majority Leader of the Senate; as chair of the Legislative Council and of the Rules and Administration, Ethics, Veterans Affairs, Labor and Business Relations, and Administrative Rules Review committees and on a wide array of other committees, currently serving on the Ethics (ranking member), State Government, Transportation, Veterans Affairs (ranking member), and Administrative Rules Review committees; and as keeper of the candy desk; and WHEREAS, Senator Horn has demonstrated a dedication to civic engagement through membership and service in numerous organizations including the National Conference of State Legislatures Executive Committee, Council of State Governments, Midwest Legislators Executive Committee, Executive Board of the Democratic Legislative Campaign Committee, Veterans of Foreign Wars,

American Legion, and numerous other community groups in Cedar Rapids, and as president of the Cedar Rapids Teachers Association; and WHEREAS, Senator Horn received the Hoover Uncommon Public Service Award in 2015, which is awarded to legislators who exemplify President Herbert Hoover's humanitarian efforts and have gone above and beyond the call of duty to demonstrate uncommon service and commitment to the people of Iowa; and WHEREAS, with 46 years of service, Senator Horn is the longest serving legislator in Iowa history, earning the title of Dean of the Senate; NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate honors Senator Wally E. Horn for his four decades of service to the people of Iowa and wishes him all the best in the years to come, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Horn.

Senator Sinclair took the chair at 2:39 p.m.

President Schneider took the chair at 3:23 p.m.

Senator Hogg moved the adoption of [Senate Resolution 122](#), which motion prevailed by a voice vote.

Senator Horn addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bertrand and Zumbach, until they arrive, on request of Senator Whitver.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 2443](#).

House File 2443

On motion of Senator Dawson, [House File 2443](#), A bill for an act relating to the delinquency jurisdiction of the juvenile court and the confidentiality and disclosure of certain juvenile court records, placed on the Unfinished Business Calendar on March 22, 2018, with report of committee recommending passage, was taken up for consideration.

Senator Dawson offered amendment [S-5246](#), filed by him from the floor to page 8 of the bill.

Senator Bisignano raised the point of order that amendment [S-5246](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5246](#) out of order.

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. 2443](#)), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Bertrand Zumbach

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 [House File 2443](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 2342](#).

[House File 2342](#)

On motion of Senator Garrett, [House File 2342](#), A bill for an act relating to the seizure and disposition of property by the department of natural resources and requiring a report, placed on the Unfinished Business Calendar on March 22, 2018, with report of committee recommending passage, was taken up for consideration.

Senator Garrett withdrew amendment [S-5237](#), filed by him on April 11, 2018, striking and replacing everything after the enacting clause of the bill.

Senator Kinney withdrew amendment [S-5184](#), filed by him on March 26, 2018, to pages 1 and 2 of the bill.

Senator Garrett offered amendment [S-5243](#), filed by him from the floor to pages 1, 2, and 5 of the bill, and moved its adoption.

Amendment [S-5243](#) was adopted by a voice vote.

Senator Garrett withdrew amendment [S-5186](#), filed by him on March 26, 2018, to page 2 of the bill.

Senator Kinney withdrew amendment [S-5185](#), filed by him on March 26, 2018, to page 5 of the bill.

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?" ([H.F. 2342](#)), the vote was:

Yeas, 30:

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

Nays, 18:

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

Absent, 2:

Bertrand	Zumbach
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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 Whitver asked and received unanimous consent that [House File 2342](#) be **immediately messaged** to the House.

CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 2397](#).

[House File 2397](#)

On motion of Senator Dawson, [House File 2397](#), A bill for an act relating to the admissibility of evidence of an employee's criminal history in civil actions, placed on the Unfinished Business Calendar on March 22, 2018, with report of committee recommending passage, was taken up for consideration.

Senator Dawson withdrew amendment [S-5242](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Dawson offered amendment [S-5247](#), filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Boulton offered amendment [S-5249](#), filed by him from the floor to page 2 of amendment [S-5247](#), and moved its adoption.

Amendment [S-5249](#) to amendment [S-5247](#) was adopted by a voice vote.

Senator Dawson moved the adoption of amendment [S-5247](#), as amended.

Amendment [S-5247](#), as amended, was adopted by a voice vote.

With the adoption of amendment [S-5247](#), the Chair ruled amendment [S-5167](#), filed by Senator Boulton on March 20, 2018, to page 1 and amending the title page of the bill, out of order.

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. 2397](#)), the vote was:

Yeas, 46:

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

Nays, 3:

Carlin Quirnbach Taylor

Absent, 1:

Zumbach

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 Whitver asked and received unanimous consent that [House File 2397](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 4:49 p.m. until 9:00 a.m., Tuesday, April 17, 2018.

APPENDIX—2

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for her approval on this 16th day of April, 2018.

Senate Files 449, 475, 2155, 2200, 2230, 2235, 2318, 2321, and 2360.

W. CHARLES SMITHSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 2018, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 2155](#) – Concerning public investment maturity limitations relating to the operating funds of political subdivisions.

[Senate File 2200](#) – Regulating veterans’ benefit services and related events, by requiring certain disclosures and making penalties applicable.

[Senate File 2230](#) – Relating to kidnapping in the second degree, and providing penalties.

[Senate File 2321](#) – Relating to persons going armed with portable devices or weapons that direct an electronic current, and providing penalties.

AMENDMENTS FILED

S-5242	H.F. 2397	Dan Dawson
S-5243	H.F. 2342	Julian B. Garrett
S-5244	H.F. 2466	Ken Rozenboom
S-5245	S.F. 2397	Joe Bolkcom
S-5246	H.F. 2443	Dan Dawson
S-5247	H.F. 2397	Dan Dawson
S-5248	H.F. 2466	Ken Rozenboom
S-5249	H.F. 2397	Nate Boulton