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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, APRIL 17, 2018**

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# JOURNAL OF THE SENATE

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ONE HUNDREDTH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 17, 2018

The Senate met in regular session at 9:04 a.m., President Schneider presiding.

Prayer was offered by Reverend Andrew Windschitl of St. Francis Assisi Catholic Church in West Des Moines, Iowa. He was the guest of Senator Schneider.

The 2018 Legislative Choir sang “Come, Come Ye Saints” and “God Be with You”.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Nick Zaugg.

The Journal of Monday, April 16, 2018, was approved.

The Senate stood at ease at 9:17 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:57 a.m., President Schneider presiding.

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Resolutions 120 and 119.

### Senate Resolution 120

On motion of Senator Bolkcom, Senate Resolution 122, a resolution honoring Senator Robert (Bob) E. Dvorsky for his 32 years of service in the General Assembly. WHEREAS, Senator Bob Dvorsky was born in Burlington, and has resided in Coralville and served the area most of his adult life; and WHEREAS, employment as a job developer and an executive officer for the 6th Judicial District Department of Correctional Services gave Senator Dvorsky insight on matters relating to public and private employment needs in the state; and WHEREAS, Senator Dvorsky has devoted nearly 40 years of his life to public service, serving seven years on the Coralville City Council beginning in 1980; seven years in the Iowa House of Representatives beginning in 1987; and, beginning in 1994, 25 years in the Iowa Senate; and WHEREAS, never one to waste a minute, Senator Dvorsky has served as chairperson for the Local Government and Communications and Information Policy Committees, and chaired the Senate Appropriations Committee from 2005 through 2016; served 14 years on the Legislative Council; served on the Criminal Justice Information System Advisory Committee, the Medical Assistance Projections and Assessment Council, the School Finance Formula Review Committee, the Iowa Accountability and Transparency Board, the State Government Efficiency Review Committee, and the Sex Offender Research Council; and served on numerous interim study committees; and WHEREAS, praised for his ability to work across the aisle, Senator Dvorsky has promoted school aid and postsecondary education funding; prioritized infrastructure needs at the University of Iowa; worked to make the Iowa Communications Network operational statewide; and supported efforts to improve conditions for Iowa's workforce; and WHEREAS, Senator Dvorsky received the Arthur Neu Award for Exceptional Policy Development from the American Parole & Probation Association in 2007; in 2011 he received the Hoover Uncommon Public Service Award from the Herbert Hoover Presidential Library Association; and in 2013 he received the Legislative Friend of Housing Award from the Iowa Finance Authority; NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate honors and thanks Senator Robert E. Dvorsky for his many years of service to the state and to his community and, in his well-earned retirement, wishes him many happy, healthy years to come, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Dvorsky.

Senator Sinclair took the chair at 11:27 a.m.

President Schneider took the chair at 12:14 p.m.

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

Senator Dvorsky addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

### [Senate Resolution 119](#)

On motion of Senator Carlin, [Senate Resolution 119](#), a Resolution honoring Senator Rick Bertrand for his years of service in the Iowa Senate. WHEREAS, Rick Bertrand was first elected to the Senate in 2010, and has represented District 7, which serves the Sioux City area in northwestern Iowa; and WHEREAS, Senator Bertrand was born and raised on a farm on the northeast edge of Sioux City, graduated from the University of Northern Iowa in 1993 after studying economics and political science, and earned a master's degree in organizational leadership from Bellevue University in 2016; and WHEREAS, Senator Bertrand's professional career has emphasized commercial development and entrepreneurial experience; and WHEREAS, during his Senate tenure, Senator Bertrand has served on a variety of committees, including the Appropriations, Commerce, Natural Resources and Environment, State Government (Ranking Member), Transportation, and Veterans Affairs standing committees, the Transportation, Infrastructure, and Capitals Appropriations Subcommittee (Chair), and the Capitol Planning Commission; and WHEREAS, Senator Bertrand's career in the Senate has been exemplified by his commitment to liberty, integrity, and public service; NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate honors and thanks Senator Rick Bertrand for his years of service in the Senate, and wishes him and his family the very best in the years to come, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Bertrand.

Senator Schultz took the chair at 1:02 p.m.

President Schneider took the chair at 1:08 p.m.

Senator Carlin moved the adoption of [Senate Resolution 119](#), which motion prevailed by a voice vote.

Senator Bertrand addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

#### RECESS

On motion of Senator Whitver, the Senate recessed at 1:41 p.m. until the conclusion of the meeting of the committee on Ethics.

#### 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:

##### DEPARTMENT OF HUMAN SERVICES

2018 DHS Nursing Facilities Private Room Supplementation Report, pursuant to Iowa Code section 249A.4(10). Report received on April 17, 2018.

##### REPORTS OF COMMITTEE MEETINGS

###### ETHICS

**Convened:** Tuesday, April 17, 2018, 2:00 p.m.

**Members Present:** Behn, Chair; Guth, Vice Chair; Horn, Ranking Member; Costello, Jochum, and Kinney.

**Members Absent:** None.

**Committee Business:** [SSB 3211](#).

**Adjourned:** 2:05 p.m.

**RULES AND ADMINISTRATION**

**Convened:** Tuesday, April 17, 2018, 1:45 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:** [SR 123](#).

**Adjourned:** 1:55 p.m.

**INTRODUCTION OF RESOLUTIONS**

[Senate Resolution 123](#), by committee on Rules and Administration, a resolution for honoring Senator Matt McCoy for his years of service in the Iowa General Assembly.

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

[Senate Resolution 124](#), by committee on Ethics, a resolution for amending the Senate Code of Ethics relating to harassment.

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

**STUDY BILL RECEIVED****[SSB 3211](#) Ethics**

Amending the Senate Code of Ethics relating to harassment.

**SUBCOMMITTEE ASSIGNMENT****[SSB 3211](#)**

ETHICS: Behn, Chair; Costello, Guth, Horn, Jochum, and Kinney

**FINAL COMMITTEE REPORT OF BILL ACTION****ETHICS**

**Bill Title:** [SENATE RESOLUTION 124 \(SSB 3211\)](#), a resolution for amending the Senate Code of Ethics relating to harassment.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Behn, Guth, Horn, Costello, Jochum, and Kinney. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### RECONVENED

The Senate reconvened at 3:15 p.m., President Schneider presiding.

### SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Whitver and Petersen.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2018 Regular Session of the Eighty-seventh General Assembly and a gift was presented to each of the following pages:

Eric Chelgren, Isabela Gallegos, Ciara Gallen, Armaan Kumar, Haley Ledford, Jaelyn Lentz, Isabella O'Connor, Jakem Ostrander, Landra Reece, Spencer Short, Greer Simmons, Maddie Smith, Talise Tesar, and Nick Zaugg.

The Senate rose and expressed its appreciation.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate Resolution 124](#).

#### [Senate Resolution 124](#)

On motion of Senator Guth, [Senate Resolution 124](#), a resolution for amending the Senate Code of Ethics relating to harassment, was taken up for consideration.

Senator Guth moved the adoption of [Senate Resolution 124](#), which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Sinclair asked and received unanimous consent to take up for consideration [Senate Resolution 121](#).

[Senate Resolution 121](#)

On motion of Senator Sinclair, [Senate Resolution 121](#), a Resolution honoring Senator Mark Chelgren for his years of service to the people of Iowa. WHEREAS, the Honorable Mark Chelgren was born and raised in California but settled in Iowa to start a business and raise a family; and WHEREAS, Senator Chelgren was first elected to the Senate in 2010; and WHEREAS, whether filing bills or amendments or rising to make a point of personal privilege, Senator Chelgren passionately strove to make his fellow Senators and the legislative process more accountable to the public from his first days as a Senator; and WHEREAS, over the past eight years Senator Chelgren has faced many difficult issues with an entrepreneurial drive and spirit that will greatly be missed; and WHEREAS, Senator Chelgren has served on a wide array of legislative committees, previously serving on Economic Growth (Ranking Member), and currently serving on the Administrative Rules Review Committee (Chair), Justice System Appropriations Subcommittee (Chair), Appropriations, Education, Human Services, and Local Government standing committees, and the Health Policy Oversight Committee of the Legislative Council; and WHEREAS, Senator Chelgren will be remembered for his tireless effort on behalf of his constituents in Davis, Jefferson, Van Buren, and Wapello counties; NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That the members of the Senate honor Senator Mark Chelgren for his eight years of dedication and service to the people of Iowa and wish him the best in the years to come, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Chelgren.

Senator Schultz took the chair at 4:59 p.m.



President Schneider took the chair at 5:03 p.m.

Senator Sinclair moved the adoption of [Senate Resolution 121](#), which motion prevailed by a voice vote.

Senator Chelgren addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 2018, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2303](#), a bill for an act relating to the inheritance tax by modifying the requirements to qualify for a deferment of tax payment under certain circumstances in the case of estates with a deferred estate or remainder interest, and including applicability provisions.

[Senate File 2314](#), a bill for an act relating to certain corporations doing business in this state, including restrictions and requirements imposed on nonprofit corporations acquiring agricultural land used in farming, and the duties and liabilities of directors of for-profit and nonprofit corporations.

ALSO: That the House has on April 17, 2018, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2446](#), a bill for an act relating to matters under the purview of the utilities division of the department of commerce, providing fees, and making penalties applicable.

ALSO: That the House has on April 17, 2018, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 2227](#), a bill for an act relating to the publication of county resolutions. ([S-5251](#))

ALSO: That the House has on April 17, 2018, **passed** the following bills in which the concurrence of the Senate is asked:

[House File 2131](#), a bill for an act relating to the exemption from the hotel and motel taxes for the renting of lodging exceeding a certain number of consecutive days.

Read first time and referred to committee on **Ways and Means**.

[House File 2478](#), a bill for an act amending the sales tax imposed on certain machinery, equipment, attachments, and replacement parts used in construction.

Read first time and referred to committee on **Ways and Means**.

#### HOUSE AMENDMENTS CONSIDERED

##### [Senate File 220](#)

Senator Whitver called up for consideration [Senate File 220](#), a bill for an act regulating the use of automated traffic law enforcement systems, and providing a penalty, amended by the House in House amendment [S-5157](#), filed March 14, 2018.

Senator Zaun offered amendment [S-5240](#), filed by him on April 11, 2018, to pages 1-8 and amending the title provisions of House amendment [S-5157](#).

Senator Hogg raised the point of order that amendment [S-5240](#) to House amendment [S-5157](#) was not germane to the bill.

The Chair ruled the point not well-taken and amendment [S-5240](#) in order.

The Senate resumed consideration of amendment [S-5240](#) to House amendment [S-5157](#).

Senator Zaun asked and received unanimous consent that action on amendment [S-5240](#) to House amendment [S-5157](#), House amendment [S-5157](#), and [Senate File 220](#) be **deferred**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Petersen, until she returns, on request of Senator Ragan; and Senators Bertrand, Feenstra, and Zumbach, on request of Senator Whitver.

[Senate Joint Resolution 2006](#)

Senator Whitver called up for consideration [Senate Joint Resolution 2006](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession, amended by the House in House amendment [S-5239](#), filed April 11, 2018.

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

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Smith 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 resolution be adopted?” ([S.J.R. 2006](#)), the vote was:

Yeas, 35:

|           |             |              |          |
|-----------|-------------|--------------|----------|
| Allen     | Danielson   | Kinney       | Segebart |
| Behn      | Dawson      | Kraayenbrink | Shiple   |
| Bisignano | Edler       | Lofgren      | Sinclair |
| Breitbach | Garrett     | Lykam        | Smith    |
| Brown     | Greene      | Quirnbach    | Sweeney  |
| Carlin    | Guth        | Ragan        | Taylor   |
| Chapman   | Hart        | Rozenboom    | Whitver  |
| Chelgren  | Johnson, C. | Schneider    | Zaun     |
| Costello  | Kapucian    | Schultz      |          |

Nays, 11:

|         |         |             |        |
|---------|---------|-------------|--------|
| Bolkcom | Dotzler | Horn        | Mathis |
| Boulton | Dvorsky | Jochum      | McCoy  |
| Bowman  | Hogg    | Johnson, D. |        |

Absent, 4:

|          |          |          |         |
|----------|----------|----------|---------|
| Bertrand | Feenstra | Petersen | Zumbach |
|----------|----------|----------|---------|

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

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [House File 2466](#).

[House File 2466](#)

On motion of Senator Rozenboom, [House File 2466](#), a bill for an act relating to the management of the spread of diseases in wild animals, making penalties applicable, and including effective date provisions, placed on the Unfinished Business Calendar on March 22, 2018, with report of committee recommending passage, was taken up for consideration.

Senator Rozenboom withdrew amendment [S-5244](#), filed by him on April 16, 2018, to pages 1 and 2 of the bill.

Senator Rozenboom withdrew amendment [S-5248](#), filed by him on April 16, 2018, to pages 1 and 2 of the bill.

Senator Rozenboom offered amendment [S-5250](#), filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment [S-5250](#) was adopted by a voice vote.

With the adoption of amendment [S-5250](#), the Chair ruled amendment [S-5176](#), filed by Senator Rozenboom on March 21, 2018, to page 2 of the bill, out of order.

Senator Rozenboom 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. 2466](#)), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

|          |          |          |         |
|----------|----------|----------|---------|
| Bertrand | Feenstra | Petersen | 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 [Senate Joint Resolution 2006](#) and [House File 2466](#) be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 6:27 p.m. until 9:00 a.m., Wednesday, April 18, 2018.

**APPENDIX—2****CERTIFICATES OF RECOGNITION**

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

Gordon and Lorraine Kolterman, Buckeye—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Sweeney.

Jim and Betty Portz, Springbrook—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Bowman.

**FINAL COMMITTEE REPORT OF BILL ACTION****RULES AND ADMINISTRATION**

**Bill Title:** [SENATE RESOLUTION 123](#), a resolution for honoring Senator Matt McCoy for his years 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.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 17, 2018, the Governor approved and transmitted to the Secretary of State the following bills:

[Senate File 449](#) – Relating to the installation of cattle guards by landowners along certain streets or highways, and including effective date provisions.

[Senate File 475](#) – Relating to educational programs developed or administered by the department or state board of education, school districts, or accredited nonpublic schools, and to school-age children’s health screenings, providing for or relating to fees, and including effective date provisions.

[Senate File 2235](#) – Relating to criminal acts committed on or against critical infrastructure and providing penalties.

[Senate File 2318](#) – Relating to the issuance of high school credit for satisfactory completion of high school-level units of instruction.

[Senate File 2360](#) – Providing for a dyslexia response task force and report.

AMENDMENTS FILED

|               |                  |               |
|---------------|------------------|---------------|
| <u>S-5250</u> | <u>H.F. 2466</u> | Ken Rozenboom |
| <u>S-5251</u> | <u>S.F. 2227</u> | House         |