

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MAY 1, 2018

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JOURNAL OF THE SENATE

ONE HUNDRED FOURTEENTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, May 1, 2018

The Senate met in regular session at 9:03 a.m., President Schneider presiding.

Prayer was offered by the Honorable Jason Schultz, member of the Senate from Crawford County, Schleswig, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Landra Reece.

The Journal of Monday, April 30, 2018, was approved.

The Senate stood at ease at 9:06 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:20 a.m., President Schneider presiding.

BILL REFERRED TO COMMITTEE

President Schneider announced that [House File 2406](#) was referred from the Regular Calendar to the committee on **Appropriations** under Senate Rule 38.

RECESS

On motion of Senator Whitver, the Senate recessed at 10:21 a.m. until 1:00 p.m.

RECONVENED

The Senate reconvened at 1:06 p.m., President Schneider presiding.

The Senate stood at ease at 1:07 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 1:28 p.m., President Schneider presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Sinclair asked and received unanimous consent to take up for consideration [Senate Resolution 123](#).

[Senate Resolution 123](#)

On motion of Senator Dotzler, [Senate Resolution 123](#), a resolution honoring Senator Matt McCoy for his years of service in the Iowa General Assembly. WHEREAS, Matt McCoy, born and raised in Des Moines, Eagle Scout, and father to Jack, has been involved in public service at the local and state level for much of his adult life; and WHEREAS, Matt McCoy was first elected to the House of Representatives in 1992, and after two terms he was elected to the Senate in 1996; and WHEREAS, over two decades, Senator McCoy has served on a wide array of legislative committees, including serving as chair of the Commerce Committee and the Transportation, Infrastructure, and Capitals Appropriations Subcommittee; and WHEREAS, Senator McCoy currently serves on the Appropriations, Commerce, Government Oversight (Ranking Member), Local Government, and Ways and Means Committees, and on the Transportation, Infrastructure, and Capitals Appropriations Subcommittee (Ranking Member), and the Capital Projects Committee of the Legislative Council; and WHEREAS, Senator McCoy has also served on numerous boards and commissions in his capacity as Senator, including the Capitol Planning Commission, Investment Board of the Iowa Public Employees' Retirement System, and the Iowa Comprehensive Health Insurance Association Board; and WHEREAS, Senator McCoy, the first openly gay person

elected State Senator, has long championed the civil and human rights of all Iowans, as evidenced by his efforts working for passage of additional protections under the Iowa Civil Rights Act in 2007 and for HIV transmission decriminalization in 2014, as well as his advocacy for antibullying legislation, inclusion of transgender Iowans in the state's hate crimes statute, and a ban on conversion therapy; and WHEREAS, Senator McCoy's years of public service have earned him numerous honors and awards, including the 2014 Des Moines Convention & Visitors Bureau Civic Champion Award, the 2014 Community HIV/Hepatitis Advocates of Iowa Award, the Ducks Unlimited Public Policy Award for 2013–14, the Iowa Corn Growers Association 2014 Award, the Autism Society of Iowa's Hometown Hero Award, and the Outstanding Service Award by the Iowa Health Care Association & Iowa Center for Assisted Living; NOW THEREFORE, BE IT RESOLVED BY THE SENATE, That the Senate honors Senator Matt McCoy for his years of public service in the Iowa General Assembly 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 McCoy.

Senator Dotzler moved the adoption of [Senate Resolution 123](#), which motion prevailed by a voice vote.

Senator McCoy addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

SPECIAL GUEST

President Schneider introduced to the Senate chamber the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Whitver, the Senate recessed at 2:45 p.m. until 6:00 p.m.

RECONVENED

The Senate reconvened at 6:22 p.m., President Schneider presiding.

SPECIAL GUESTS

President Schneider introduced to the Senate chamber the Honorable Thomas J. Vilsack, former member of the Senate, former Governor of the State of Iowa, and former Secretary of Agriculture; accompanied by his wife and former First Lady, Christie Vilsack.

The Senate rose and expressed its welcome.

The Senate stood at ease at 6:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:04 p.m., President Schneider presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zumbach, until he arrives, on request of Senator Whitver.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration Senate Files 2409 and 2413.

[Senate File 2409](#)

On motion of Senator Shipley, **[Senate File 2409](#)**, a bill for an act relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, was taken up for consideration.

Senator Shipley asked and received unanimous consent that **[House File 2491](#)** be **substituted** for **[Senate File 2409](#)**.

House File 2491

On motion of Senator Shipley, [House File 2491](#), a bill for an act relating to and making appropriations and related statutory changes involving state government entities involved with agriculture, natural resources, and environmental protection, was taken up for consideration.

Senator D. Johnson offered amendment [S-5261](#), filed by Senator Hogg on April 30, 2018, to page 19 of the bill.

Senator Shipley raised the point of order that amendment [S-5261](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5261](#) out of order.

Senator Shipley 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. 2491](#)), the vote was:

Yeas, 28:

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

Nays, 21:

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

Absent, 1:

Zumbach

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

WITHDRAWN

Senator Shipley asked and received unanimous consent that [Senate File 2409](#) be **withdrawn** from further consideration of the Senate.

[Senate File 2413](#)

On motion of Senator C. Johnson, [Senate File 2413](#), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for other properly related matters, and including effective date provisions, was taken up for consideration.

Senator C. Johnson offered amendment [S-5257](#), filed by him on April 30, 2018, to pages 6–10 of the bill, and moved its adoption.

Amendment [S-5257](#) was adopted by a voice vote.

Senator C. Johnson asked and received unanimous consent that [House File 2494](#) be **substituted** for [Senate File 2413](#).

[House File 2494](#)

On motion of Senator C. Johnson, [House File 2494](#), a bill for an act relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for other properly related matters, and including effective date provisions, was taken up for consideration.

Senator C. Johnson offered amendment [S-5258](#), filed by him on April 30, 2018, to page 6 of the bill, and moved its adoption.

Amendment [S-5258](#) was adopted by a voice vote.

Senator C. Johnson 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. 2494](#)), the vote was:

Yeas, 34:

Allen	Dawson	Kraayenbrink	Segebart
Behn	Edler	Lofgren	Shiple
Bertrand	Feenstra	Lykam	Sinclair
Bisignano	Garrett	Mathis	Smith
Breitbach	Greene	Quirnbach	Sweeney
Brown	Guth	Ragan	Whitver
Carlin	Johnson, C.	Rozenboom	Zaun
Chapman	Kapucian	Schneider	
Costello	Kinney	Schultz	

Nays, 15:

Bolkcom	Danielson	Hogg	McCoy
Boulton	Dotzler	Horn	Petersen
Bowman	Dvorsky	Jochum	Taylor
Chelgren	Hart	Johnson, D.	

Absent, 1:

Zumbach

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

WITHDRAWN

Senator C. Johnson asked and received unanimous consent that [Senate File 2413](#) be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 2411](#).

[Senate File 2411](#)

On motion of Senator Chelgren, [Senate File 2411](#), a bill for an act relating to appropriations to the judicial branch, was taken up for consideration.

Senator Chelgren offered amendment [S-5277](#), filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5277](#) was adopted by a voice vote.

Senator Chelgren asked and received unanimous consent that [House File 2495](#) be **substituted** for [Senate File 2411](#).

[House File 2495](#)

On motion of Senator Chelgren, [House File 2495](#), a bill for an act relating to appropriations to the judicial branch, was taken up for consideration.

Senator Chelgren 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. 2495](#)), the vote was:

Yeas, 28:

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

Nays, 21:

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

Absent, 1:

Zumbach

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

WITHDRAWN

Senator Chelgren asked and received unanimous consent that [Senate File 2411](#) be **withdrawn** from further consideration of the Senate.

The Senate stood at ease at 8:11 p.m. until the fall of the gavel.

The Senate resumed session at 9:06 p.m., President Schneider presiding.

QUORUM CALL

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

The vote revealed 39 present, 11 absent, and a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Whitver asked and received unanimous consent to take up for consideration [Senate File 2410](#).

[Senate File 2410](#)

On motion of Senator Lofgren, [Senate File 2410](#), a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, the state board of regents and certain regents institutions, and the insurance division, providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Lofgren offered amendment [S-5266](#), filed by him on April 30, 2018, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment [S-5266](#) was adopted by a voice vote.

Senator Lofgren asked and received unanimous consent that [House File 2493](#) be **substituted** for [Senate File 2410](#).

[House File 2493](#)

On motion of Senator Lofgren, [House File 2493](#), a bill for an act making appropriations to the department of cultural affairs, the economic development authority, the Iowa finance authority, the public employment relations board, the department of workforce development, the state board of regents and certain regents institutions, and the insurance division, providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Lofgren offered amendment [S-5273](#), filed by him on April 30, 2018, to pages 1, 3, 9–13, and 18 of the bill.

Senator Dotzler offered amendment [S-5285](#), filed by him from the floor to pages 1–3 of amendment [S-5273](#).

Senator Lofgren raised the point of order that amendment [S-5285](#) was not germane to the bill.

The Chair ruled the point well-taken and amendment [S-5285](#) out of order.

Senator Dotzler withdrew amendment [S-5280](#), filed by him from the floor to page 1 of amendment [S-5273](#).

Senator Petersen asked and received unanimous consent that action on amendment [S-5273](#) and [House File 2494](#) be **deferred**.

The Senate stood at ease at 9:32 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 11:25 p.m., President Schneider presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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 May 1, 2018, **amended and passed** the following bill in which the concurrence of the Senate is asked:

[Senate File 359](#), a bill for an act prohibiting certain actions regarding fetal body parts and providing penalties. ([S-5288](#))

The Senate stood at ease at 11:26 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:58 a.m., President Schneider presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Allen, Bisignano, and Taylor, until they return, on request of Senator Petersen.

HOUSE AMENDMENT CONSIDERED

[Senate File 359](#)

Senator Whitver called up for consideration [Senate File 359](#), a bill for an act prohibiting certain actions regarding fetal body parts and providing penalties, amended by the House in House amendment [S-5288](#), filed May 1, 2018.

Senator Sinclair took the chair at 1:24 a.m.

President Schneider took the chair at 2:10 a.m.

Senator Chapman 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 Chapman 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. 359](#)), the vote was:

Yeas, 29:

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

Nays, 17:

Bolkcom	Dvorsky	Kinney	Quirnbach
Boulton	Hart	Lykam	Ragan
Bowman	Hogg	Mathis	
Danielson	Horn	McCoy	
Dotzler	Jochum	Petersen	

Absent, 4:

Allen	Bisignano	Taylor	Zumbach
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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 [Senate File 359](#) and **House Files 2491, 2494, and 2495** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Whitver, the Senate adjourned at 2:22 a.m. until 11:00 a.m., Wednesday, May 2, 2018.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Rob and Char Brenneman, Washington—For earning the Wergin Good Farm Neighbor award. Senator Kinney.

Eugene and Nancy Burken, Miles—For celebrating their 50th wedding anniversary. Senator Bowman.

Lonnie and Connie Ernst, Preston—For celebrating their 50th wedding anniversary. Senator Bowman.

Ed and Sharon McCarthy, Cascade—For celebrating their 40th wedding anniversary. Senator Bowman.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling [Senate File 2353](#), the following corrections were made:

1. Page 18, line 17: removed the “(1)”
2. Page 24, line 10: italicized the words “Training services”

W. CHARLES SMITHSON
Secretary of the Senate

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 24, 2018, when the votes were taken on Senate Files 2227 and 2390; and the appointment of Bradley Earp to the Board of Physical and Occupational Therapy. Had I been present, I would have voted YEA on all.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 30, 2018, when the votes were taken on [Senate File 2353](#) and [House File 2377](#). Had I been present, I would have voted YEA on both.

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 30, 2018, when the votes were taken on Senate Files 2311 and 2407. Had I been present, I would have voted NAY on both.

DAVID JOHNSON

AMENDMENTS FILED

S-5277	S.F. 2411	Mark Chelgren
S-5278	S.F. 2416	Tony Bisignano
S-5279	S.F. 2416	Dennis Guth
S-5280	H.F. 2493	William A. Dotzler, Jr.
S-5281	S.F. 2412	Mark Chelgren
S-5282	S.F. 2416	Liz Mathis
S-5283	S.F. 2416	Nate Boulton
S-5284	H.F. 2493	Janet Petersen
S-5285	H.F. 2493	William A. Dotzler, Jr.
S-5286	H.F. 2493	Janet Petersen
S-5287	H.F. 2493	William A. Dotzler, Jr.
S-5288	S.F. 359	House
S-5289	S.F. 2416	Dennis Guth