State of Iowa

1992

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1992

REGULAR SESSION

SEVENTY-FOURTH

GENERAL ASSEMBLY

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January 13 – April 30

MICHAEL E. GRONSTAL, President of the Senate
ROBERT C. ARNOULD, Speaker of the House

Published by the
STATE OF IOWA
Des Moines

SEVENTY-FOURTH GENERAL ASSEMBLY

1992 Regular Session

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MICHAEL E. GRONSTAL, *President* ..... Council Bluffs

JEAN LLOYD-JONES, *President Pro Tempore* ..... Iowa City

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DEBBIE O'LEARY, *Majority Caucus Staff Director* ..... Des Moines

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LINDA MORROW, *Journal Recording Clerk* ..... Indianola

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MARY BUBAN, *Records and Supply Clerk* ..... Des Moines

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LYNN E. BRANDT, *Assistant Sergeant-at-arms* ..... Mingo

WILLIAM L. KRIEG, *Assistant Sergeant-at-arms* ..... Des Moines

RAY J. PROSPERI, *Chief Doorkeeper* ..... Des Moines

SVEND A. CHRISTENSEN, *Doorkeeper* ..... Des Moines

ROBERT LANGBEHN, *Doorkeeper* ..... Des Moines

GEORGE FINKENAUER, *Doorkeeper* ..... Ankeny

BERNADINE FOLLETT, *Doorkeeper* ..... Des Moines

DARYL NIMS, *Doorkeeper* ..... Des Moines

E.A. SAMUELSON, *Doorkeeper* ..... Des Moines

MARY L. LEONARD, *Switchboard Operator* ..... Davenport

FREDDA WRIGHT, *Switchboard Operator* ..... Ankeny

ELEANOR HESSLING, *Postmaster* ..... Altoona

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, *Governor* ..... Lake Mills
JOY CORNING, *Lieutenant Governor* ..... Cedar Falls
ELAINE BAXTER, *Secretary of State* ..... Burlington
RICHARD D. JOHNSON, *Auditor of State* ..... Sheldahl
MICHAEL L. FITZGERALD, *Treasurer of State* ..... Des Moines
DALE COCHRAN, *Secretary of Agriculture* ..... Eagle Grove
BONNIE CAMPBELL, *Attorney General* ..... Des Moines

JUSTICES OF THE IOWA SUPREME COURT

ARTHUR A. McGIVERIN, *Chief Justice* ..... Ottumwa
JAMES H. ANDREASEN, *Justice* ..... Algona
JAMES H. CARTER, *Justice* ..... Cedar Rapids
K. DAVID HARRIS, *Justice* ..... Jefferson
J.L. LARSON, *Justice* ..... Harlan
LOUIS A. LAVORATO, *Justice* ..... Des Moines
LINDA NEUMAN, *Justice* ..... Davenport
LOUIS SCHULTZ, *Justice* ..... Iowa City
BRUCE M. SNELL, JR., *Justice* ..... Ida Grove

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, *Chief Judge* ..... Des Moines
ALLEN L. DONIELSON, *Judge* ..... Des Moines
ALBERT L. HABHAB, *Judge* ..... Fort Dodge
MAYNARD J.V. HAYDEN, *Judge* ..... Indianola
ROSEMARY S. SACKETT, *Judge* ..... Spencer
DICK SCHLEGAL, *Judge* ..... Ottumwa

MEMBERS OF THE SENATE
SEVENTY-FOURTH GENERAL ASSEMBLY
1992 REGULAR SESSION

ALLEN BORLAUG

Address ..... Waucoma
Age 50
Occupation ..... Farm Owner/Insurance Agent
Senatorial District ..... 15—Chickasaw, Cerro Gordo, Floyd, Howard, Mitchell
Former Legislative Service 74 (1st)

LEONARD L. BOSWELL

Address ..... Davis City
Age 58
Occupation ..... Farmer/Small Businessman
Senatorial District ..... 46—Decatur, Adair, Adams, Cass, Clarke, Ringgold, Taylor, Union
Former Legislative Service 71, 72, 72X, 72XX, 73, 74 (1st)

FLORENCE BUHR

Address ..... Des Moines
Age 58
Senatorial District ..... 43—Polk
Former Legislative Service 71, 72, 73, 74 (1st)

MIKE CONNOLLY

Address ..... Dubuque
Age 46
Occupation ..... Teacher/Legislator
Senatorial District ..... 18—Dubuque
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

PATRICK J. DELUHERY

Address ..... Davenport
Age 49
Occupation ..... College Teacher/Insurance Sales Rep.
Senatorial District ..... 21—Scott
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

WM. W. (BILL) DIELEMAN

Address ..... Pella
Age 60
Occupation ..... Weekly Newspaper Publisher
Senatorial District ..... 35—Marion, Jasper, Polk, Warren
Former Legislative Service 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

DONALD V. DOYLE

Address ..... Sioux City
Age 66
Occupation ..... Lawyer
Senatorial District ..... 2—Woodbury, Ida, Monona
Former Legislative Service 57, 58, 61, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

RICHARD F. DRAKE

Address ..... Muscatine
Age 64
Occupation ..... General Farming
Senatorial District ..... 28—Muscatine, Des Moines, Louisa, Washington
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

EUGENE S. FRAISE

Address ..... Fort Madison
Age 59
Occupation ..... Farmer/Legislator
Senatorial District ..... 31—Lee, Des Moines, Van Buren
Former Legislative Service 71 (2nd), 72, 72X, 72XX, 73, 74 (1st)

LINN FUHRMAN

Address ..... Aurelia
Age 47
Occupation ..... Farmer
Senatorial District ..... 5—Buena Vista, Calhoun, Pocahontas, Sac, Webster
Former Legislative Service ..... , 72, 72X, 72XX, 73, 74 (1st)

DONALD E. GETTINGS

Address ..... Ottumwa
Age 68
Occupation ..... Retired—Deere & Co.
Senatorial District ..... 33—Wapello, Appanoose, Davis
Former Legislative Service 67 (2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

MICHAEL E. GRONSTAL

Address ..... Council Bluffs
Age 41
Senatorial District ..... 50—Pottawattamie
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74 (1st)

MARK R. HAGERLA

Address ..... West Burlington
Age 55
Occupation ..... Grocer
Senatorial District ..... 30—Des Moines, Henry
Former Legislative Service 73, 74 (1st)

BEVERLY A. HANNON

Address ..... Anamosa
Age 59
Occupation ..... Homemaker/Legislator
Senatorial District ..... 22—Jones, Cedar, Linn
Former Legislative Service 71, 72, 72X, 72XX, 73, 74 (1st)

H. KAY HEDGE

Address ..... Fremont
Age 63
Occuation ..... Farmer
Senatorial District ..... 32—Mahaska, Jefferson, Keokuk, Wapello
Former Legislative Service 73, 74 (1st)

JACK W. HESTER

Address ..... Honey Creek
Age 62
Occupation ..... Retired farmer/legislator
Senatorial District ..... 49—Pottawattamie, Cass, Harrison, Shelby
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

WALLY E. HORN

Address ..... Cedar Rapids
Age 58
Occupation ..... Teacher/Education
Senatorial District ..... 25—Linn
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

EMIL J. HUSAK

Address ..... Toledo
Age 61
Occupation ..... Farmer
Senatorial District ..... 38—Tama, Benton, Black Hawk, Marshall
Former Legislative Service 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

BILL HUTCHINS

Address ..... Audubon
Age 60
Occupation ..... Small Businessman
Senatorial District ..... 48—Audubon, Carroll, Crawford, Shelby
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JOHN W. JENSEN

Address ..... Plainfield
Age 65
Occupation ..... Farmer
Senatorial District ..... 11—Bremer, Black Hawk, Butler, Grundy
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JAMES B. KERSTEN

Address ..... Fort Dodge
Age 31
Occupation ..... President-Professional Financial Advisors, Inc.
Senatorial District ..... 7—Webster, Hamilton
Former Legislative Service 74 (1st)

JOHN P. KIBBIE

Address ..... Emmetsburg
Age 62
Occuation ..... Farmer
Senatorial District ..... 6—Palo Alto, Clay, Dickinson, Emmet
Former Legislative Service 59, 60, 60X, 61, 62, 73, 74 (1st)

GEORGE R. KINLEY

Address ..... Des Moines
Age 54
Occupation ..... Owner-Kinley's Golf and Sports
Senatorial District ..... 40—Polk
Former Legislative Service 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

MARY E. KRAMER

Address ..... West Des Moines
Age 56
Occupation ..... Vice Pres.-Hum. Res., Blue Cross/Blue Shield
Senatorial District ..... 41—Polk
Former Legislative Service 74 (1st)

JIM LIND

Address ..... Waterloo
Age 36
Occupation ..... Service Station Owner/Operator
Senatorial District ..... 13—Black Hawk
Former Legislature Service 71 (2nd), 72, 72X, 72XX, 73, 74 (1st)

JEAN LLOYD-JONES

Address ..... Iowa City
Age 62
Occupation ..... Legislator
Senatorial District ..... 23—Johnson
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

DERRYL McLAREN

Address ..... Farragut
Age 42
Occupation ..... Farmer
Senatorial District ..... 47—Fremont, Mills, Montgomery, Page, Pottawattamie
Former Legislative Service 74 (1st)

ALVIN V. MILLER

Address ..... Ventura
Age 70
Occupation ..... General Insurance Agency
Senatorial District ..... 10—Cerro Gordo, Winnebago, Worth
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

LARRY MURPHY

Address ..... Oelwein
Age 39
Occupation ..... Adjunct College Instructor
Senatorial District ..... 14—Fayette, Black Hawk, Buchanan, Chickasaw
Former Legislative Service 71, 72, 72X, 72XX, 73, 74 (1st)

WILLIAM D. PALMER

Address ..... Des Moines
Age 56
Occupation ..... Sales/Insurance
Senatorial District ..... 39—Polk
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

PAUL D. PATE

Address ..... Marion
Age 33
Occuation ..... President/CEO-PM Systems Corp.
Senatorial District ..... 24—Linn, Buchanan, Delaware
Former Legislative Service 73, 74 (1st)

JOHN A. PETERSON

Address ..... Albia
Age 57
Occupation ..... Senator
Senatorial District ..... 34—Monroe, Clark, Lucas, Warren, Wayne
Former Legislation Service 71 (2nd), 72, 72X, 72XX, 73, 74 (1st)

BERL E. PRIEBE

Address ..... Algona
Age 73
Occupation ..... Farmer
Senatorial District ..... 8—Kossuth, Hancock, Humboldt, Palo Alto, Pocahontas, Winnebago
Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

WILMER RENSINK

Address ..... Sioux Center
Age 58
Occupation ..... Farmer
Senatorial District ..... 6—Sioux, Plymouth, Woodbury
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JACK RIFE

Address ..... Moscow
Age 48
Occupation ..... Farmer
Senatorial District ..... 29—Muscatine, Scott
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JAMES R. RIORDAN

Address ..... Waukee
Age 42
Senatorial District ..... 45—Dallas, Adair, Guthrie, Madison
Former Legislative Service 71 (2nd), 72, 72X, 72XX, 73, 74 (1st)

SHELDON RITTMER

Address ..... DeWitt
Age 63
Occuation ..... Farmer
Senatorial District ..... 19—Clinton, Cedar
Former Legislative Service 74 (1st)

RALPH ROSENBERG

Address ..... Ames
Age 42
Occuation ..... Attorney
Senatorial District ..... 37—Story
Former Legislative Service 69 (2nd), 70, 71, 72, 73, 74 (1st)

RICHARD V. RUNNING

Address ..... Cedar Rapids
Age 45
Occuation ..... Quality Control Trainer
Senatorial District ..... 26—Linn
Former Legislative Service 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

HARRY SLIFE

Address ..... Cedar Falls
Age 68
Occupation ..... Retired
Senatorial District ..... 12—Black Hawk
Former Legislative Service 74 (1st)

JOHN SOORHOLTZ

Address ..... Melbourne
Age 61
Occupation ..... Farmer/Pork Producer
Senatorial District ..... 36—Marshall, Jasper
Former Legislative Service 70 (2nd), 71, 72, 72X, 72XX, 73, 74 (1st)

ALBERT G. SORENSEN

Address ..... Boone
Age 60
Occupation ..... Owner/Operator Bed & Breakfast/Consultant
Senatorial District ..... 44—Boone, Carroll, Greene, Story
Former Legislative Service ..... none

AL STURGEON

Address ..... Sioux City
Age 35
Occupation ..... Legislator/Lawyer
Senatorial District ..... 1—Woodbury
Former Legislative Service 69, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

ELAINE SZYMONIAK

Address ..... Des Moines
Age 71
Occupation ..... Retired
Senatorial District ..... 42—Polk
Former Legislative Service 73, 74 (1st)

RAY TAYLOR

Address ..... Steamboat Rock
Age 68
Occupation ..... Farm Business
Senatorial District ..... 9—Hardin, Franklin, Hamilton, Hancock, Wright
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

DALE L. TIEDEN

Address ..... Elkader
Age 69
Occupation ..... Retired
Senatorial District ..... 16—Clayton, Allamakee, Winneshiek
Former Legislative Service ... 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

MAGGIE TINSMAN

Address ..... Bettendorf
Age 55
Occupation ..... Legislator
Senatorial District ..... 20—Scott
Former Legislative Service 73, 74 (1st)

RICHARD VANDE HOEF

Address ..... Harris
Age 66
Occupation ..... Farmer
Senatorial District ..... 4—Osceola, Cherokee, Clay, Lyon, O'Brien, Sioux
Former Legislative Service 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

RICHARD VARN

Address ..... Solon
Age 33
Occupation ..... Lawyer, Exec. Dir., Construction Alliance
Senatorial District ..... 54—Johnson, Iowa, Poweshiek
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JOE J. WELSH

Address	Dubuque
Age	36
Occupation	Businessman—Private Investigator
Senatorial District	17—Dubuque, Jackson, Jones
Former Legislative Service	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74 (1st)

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 13, 1992

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 1992 Regular Session of the Seventy-fourth General Assembly convened at 10:02 a.m., and the Senate was called to order by President pro tempore Lloyd-Jones.

Prayer was offered by Monsignor Gerald J. Stessman from St. Ambrose Cathedral Church, Des Moines, Iowa.

REMARKS BY THE MAJORITY LEADER

Senator Hutchins addressed the Senate as follows:

Madam President, Senators:

First, let me take a minute to welcome the new members of our senate family here today--staff, pages and particularly senator-elect Sorensen. I appreciate the contribution of all the members and staff to our business here, and I look forward to working with you all.

This morning, I want us to level with each other. The 1992 session is likely to be somewhat difficult for us all. I'm not one of the pessimists who believes everything will be horrible and that nothing we do can improve our state, nor am I so optimistic that I think we'll be able to solve all Iowa's long-term problems in this session with ease. As a realist, I believe that the challenges ahead are real--the decisions likely to be difficult, and we'll all need to work hard and productively to make progress this year.

We've all heard a lot and talked a lot about the serious budget concerns Iowa, like many states, has now. While we can't control the national and international economics that affect us so much, I believe we can and should address this problem on several fronts this year, and in so doing, begin to get things into a better balance.

What we haven't talked about nearly as much at the Capitol, but which I find everyday Iowans are at least equally concerned about are the triple concerns of education, good job opportunities, and health care. Iowans I have met over the interim understand the importance of quality education, good jobs, and affordable

health care in their daily lives. Our challenge is to help Iowans meet these top-priority needs at the same time as we address our budget problems.

And, we must not forget that Iowans also expect us to continue efforts to provide for public safety in our homes and on our streets. I also hear of ongoing concern for our environment, and I believe Iowans will not tolerate any retreat in this area by their state government.

So, there we have it. Important issues. Difficult choices. And 100 days to do it all. It won't be easy. But, let's not throw up our hands, but instead remember the fact that many others have sat here over the last century facing what were at least as difficult a set of decisions, and managed to work through them. With determination and dedication to the job ahead, we can do the same. Let's all do our best.

Thank you.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Running for the morning on request of Senator Hutchins.

ANNOUNCEMENT OF VACANCY

President pro tempore Lloyd-Jones announced that notification had been received from the office of Governor Branstad of the following vacancy in the Senate subsequent to adjournment of the 1991 session:

District 44—Jack N. Nystrom, resignation effective November 6, 1991.

COMMITTEE ON CREDENTIALS

Senator Hutchins moved that a committee of five be appointed as a committee on Credentials to examine and report on the election in Senate District 44.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Szymoniak, Chair; Peterson, Kibbie, Hagerla and Hedge.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Lloyd-Jones presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MADAM PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the 1992 Session of the Seventy-fourth General Assembly:

ELAINE SZYMONIAK, Chair
JOHN A. PETERSON
JOHN P. KIBBIE
MARK R. HAGERLA
H. KAY HEDGE

CERTIFICATION—STATE OF IOWA
OFFICE OF THE SECRETARY OF STATE

To the Honorable, Secretary of the Senate:

I, ELAINE BAXTER, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on December 17, 1991, Albert G. Sorensen was elected to fill a vacancy in the office of State Senator of the Forty-fourth District, for the balance of the term which began on January second, 1989.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol in Des Moines this 23rd Day of December, 1991.

(SEAL)

ELAINE BAXTER, Secretary of State

On motion of Senator Szymoniak, the report was adopted by a voice vote and the duly elected Senator from District 44, Albert Sorensen, appeared before the bar of the Senate, was duly sworn, and subscribed his name to the oath of office.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Hutchins moved that a committee of five be appointed to notify the Governor that the Senate was organized and ready to receive any communication he might be ready to transmit.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Priebe, Chair; Hannon, Doyle, Pate and Vande Hoef.

COMMITTEE TO NOTIFY THE HOUSE

Senator Hutchins moved that a committee of five be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Buhr, Chair; Rosenberg, Fraise, Borlaug and Rensink.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

Senator Hutchins asked and received unanimous consent to take up the following supplemental report of the committee on Rules and Administration:

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel for appointment as officers and employees of the Senate for the Seventy-fourth General Assembly:

Administrative

Recording Clerk ..... Kelly Finley

Legal Counsel

Assistant to the Legal Counsel ..... Dawn Hansen

Majority Caucus

Research Analyst ..... Linda Santi

Minority Caucus

Caucus Staff Director.....Carol Olson

Secretaries to Senators

Committee Secretary.....Jeff Geerts
Secretary.....Mary Sue Gibson
Committee Secretary.....Janice Howser
Secretary.....Kimberly Jensen
Committee Secretary.....Cindy Turner-Johnson
Secretary.....Elizabeth Kinley
Committee Secretary.....Peggy McGivern
Secretary.....Dan McGuire
Secretary.....Sara Poepsel
Secretary.....Kay Santi
Secretary.....Diane Schrage
Secretary.....Sam Tippy

BILL HUTCHINS, Chair

Senator Hutchins moved the adoption of the supplemental report and the appointment of the officers and employees of the Senate.

The motion prevailed by a voice vote and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Buhr reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted and the committee discharged.

APPOINTMENT OF PAGES

Senator Hutchins asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel as Pages for the Senate for the 1992 Session of the Seventy-fourth General Assembly:

Anne Barakat, West Des Moines
Seth Boffeli, La Motte
Brandy Brisby, Montrose

Kimberly Cass, Norwalk
Robin Condon, Secretary of the Senate's Page, Tabor
Karen Eggerling, Pella
Todd Fey, Davenport
Drew France, LeMars
Rebecca Hyman, Fort Dodge
Travis Jelinek, Elk Run Heights
Rain Jones, Norwalk
Kurt Klostermann, Cedar Rapids
Melissa Miller, DeWitt
Michael Murray, Ankeny
Thomas Plummer, Hamburg
Trevor Porath, Emmetsburg
Sarah Struecker, Algona
Ann Tilley, President of the Senate's Page, Carroll

BILL HUTCHINS, Chair

Senator Hutchins moved the adoption of the report and the appointment of the Senate pages.

The motion prevailed by a voice vote and the foregoing Senate Pages appeared before the bar of the Senate and were duly sworn.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Priebe reported that the committee assigned to notify the Governor that the Senate was organized and ready to receive communications had performed its duty.

The report was accepted and the committee discharged.

COMMITTEE ON MILEAGE

Senator Hutchins moved that the committee on Mileage for the Seventy-fourth General Assembly examine and file a supplemental report of any mileage changes and the mileage for Senator Sorensen in District 44.

The motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 13, 1992, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a concurrent resolution relating to a joint convention, Tuesday, January 14, 1992, 10:00 a.m., Governor Terry E. Branstad be invited to deliver his condition of the state and budget message.

This resolution was read first time and **passed on file.**

House Concurrent Resolution 102, a concurrent resolution relating to a joint convention, Thursday, January 16, 1992, 10:00 a.m., Chief Justice McGiverin be invited to present his message of the condition of the judicial department.

This resolution was read first time and **passed on file.**

ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 101.

House Concurrent Resolution 101

On motion of Senator Hutchins, House Concurrent Resolution 101, a concurrent resolution relating to a joint convention, Tuesday, January 14, 1992, 10:00 a.m., Governor Terry E. Branstad be invited to deliver his condition of the state and budget message, was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

SELECTION OF SEATS

The Chair announced the next order of business would be the selection of seats.

Senator Hutchins moved that the holdover Senators be granted the privilege of selecting new seats in order of seniority from unassigned seats; that the newly elected Senator be assigned the remaining seat, and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

The Secretary of the Senate called the roll and seat selections were made as follows:

NAME	SEAT NO.
Borlaug of Chickasaw	18
Boswell of Decatur	22
Buhr of Polk	1
Connolly of Dubuque	2
Deluhery of Scott	47
Dieleman of Marion	21
Doyle of Woodbury	15
Drake of Muscatine	40
Fraise of Lee	11
Fuhrman of Buena Vista	34
Gettings of Wapello	5
Gronstal of Pottawattamie	9
Hagerla of Des Moines	14
Hannon of Jones	31
Hedge of Mahaska	32
Hester of Pottawattamie	46
Horn of Linn	45
Husak of Tama	7
Hutchins of Audubon	49
Jensen of Bremer	44
Kersten of Webster	8
Kibbie of Palo Alto	35
Kinley of Polk	43
Kramer of Polk	12
Lind of Black Hawk	10
Lloyd-Jones of Johnson	23
McLaren of Fremont	6
Miller of Cerro Gordo	39
Murphy of Fayette	29
Palmer of Polk	41
Pate of Linn	28
Peterson of Monroe	13
Priebe of Kossuth	37
Rensink of Sioux	30
Rife of Muscatine	38
Riordan of Dallas	33
Rittmer of Clinton	24
Rosenberg of Story	17
Running of Linn	19
Slife of Black Hawk	16
Soorholtz of Marshall	36
Sorensen of Boone	4
Sturgeon of Woodbury	20

Szymoniak of Polk....25
Taylor of Hardin....50
Tieden of Clayton....48
Tinsman of Scott....26
Vande Hoef of Osceola....42
Varn of Johnson....27
Welsh of Dubuque....3

INTRODUCTION OF BILLS

Senate File 2001, by Dieleman, a bill for an act requiring physicians to accept the reasonable charge for certain services as determined by the United States secretary of health and human services when treating a beneficiary of health insurance under Title XVIII of the federal Social Security Act.

Read first time and **passed on file.**

Senate File 2002, by Dieleman, a bill for an act relating to the record of the proceedings of county boards of supervisors and city councils.

Read first time and **passed on file.**

Senate File 2003, by Tinsman, a bill for an act exempting twelfth grade students from physical education requirements under certain conditions.

Read first time and **passed on file.**

Senate File 2004, by Hannon, a bill for an act relating to issuance of citations for headlamp violations.

Read first time and **passed on file.**

Senate File 2005, by Rosenberg, a bill for an act relating to eligibility for participation in the Iowa affordable heating program.

Read first time and **passed on file.**

Senate File 2006, by Taylor, Lind, and Vande Hoef, a bill for an act relating to prisoner of war and congressional medal of honor special motor vehicle registration plates.

Read first time and **passed on file.**

Senate File 2007, by Szymoniak and Varn, a bill for an act relating to the confidentiality of the names of the siblings of an adoptee in adoption records.

Read first time and **passed on file.**

Senate File 2008, by Hannon, a bill for an act relating to customary self-employment under the unemployment compensation law.

Read first time and **passed on file.**

Senate File 2009, by Dieleman, a bill for an act relating to transportation costs of child visitation.

Read first time and **passed on file.**

Senate File 2010, by Welsh, a bill for an act relating to the classification of certain types of ammunition as offensive weapons and making a penalty applicable.

Read first time and **passed on file.**

Senate File 2011, by Husak, Boswell, Dieleman, Fraise, Kibbie, Soorholtz Vande Hoef, and Welsh, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters.

Read first time and **passed on file.**

Senate File 2012, by Rosenberg, a bill for an act relating to waste tire management, imposing a fee, and providing penalties.

Read first time and **passed on file.**

Senate File 2013, by Administrative Rules Review Committee, a bill for an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee.

Read first time and **passed on file.**

Senate File 2014, by Jensen, a bill for an act relating to the provision of emergency medical care by physician assistants and the civil and criminal liability of such physician assistants.

Read first time and **passed on file.**

Senate File 2015, by Szymoniak, a bill for an act relating to the membership of the college student aid commission.

Read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:58 a.m., until 4:00 p.m.

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the 1992 Regular Session:

*Vice Chair
**Ranking Member

AGRICULTURE—15 Members

Priebe, Chair	Doyle	Husak	Riordan
Peterson*	Fraise	McLaren	Rittmer
Soorholtz**	Hedge	Miller	Vande Hoef
Boswell	Hester	Palmer	

APPROPRIATIONS—21 Members

Boswell, Chair	Gronstal	McLaren	Running
Welsh*	Hagerla	Pate	Szymoniak
Tieden**	Husak	Peterson	Tinsman
Buhr	Kersten	Rensink	Varn
Connolly	Lind	Riordan	
Gettings	Lloyd-Jones		

BUSINESS AND LABOR RELATIONS—10

Running, Chair	Buhr	Peterson	Slife
Sturgeon*	Kinley	Rensink	Taylor
Fuhrman**	Palmer		

COMMERCE—15

Deluhery, Chair	Fuhrman	Kersten	Sturgeon
Kinley*	Gettings	Lind	Tieden
Slife**	Gronstal	Palmer	Varn
Doyle	Jensen	Priebe	

EDUCATION—15

Connolly, Chair	Dieleman	Murphy	Tieden
Horn*	Kibbie	Rensink	Tinsman
Taylor**	Kramer	Running	Varn
Deluhery	Lind	Szymoniak	

ENVIRONMENT AND ENERGY UTILITIES—12

Rosenberg, Chair	Borlaug	Hannon	Miller
Gronstal*	Deluhery	Hedge	Soorholtz
Jensen**	Fraise	Kersten	Varn

HUMAN RESOURCES—12

Hannon, Chair	Horn	Riordan	Szymoniak
Buhr*	Kramer	Rittmer	Taylor
Hagerla**	Murphy	Sturgeon	Tinsman

JUDICIARY—15

Sturgeon, Chair	Deluhery	Hester	Peterson
Rosenberg*	Drake	Horn	Slife
Fuhrman**	Gronstal	Murphy	Varn
Connolly	Hagerla	Pate	

LOCAL GOVERNMENT—10

Miller, Chair	Borlaug	Hannon	Sorensen
Szymoniak*	Buhr	Jensen	Vande Hoef
Rittmer**	Fraise		

NATURAL RESOURCES—12

Palmer, Chair	Dieleman	Priebe	Rosenberg
Kibbie*	Hagerla	Rensink	Sturgeon
Hester**	Hedge	Riordan	Tieden

RULES AND ADMINISTRATION—9

Hutchins, Chair	Gettings	Jensen	Lloyd-Jones
Welsh*	Husak	Kinley	Soorholtz
Rife**			

SMALL BUSINESS AND ECONOMIC DEVELOPMENT—13

Riordan, Chair	Kibbie	Pate	Running
Hannon*	Kramer	Peterson	Sorensen
Borlaug**	Miller	Rittmer	Vande Hoef
Boswell			

STATE GOVERNMENT—20

Kibbie, Chair	Doyle	McLaren	Running
Lloyd-Jones*	Drake	Murphy	Soorholtz
Lind**	Gronstal	Pate	Sorensen
Buhr	Horn	Priebe	Vande Hoef
Dieleman	Kramer	Rife	Welsh

TRANSPORTATION—12

Fraise, Chair	Dieleman	Kersten	Pate
Connolly*	Gettings	Kinley	Slife
Drake**	Jensen	Lloyd-Jones	Welsh

WAYS AND MEANS—15

Dieleman, Chair	Deluhery	Hester	Rosenberg
Husak*	Drake	McLaren	Szymoniak
Hedge**	Fraise	Murphy	Taylor
Connolly	Fuhrman	Palmer	

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION

Peterson, Chair	Pate**	Welsh
Dieleman*	Slife	

AGRICULTURE/NATURAL RESOURCES

Husak, Chair	McLaren**	Kibbie
Priebe*	Hester	

CLAIMS

Kinley, Chair	Soorholtz**	Drake
Doyle*	Boswell	

ECONOMIC DEVELOPMENT

Riordan, Chair	Kramer**	Lloyd-Jones
Boswell*	Borlaug	

EDUCATION

Varn, Chair	Lind**	Tieden
Horn*	Murphy	

HEALTH AND HUMAN RIGHTS

Buhr, Chair	Tinsman**	Rittmer
Miller*	Hannon	

HUMAN SERVICES

Szymoniak, Chair	Hagerla**	Sturgeon
Deluhery*	Fuhrman	

JUSTICE SYSTEM

Gronstal, Chair	Vande Hoef**	Taylor
Fraise*	Rosenburg	

REGULATION

Running, Chair	Rensink**	Sorensen
Palmer*	Hedge	

TRANSPORTATION AND SAFETY

Gettings, Chair	Kersten**	Jensen
Doyle*	Connolly	

APPOINTMENTS TO SENATE ETHICS COMMITTEE

Appointed by Senator Hutchins, Majority Leader

Lloyd-Jones, Chair Gettings* Husak

Appointed by Senator Rife, Minority Leader

Drake** Hedge

COMMUNICATIONS RECEIVED

The following communications have been received and placed on file in the office of the Secretary of the Senate during the 1991 legislative interim:

STATE BOARD OF REGENTS

Iowa College Savings Plan, pursuant to Chapter 262A.6A, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Comprehensive Transportation Policy, pursuant to Section 307.10(1), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Fiscal Year 1990 Annual Report of the Iowa Retraining Program, pursuant to Section 256.7(20), Code of Iowa.

STATE BOARD OF REGENTS

Soybean-based inks and Starch-based alternative report, pursuant to Section 262.9, Code of Iowa.

Environmental Mandates Report required by Executive Orders 36 and 37 and Chapter 455D, Code of Iowa.

STATE AUDITOR

Single Audit Report for the fiscal year ending June 30, 1990, pursuant to Chapter 11, Code of Iowa.

STATE AUDITOR

Audit Report for the Iowa Legislature for the fiscal year ending June 30, 1990, pursuant to Chapter 11, Code of Iowa.

DEPARTMENT OF COMMERCE, DIVISION OF INSURANCE

Semi-Annual report regarding the state of insurance issues, pursuant to Section 505.13(2), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

A report on Options to Provide Assistance for Foster Care Youths to Pursue a Post Secondary Education, pursuant to Chapter 1270, Section 13, Subsection 16, Laws of the 73rd General Assembly, 1990 Session.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

1991 Annual Report regarding the Department's Agricultural Drainage Well Research and Demonstration Project, pursuant to Section 159.29, Code of Iowa.

DRUG ENFORCEMENT AND ABUSE PREVENTION COORDINATOR

Annual report of the State Drug Enforcement and Abuse Prevention Coordinator, pursuant to Section 80E.1(b), Code of Iowa.

LEGISLATIVE FISCAL BUREAU

Evaluation of the Job Retraining Program, pursuant to House File 550 of the 1989 Legislative Session.

STATE AUDITOR

Auditor's Report, Financial Statements and Supplemental Information on the Lottery Division of the Iowa Department of Revenue and Finance, September 30, 1990, pursuant to Chapter 11, Code of Iowa.

STATE AUDITOR

Auditor's Report, Financial Statement and Supplemental Information on the Lottery Division of the Iowa Department of Revenue and Finance, December 31, 1990, pursuant to Chapter 11, Code of Iowa.

STATE AUDITOR

Auditor's Report, Financial Statements and Supplemental Information on the Lottery Division of the Iowa Department of Revenue and Finance, March 31, 1991, pursuant to Chapter 11, Code of Iowa.

DEPARTMENT OF EDUCATION

A report of the Postsecondary Enrollment Options Act, Department of Education Study, pursuant to Senate File 2410, 1990 Session.

IOWA DEPARTMENT OF PUBLIC HEALTH

Report on Integration/Coordination Activities, pursuant to Senate File 2428, 1990 Session.

DEPARTMENT OF NATURAL RESOURCES

Annual Report "Energy Fund Disbursement Council Report to the Governor and General Assembly" through Fiscal Year 1991.

IOWA UTILITIES BOARD

1990 Annual Report of the Iowa Utilities Board pursuant to Sections 17.10 and 476.16, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Fiscal Year 1991 Annual Report of the Commission of Persons with Disabilities, pursuant to Section 601K.77, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual Report "Health Maintenance Organization Utilization Report for Fiscal Year 1989", pursuant to Chapter 249A, Code of Iowa.

UNIVERSITY OF NORTHERN IOWA

Fiscal Year 1991 Annual Report for the Institute for Decision Making.

DEPARTMENT OF HUMAN SERVICES

Uniform reportin of maintenance and service cost report, pursuant to Senate File 479.

Report on Methodologies for Reimbursing Actual Costs of Providing Services, pursuant to Chapter 1270, Section 31, Subsection 6, of the 1990 Acts.

STATE AUDITOR

Audit Report on the Lottery Division of the Department of Revenue and Finance.

DEPARTMENT OF PUBLIC HEALTH

Report titled "Iowa at the Crossroads: Improving Access to Health Care" from the Office of Rural Health.

DEPARTMENT OF PERSONNEL

Final Report on the Feasibility of the Iowa Public Employees Retirement System Initiating and Optional, Supplemental Defined contribution Retirement Plan, pursuant to House File 2543, 1990 Session.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Iowa Labor-Management Cooperation Council Annual Report.

WALLACE TECHNOLOGY TRANSFER FOUNDATION OF IOWA

Fiscal Year 1991 Annual Report, pursuant to Chapter 28.155, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

1991 Iowa Primary Road Sufficiency Log, pursuant to chapter 307A.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

Recommendations of the Energy Fund Disbursement Council for Fiscal Year 1993.

STATE BOARD OF REGENTS

University of Iowa Hospital and Clinics report, pursuant to Section 263A.13, Code of Iowa.

DEPARTMENT OF GENERAL SERVICES

Capitol Planning Commission five year plan.

IOWA LAW ENFORCEMENT ACADEMY

Fiscal Year 1991 annual report, pursuant to Chapters 7E.3(4) and 80B.10, Code of Iowa.

COMMISSION ON CHILDREN, YOUTH AND FAMILIES

Annual Report of the Iowa Commission on Children, Youth and Familes, pursuant to Chapter 217. 9A, Code of Iowa.

LEGISLATIVE SERVICE BUREAU

Actuarial report concerning possible extension of IPERS and Social Security, pursuant to Chapter 1240, section 91.1, 1990 Iowa Acts.

INSPECTIONS AND APPEALS

Annual Report of the Department of Inspections and Appeals.

IOWA DEPARTMENT FOR THE BLIND

Annual Report for the Iowa Department for the Blind, pursuant to Chapter 601L, Code of Iowa.

IOWA ENERGY CENTER

Report to the General Assembly pursuant to Senate File 508.

DEPARTMENT OF PERSONNEL

Department of Personnel's Annual Report, pursuant to Chapter 19A.7, Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Annual report to the General Assembly regarding Hazardous Waste Remedial Fund, and Registry of Hazardous Waste or Hazardous Substance Disposal Sides, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's application to the U.S. Department of Justice for funds under the Drug Control and System Improvement Grant Program 1992.

ANNOUNCEMENT OF APPOINTMENTS

The majority and minority leaders announced the following statutory appointments made during the 1991 legislative interim on July 1, 1991:

ADMINISTRATIVE RULES REVIEW COMMITTEE
(Code 17A.8 as amended by Section 21 of House File 709)

Senators Donald V. Doyle, John P. Kibbie, Berl E. Priebe, H. Kay Hedge and Dale L. Tieden for terms commencing May 1, 1991, and ending April 30, 1995.

The majority leader announced the following statutory appointments made during the 1991 legislative interim on August 16, 1991:

IOWA STATEHOOD SESQUICENTENNIAL COMMISSION
(House File 710, 1991 Session)

C. Joseph Coleman, Clare
Edward C. Nichols, Knoxville
Lois Oakley, Audubon
Rececca Reynolds-Knight, Keosauqua
Donn Stanley, Greenfield

The President of the Senate announced the following statutory appointments made during the 1991 legislative interim:

June 21, 1991

SECOND INJURY FUND TASK FORCE
(Senate File 502, 1991 Session)

Senator Al Sturgeon

July 3, 1991

COMMISSION ON ELDER AFFAIRS
(Code 249D.11)

Senator Emil Husak, 7/1/91—6/30/95

MEDICAL ASSISTANCE
(Code 249A)

Senator Elaine Szymoniak, 7/1/91—6/30/93
Senator Maggie Tinsman, 7/1/91—6/30/93

INTERSTATE AGRICULTURAL GRAIN MARKETING COMMISSION
(Code 183.1)

Senator Leonard Boswell, 7/1/91—6/30/93

IOWA PEACE INSTITUTE
(Code 38)

Senator Patrick Deluhery, 7/1/91—6/30/95

EDUCATION COMMISSION OF STATES
(Code 272B)

Senator Mike Connolly, 7/1/91—6/30/95

HIGHWAY RESEARCH BOARD
(Senate File 524, 1989 Session)

Senator Eugene Fraise, 7/1/91—6/30/93

July 25, 1991

COLLEGE AID COMMISSION
(Code 261)

Senator Larry Murphy, 7/25/91—6/30/95

August 5, 1991

HEALTH DATA COMMISSION
(Code 145)

Senator Mike Gronstal, 8/5/91—6/30/92

1992 GOVERNOR'S CONFERENCE ON AGING

Senator Emil Husak

December 11, 1991

RENEWABLE FUEL ADVISORY COMMITTEE
(Senate File 545, 1991 Session)

Senator Ralph Rosenberg, 12/1/91—11/30/94

TRUSTEES OF POLICE & FIRE RETIREMENT
(House File 2543, 1990 session)

Senator Richard Drake, 11/14/91—4/30/92 (to fill the vacancy created by the resignation of Jack Nystrom).

HEALTHY IOWANS 2000 CONSORTIUM
(Request of Director of Department of Health)

Senator Beverly Hannon

January 8, 1992

ECONOMIC DEVELOPMENT BOARD
(Code 15.103)

Senator Al Sorensen, 1/6/92—6/30/94 (to fill the vacancy created by the request of Senator Hutchins to withdraw from the board; this will fulfill Senator Hutchins' term and give Senator Sorensen a full term).

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Lavern and Rosalyn Bergmann, Clarence — For celebrating their 50th wedding anniversary. Senator Hannon (5-3-91).

Pauline Schnoor, Davenport — For celebrating her 100th birthday. Senator Hannon (5-16-91).

Gifford and Frances Hansen, Anamosa — For celebrating their 60th wedding anniversary. Senator Hannon (6-4-91).

Ralph and Alverta Wood, Olin — For celebrating their 50th wedding anniversary. Senator Hannon (6-23-91).

Hampton Church of Christ, Hampton — For celebrating their centennial. Senator Taylor (6-26-91).

James and Zella Miller, Martelle — For celebrating their 50th wedding anniversary on 4-25-91. Senator Hannon (6-26-91).

Merle and Pauline Husmann, Monticello — For celebrating their 50th wedding anniversary on 4-19-91. Senator Hannon (6-26-91).

John Flannery, Jr., Marshalltown — For winning the Gold Medal in the Iowa Special Olympics high jump. Senator Murphy (7-29-91).

Ocheyedan Press — For 100 years of service to Ocheyedan and surrounding communities. Senator Vande Hoef (8-14-91).

Patrolman Donald C. Ruppert, Burlington — For making the State of Iowa a better place to live due to the dedication of his service. Senator Hagerla (9-26-91).

Stephen R. Hicks, Danville — For attaining the rank of Eagle Scout. Senator Hagerla (10-6-91).

Dr. James Coffey, Emmetsburg — In recognition of his commitment to the restoration of Five Island Lake. Senator Kibbie (10-8-91.

Beth Seivert, Ashton — For celebrating her 100th birthday. Senator Vande Hoef (10-13-91).

Coach Mark Kauk and the Unity Christian High School girls' cross country team — For winning the Class 1A Girls' State cross country meet. Senator Rensink (11-5-91).

Coach Don Harding and the Maurice-Orange City/Floyd Valley High School girls' cross country team — For placing third in the Class 2A Girls' State cross country meet. Senator Rensink (11-5-91).

Bettendorf High School girls' swimteam — For winning the 1991 Girls' State swimming and diving championship. Senator Tinsman (11-9-91).

Boyden-Hull Comets, Hull — For winning the district championship in the Siouxland Conference and participating in the Class 1A State volleyball tournament. Senator Vande Hoef (11-15-91).

Bettendorf High School football team — For winning the 1991 State football championship. Senator Tinsman (11-15-91).

Central Lyon-George-Little Rock Lions, Rock Rapids — For winning second place in the 1991 Class 2A State football championship. Senator Vande Hoef (11-16-91).

Western Christian Indians, Hull — For competing in the Class 2A State volleyball championship for the third straight year and winning second place in 1991. Senator Vande Hoef (11-16-91).

Western Christian volleyball team — For winning second place in the Class 2A State volleyball tournament. Senator Rensink (11-16-91).

West Delaware football team, Manchester — For winning the 1991 Class 3A State football championship. Senator Murphy (11-16-91).

Paul Upah, Tama — In recognition of his 33-year dedication to his community and citizens and congratulations on his retirement. Senator Husak (12-20-91).

Mr. and Mrs. Bob Steger, Oelwein — For celebration of their 50th wedding anniversary. Senator Murphy (12-27-91).

Dr. John and Mrs. Agnes Gallagher, Oelwein — For celebration of their 60th wedding anniversary. Senator Murphy (12-31-91).

REPORT OF THE COMMITTEE ON MILEAGE

MR. PRESIDENT: Pursuant to Sec. 2.10, Code 1989, the following mileage has been determined to be the mileage entitled to the members of the Senate for the Seventy-fourth General Assembly:

NAME	ROUND TRIP MILES
Borlaug, Allen	370
Boswell, Leonard L.	160
Buhr, Florence	none
Connolly, Michael W.	410
Deluhery, Patrick J.	338
Dieleman, William W.	106
Doyle, Donald V.	426
Drake, Richard F.	306
Fraise, Eugene S.	369
Fuhrman, Linn	360
Gettings, Don E.	190
Gronstal, Michael E.	270
Hagerla, Mark R.	360
Hannon, Beverly A.	310
Hedge, H. Kay	152

Hester, Jack W. 250
Horn, Wally E. 250
Husak, Emil J. 150
Hutchins, Bill 170
Jensen, John W. 290
Kersten, James B. 180
Kibbie, John P. 344
Kinley, George R. 16
Kramer, Mary E. 12
Lind, Jim 220
Lloyd-Jones, Jean 224
McLaren, Derryl 300
Miller, Alvin V. 230
Murphy, Larry 300
Palmer, William D. 24
Pate, Paul D. 278
Peterson, John A. 48
Priebe, Berl E. 280
Rensink, Wilmer 460
Rife, Jack 298
Riordan, James R. 28
Rittmer, Sheldon 388
Rosenberg, Ralph 70
Running, Richard V. 260
Slife, Harry G. 220
Soorholtz, John E. 72
Sorensen, Albert G. 100
Sturgeon, Al 420
Szymoniak, Elaine ..... none
Taylor, Ray 172
Tieden, Dale L. 370
Tinsman, Maggie 360
Vande Hoef, Richard 440
Varn, Richard J. 244
Welsh, Joe J. 400

Respectfully submitted,

WALLY E. HORN, Chair
EMIL J. HUSAK
JOHN W. JENSEN
SHELDON RITTMER

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following report of increases and reclassifications for permanent officers and employees:

Finance Officer I to Finance Officer II	Linda Laurenzo	24-2 to 27-2	effective 9/6/91
Indexing Assistant to Assistant Finance Officer	Nancy Gibson	18-4 to 21-3	effective 9/6/91
Adm. Assistant to Leader I to Adm. Assistant to Leader II	John Cacciatore	27-2 to 30-1	effective 5/24/91
Adm. Assistant to Leader I to Adm. Assistant to Leader II	Stephanie Laudner	27-2 to 30-1	effective 5/24/91
Journal Recording Clerk to Indexing Assistant	Kathleen Curoe	20-2 to 18-4	effective 9/6/91
Senior Research Analyst to Caucus Staff Director	Debbie O'Leary	35-1 to 34-3	effective 12/3/91
Caucus Staff Director	Carol D. Olson	34-3 P-FT	effective 8/22/91
Legislative Research Analyst I	Robyn Mills	27-1 to 27-2	effective 7/5/91
Legislative Research Analyst I	Linda Santi	27-1 P-FT	effective 12/6/91

BILL HUTCHINS, Chair

ALSO:

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 3, your committee on rules and administration submits the following names of session-only officers and employees of the Senate, and their respective classification, grades and steps:

		Class	Grade	Step
Recording Clerk	Kelly Finley	S-O	20	1
Assistant to Legal Counsel	Dawn Hansen	S-O	17	1
Legislative Committee Secretary	Jeff Geerts	S-O	18	1
Legislative Secretary	Mary Sue Gibson	S-O	16	1
Legislative Committee Secretary	Janice Howser	S-O	18	1
Legislative Secretary	Kimberly Jensen	S-O	16	1
Legislative Secretary	Elizabeth Kinley	S-O	17	2
Legislative Committee Secretary	Peggy McGivern	S-O	18	1
Legislative Secretary	Dan McGuire	S-O	16	1
Legislative Secretary	Sara Poepsel	S-O	18	1
Legislative Secretary	Diane Schrage	S-O	16	1
Legislative Secretary	Sam Tippy	S-O	17	1
Legislative Committee Secretary	Cindy Turner-Johnson	S-O	18	1
Page	Anne Barakat	S-O	Minimum Wage	
Page	Seth Boffeli	S-O	Minimum Wage	
Page	Brandy Brisby	S-O	Minimum Wage	
Page	Kimberly Cass	S-O	Minimum Wage	
Page	Robin Condon	S-O	Minimum Wage	
Page	Karen Eggerling	S-O	Minimum Wage	
Page	Todd Fey	S-O	Minimum Wage	
Page	Drew France	S-O	Minimum Wage	
Page	Rebecca Hyman	S-O	Minimum Wage	
Page	Travis Jelinek	S-O	Minimum Wage	
Page	Rain Jones	S-O	Minimum Wage	
Page	Kurt Klostermann	S-O	Minimum Wage	
Page	Melissa Miller	S-O	Minimum Wage	
Page	Michael Murray	S-O	Minimum Wage	

Page	Thomas Plummer	S-O	Minimum Wage
Page	Trevor Porath	S-O	Minimum Wage
Page	Sarah Struecker	S-O	Minimum Wage
Page	Ann Tilley	S-O	Minimum Wage

BILL HUTCHINS, Chair

STUDY BILLS RECEIVED

SSB 2001 Transportation

Exempting overweight vehicles transporting solid waste from unloading requirements.

SSB 2002 Ways & Means

Relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates.

SSB 2003 Local Government

Establishing requirements for joint investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

SUBCOMMITTEE ASSIGNMENT

SSB 2002

WAYS AND MEANS: Rosenberg, Chair; Connolly and Hester

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF BILLS

Senate File 2016, by Hutchins, a bill for an act providing for certain state employees who are not members of the general assembly to participate in state health or medical insurance programs upon retiring between the ages of fifty-five and sixty-five, and providing an effective date.

Read first time and **passed on file.**

Senate File 2017, by Priebe, a bill for an act relating to the salaries of newly elected county auditors, treasurers, recorders, sheriffs, and county attorneys.

Read first time and **passed on file.**

Senate File 2018, by Priebe, a bill for an act allowing for special minors' licenses for travel to and from work.

Read first time and **passed on file.**

Senate File 2019, by Priebe, a bill for an act relating to allotments of state funds to state departments and political subdivisions and providing effective and applicability dates.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

H.F.	323	Commerce
S.F.	2001	Human Resources
S.F.	2002	Local Government
S.F.	2003	Education
S.F.	2004	Transportation
S.F.	2005	Environment & Energy Utilities
S.F.	2006	Transportation
S.F.	2007	Judiciary
S.F.	2008	Business & Labor Relations
S.F.	2009	Judiciary
S.F.	2010	Judiciary
S.F.	2011	State Government
S.F.	2012	Environment & Energy Utilities
S.F.	2013	State Government
S.F.	2014	Judiciary
S.F.	2015	State Government
S.F.	2016	State Government
S.F.	2017	Local Government
S.F.	2018	Transportation
S.F.	2019	Appropriations

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Varsity Singers from West High School, Iowa City. Senator Lloyd-Jones.

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:05 p.m., until 10:00 a.m., Tuesday, January 14, 1992.

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 14, 1992

The Senate met in regular session at 9:05 a.m., Senator Connolly presiding.

Prayer was offered by the Honorable Leonard L. Boswell, member of the Senate from Decatur County, Davis City, Iowa.

The Journal of Monday, January 13, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the day on request of Senator Rife.

ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for consideration House Concurrent Resolution 102.

House Concurrent Resolution 102

On motion of Senator Hutchins, House Concurrent Resolution 102, a concurrent resolution providing that a joint convention be held Thursday, January 16, 1992, 10:00 a.m. and that Chief Justice McGiverin be invited to present his message of the condition of the judicial department at this convention, was taken up for consideration.

Senator Hutchins moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that

House Concurrent Resolutions 101 and 102 be **immediately messaged** to the House.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Connolly presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, Senator Connolly presiding.

In accordance with House Concurrent Resolution 101, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-arms.

JOINT CONVENTION

The joint convention convened at 10:00 a.m., President pro tempore Lloyd-Jones presiding.

Senator Hutchins moved to dispense with the roll call and to authorize the President of the joint convention to declare a quorum present, which motion prevailed by voice vote.

President pro tempore Lloyd-Jones declared a quorum present and the joint convention duly organized.

Senator Hutchins moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the President appointed as such committee Senators Boswell, Sorensen and Hester, on the part of the Senate, and Representatives Murphy, Beatty and De Groot, on the part of the House.

The joint convention stood at ease until the fall of the gavel.

The joint convention resumed session, President pro tempore Lloyd-Jones presiding.

The Chief Justice and the Justices of the Supreme Court and the Chief Judge and the Judges of the Court of Appeals were escorted into the House chamber.

The following guests were escorted into the House chamber: Dale Cochran, Secretary of Agriculture; Michael Fitzgerald, Treasurer of State; Bonnie Campbell, Attorney General; Richard Johnson, Auditor of State; Governor Branstad's father and his wife, Edward and Enolia Branstad and Lieutenant Governor Joy Corning.

The committee waited upon Governor Branstad and escorted him to the Speaker's station.

President pro tempore Lloyd-Jones then presented Governor Branstad who delivered the following condition of the state and budget address:

Lieutenant Governor, Madam President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Distinguished Guests and Friends.

1991 was a year we will never forget. It was a year of unprecedented change in our world, our state and even in many of our families. It was a year that offered us much hope: hope for a victory at war and nations at peace. It was a year that gave us much worry: worry over the economy, the state budget and our basic values as Iowans.

Yes, 1991 was a year we will never forget.

One year ago, when I stood before you on this same occasion, war was looming in the Persian Gulf. Today we can be thankful for the liberation of Kuwait and the low number of allied casualties. We are proud of those Iowans who served in the Persian Gulf. And we remember the eight Iowans who paid the supreme sacrifice during the Gulf War.

One year ago, communism still prevailed in the Soviet Union. Today we are thankful for the triumph of freedom in the new Commonwealth of Independent States. We appreciate Iowa's relationship with Russia and other states in the Commonwealth and the new opportunities presented there because of these extraordinary changes.

Last year was a time of adjustment and concern. With the Cold War over, we looked inward and we didn't always like what we saw...a lingering national recession...the need for more jobs ...too little understanding among people...and dwindling resources despite exploding needs.

1991 was a year my family will never forget. It was a year we experienced every family's nightmare. The car accident changed our lives forever and left scars that will never go away. And it left victims who will always be in our prayers.

1991 was a year when Iowa's reputation was tarnished by cross burnings and senseless acts of hatred. I know the over-whelming majority of Iowans share my belief that there is no place in Iowa for prejudice and racism. I have proclaimed this very week — January 13th through the 20th — as a week of reconciliation in our state. I hope this week will set the tone for the year 1992 in Iowa.

From the earliest days as the first free state in the Louisiana Purchase, Iowa has had a proud and progressive history. In 1839, the Territorial Supreme Court of Iowa declared, "a fugitive slave is a free citizen in a free territory," in The Case of Ralph. This was 26 years before the Thirteenth Amendment to the U.S. Constitution abolished slavery.

Iowa also led the way in school desegregation. Eighty-six years before the landmark decision by the U.S. Supreme Court in Brown v. Board of Education, the Iowa Supreme Court held the exclusion of African Americans from public schools was unlawful.

Iowa was the first state to pass legislation to protect American Indian burial grounds. Forty-three states have followed our lead. Iowa was also the first state to welcome southeast Asians in a unique resettlement program in the 1970s.

We must not lose our heritage as a civil rights leader. This week of reconciliation gives us an opportunity to renew our commitment to love and compassion for others. We must, by word and deed, show our tolerance and respect for diversity. Those who represent diverse racial, religious and ethnic backgrounds help weave the rich fabric of our heartland population.

We Iowans are good people. Friendliness, kindness, openness, honesty, compassion — those are the hallmarks of the Iowa we all know. Bitterness, racism, meanness, violence and deception have no place in our state.

1991 was a year when Iowa's government got off track. Persistent overspending resulted in a nearly unmanageable budget deficit. Painful, difficult decisions had to be made — and still we are not done. The Iowa Trust scandal defied its very name and destroyed some of the trust our citizens place in their government officials.

It is time to get government back on track. We, as public officials, must uphold the public trust; we must work to restore the confidence of Iowans in their government. We must give Iowans a government as good, as sound, as honest and as clean as Iowans themselves.

The state's budget is our most important challenge. The money the state must spend to fulfill federal mandates and state programs is more than the budget can bear. Unless we change our spending habits, we face a growing deficit. The solutions must begin this year.

I will present to you a balanced budget that limits spending and puts us on course for a GAAP balance in 1995 without a major tax increase.

To solve a projected budget deficit with income taxes, the average family tax bill would nearly double in 15 years. To solve the projected budget deficit with sales taxes, Iowans would experience a 70 percent increase in sales taxes. Most importantly, we cannot shift the burden to property taxes. These are not acceptable solutions. Our tax burden is plenty as it is. We have to make some very hard choices to protect Iowans from higher taxes.

I have made the choices that I believe are in the best interest of all Iowans. But is has not been easy. Believe me, it is not easy to make across-the-board-cuts, reduce staff and freeze wages. But I do not want to drive people, investments and jobs out of Iowa, which is what would happen if taxes were increased. And I do not want to take more tax money from the pockets of hardworking Iowa families.

There are no easy solutions. Putting obligations off into the future, expanding gambling, borrowing more money and making risky investments have all proved to be ineffective and bad public policy.

Higher stakes or increased gambling would deteriorate our quality of life. We have enough gambling in Iowa. We must not gamble with the state budget and we should not sanction local governments to do so either.

Borrowing money is not the answer. We must get back to the basics and pay as we go.

Pushing the problem off into the future is not a viable alternative. This challenge is facing us today, and we must address it today.

There are a number of things we can do, and we must do, to foster growth and create opportunity in Iowa.

First, and foremost, we must be honest. We must tell Iowans what shape their budget is in — no worse and no better than it actually is.

Second, we must re-establish fiscal integrity. Automatic increases and spending formulas have been instrumental in creating a structural deficit. We must correct this situation.

Third, we must spend less. Spending less will require fundamental changes in the way state money is appropriated.

Fourth, we must not let the state's budget problems result in local property tax increases. All units of government must become more efficient. And we must protect taxpayers by freezing property taxes for cities and counties.

Finally, we must rally the moral courage to make the tough decisions, but we must choose our options thoughtfully and carefully. I have already made some difficult and unpopular choices. I now ask you to help me re-establish fiscal responsibility and prudent management of all public resources in the state.

Iowa can lead the way in government reform. We must reform spending and redefine government in our state, while focusing on quality and striving for continuous improvement. We can no longer afford business as usual in state government. This is a time that calls for fundamental change. Government at all levels must become less bureaucratic, more innovative and responsive to rapid change.

To begin the budget reform process, I created the Committee on Government Spending Reform chaired by David Fisher. I want to recognize the committee's hard work on this enormous task and thank the members for their efforts.

Since the statewide committee made its recommendations last month, we have been studying their ideas to see what is possible in 1992. We must act on some of those ideas this year. Already I have worked with legislators and others to find the best path to success.

Yes, 1992 is the year to put Iowa back on track. We can do it. And we can do it without tearing down all that is good about our state. I don't want to tear Iowa down; I want to build it up.

I want all Iowans to have an opportunity to fulfill their dreams. I want a safe state, a good state, where people care about their neighbors and welcome newcomers. I want clean streams, fresh air and a deep respect for our natural resources. I want Iowa to be known for the best schools, solid families and the most prolific agricultural system in the history of the world.

And do you know what? That is Iowa. Iowa is all of those things. Let us never take for granted all that is good in Iowa. We have a great deal for which to be thankful. Our challenge is to make it even better.

With our continued focus on economic development and education, we are making progress.

We are on the way to achieving our goal to make Iowa a growth state in the 90's. Although we lost population during the farm crisis, we have grown in the last four years. Last year Iowa's population grew by more than 18,000. Today more people are moving to Iowa than from Iowa.

More young families are raising their children in Iowa. That growth is reflected in school enrollment. After 19 straight years of declining enrollment, Iowa schools have grown in each of the past three years. For 1991 we projected growth of 3,000; the actual increase was 8,055 more students.

Our economic development efforts are paying off. Iowa was ranked number one in the nation for economic development policy and planning in the 1991 "Report Card of the States" from the Corporation for Enterprise Development.

The lessons we learned during the farm crisis are now serving us well. Iowa businesses have been more resilient and less affected by the national recession than those in other states.

In fact, Iowa is one of only five states where business failure showed a decline in 1991. And Iowa ranks second in the nation in the rate of new business incorporations, according to the most recent figures from the U.S. Small Business Administration.

We are well-positioned for growth, particularly when compared to other states. Look at California, New York or almost any state on either coast. Their boom has turned to bust. Yet we have a record number of people in the work force in Iowa. And people outside the state are recognizing the advantages we enjoy here and are coming back or moving to Iowa.

During RAGBRAI last year, Ken Holtz, a native of St. Louis, was riding with a friend who was job hunting in Iowa. Ken had been on RAGBRAI for several years and saw a Job Service notice for a computer operations job in Nevada. It sounded interesting to him so he got off his bike, called his wife, Jan, and asked her to send his resume from St. Louis to meet the application deadline. Ken, Jan, and their two young sons, decided to move to Iowa and Ken started working at the Story County courthouse on October 1. After relocating to Iowa, Ken said, "We have never been happier."

The Holtz family demonstrates that Iowa's way of life is attractive to a growing number of young families. The number of people contacting the "Come Back to Iowa" program in the Department of Employment Services went up from an average of nine per month in 1990 to 41 per month in 1991.

A recent survey identified housing in the Midwest as among the best buys in the country. And the value of housing permits issued in Iowa has increased significantly. When you add a 20-year low in interest rates, you have got an economic recipe that can be great for Iowa.

Even farmland values are stable, despite the fact that 1991 was an extraordinarily difficult year on the farm with a wet spring, summer drought, early frost and devastating ice storms. And this morning, I just learned that Steve Berger of Wellman, Iowa, was named the National Young Farmer of the Year at the American Farm Bureau Convention in Kansas City. And I think Steve is with us here this morning. Congratulations, Steve, we're very proud of you. Steve is a graduate of Iowa State University and although he worked in state government briefly, he wanted to go back to farming on his family's farm. I'm very proud and I know the people of Iowa are proud to have an Iowa young farmer win that prestigious national award.

Iowa is also well-positioned internationally. Since 1987, Iowa's foreign exports have grown by more than one billion dollars. According to the U.S. Department of Commerce, every increase of one billion dollars in exports creates 25,000 new jobs.

Expanded exports for Iowa farm products are key to our economic well-being. Enormous new markets with pent-up consumer demands, especially for food and manufactured products, have opened in Central Europe and the new Commonwealth of Independent States.

We must build partnerships between government and the private sector to increase export trade. We must work hard and set a realistic goal. I recommend a goal for Iowa to increase our overall exports 50 percent by the year 2000. This goal would bring Iowa's exports to eight billion dollars in eight years.

In September, I went to Russia and the Ukraine. In October, Iowa legislative leaders went there as well. With the help of the Trade Development Program and Iowa State University, we are establishing Iowa agri-business centers in Russia and the Ukraine. These centers will showcase Iowa's agricultural products and companies.

I challenge the Iowa International Development Foundation to achieve significant sales of grain, meat, and other food products in the Commonwealth and Central Europe. We have an exciting opportunity to help them establish democracy, and help us establish new markets.

Economic development and education remain my top priorities. I will continue to devote my time and energy to creating quality jobs in Iowa. By making strategic investments in technology, you can help create more high-paying jobs here in Iowa.

We have created technology magnets at our universities in areas ranging from bioprocessing to recycling. Agriculture research and technology are the keys to add value to Iowa products. The Wallace Technology Foundation will help us target and match businesses, markets and technologies. This is vital to creating good jobs for our young people.

Nearly all 1993 revenue growth will go to education. Iowa is leading the way in education reform. Last fall, we hosted the National Education Forum. Secretary of Education Lamar Alexander came and said, "There is more creativity in education in one acre of Iowa than in all of Washington, D.C."

That creativity is flourishing in Iowa. We are developing alternative accreditation that gives local school districts more control. We can help Iowa's schools achieve the National Education Goals by establishing a Center for the Assessment of School Effectiveness. This center, and the new accreditation system, will help local districts focus on results.

I want Iowans to be safe in their homes, on streets and in neighborhoods and communities. We must make strides in the areas of juvenile justice and hate crimes.

And this is the year to approve hard driver's license suspensions for drunk driving and drug offenses.

Our goals are to protect Iowans from crime; prevent people from abusing substances; deter our young people from criminal activity; and improve the efficiency of the juvenile justice system.

We need to strengthen the hate crimes law to prevent bias-motivated acts. Bigotry has no place in Iowa.

We need to preserve the quality of life that makes Iowa special. We must make improvements that strengthen families and help at-risk children stay in their parents' homes.

I accept my constitutional duty to balance the state budget, but I have tried to protect Iowa's most vulnerable people — our at-risk children, families, elderly and disabled, by providing the necessary funding so services will not be cut.

Iowa is the heartland of the nation. Our environment is among the best in the world. We have worked hard to protect our water, land and air. This year, we will expand recycling and help improve America's air quality by increasing ethanol production.

As we address the challenges we face today, we must not lose sight of what it's all about: Iowa is our home — truly a special place. Our boundaries are defined by mighty rivers; our land is rich and productive; our heritage is magnificent; our culture is admirable; our people are the best.

Iowa is, and will be, a desirable place to live and raise a family because of our strong morals, our decent values, our pure principles, our optimistic outlook and our strength of character.

Iowans are good, honest and hardworking people. We must maintain our integrity. Most importantly, we must keep our character as a people. We must hold on to the basic values that make Iowa so wholesome.

In the February 1992 issue of Midwest Living, people all over the Midwest judged Iowa to be the most friendly state in the region. We know that and we can be proud. But it's great for others to recognize it, too.

Sadly, in the last few weeks of 1991, Iowa's reputation was deeply hurt by the senseless acts of hatred. But as the great UCLA basketball coach John Wooden said, "Be more concerned with your character than with your reputation. Your character is what you really are, while your reputation is merely what others think you are." I know the real character of the people of Iowa. We can and will overcome the despicable acts of those hateful few.

Last year, our state's reputation may have been devalued somewhat. Indeed, my own reputation and that of my family was too often sullied in 1991. But my character has not changed. I am still the product of good, basic Iowa small town

values. Hard work, honesty, friendliness and a commitment to public service remain my guiding principles. My character hasn't changed. And it never will.

The same is true of the state. Our character remains solid. Iowa's core values have not changed. Those values will help us meet the challenges of 1992.

We Republicans and Democrats; we executives and legislators; we House and Senate members; we have had our differences in the past. And we will in the future. But let us not forget, we are all Iowans. We have an obligation to this state. An obligation to balance its budget, restore trust in government and give opportunity to our citizens.

1992 is the year to meet that test.

1992 is the year to put our state back on track.

1992 is the year to reaffirm our commitment to basic Iowa values.

Let's make 1992 the year we can look back upon proudly and never forget.

Thank you.

Governor Branstad was escorted from the House chamber by the committee previously appointed.

On motion of Representative Neuhauser, the joint convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, Senator Murphy presiding.

RECESS

On motion of Senator Horn, the Senate recessed at 10:46 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 13, 1992, 2:15 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Riordan, Rittmer, Sturgeon, Szymoniak and Tinsman.

Members Absent: Murphy and Taylor (excused).

Committee Business: Reassigned bills to subcommittees.

Adjourned: 2:25 p.m.

LOCAL GOVERNMENT

Convened: January 13, 1992, 3:05 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Reassigned bills to subcommittees; presentation by LSB on SSB 2003.

Adjourned: 3:28 p.m.

NATURAL RESOURCES

Convened: January 13, 1992, 3:05 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Hagerla, Hedge, Rensink, Riordan, Rosenberg and Tieden.

Members Absent: Dieleman, Priebe and Sturgeon.

Committee Business: Reassigned bills to subcommittees.

Adjourned: 3:15 p.m.

TRANSPORTATION

Convened: January 13, 1992, 2:20 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Dieleman, Gettings, Jensen, Kersten, Lloyd-Jones, Pate, Slife and Welsh.

Members Absent: Drake, Ranking Member and Kinley (excused).

Committee Business: Assigned SSB 2001 to a subcommittee; reassigned bills to subcommittees.

Adjourned: 2:40 p.m.

WAYS AND MEANS

Convened: January 13, 1992, 1:30 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg and Szymoniak.

Members Absent: Palmer and Taylor (excused).

Committee Business: Assigned bill to a subcommittee.

Adjourned: 2:00 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 108

STATE GOVERNMENT: Murphy, Chair; Horn and Kibbie

Senate File 325

STATE GOVERNMENT: Doyle, Chair; Priebe and Soorholtz

Senate File 374

LOCAL GOVERNMENT: Szymoniak, Chair; Fraise and Rittmer

SSB 2001

TRANSPORTATION: Gettings, Chair; Dieleman and Jensen

SSB 2003

LOCAL GOVERNMENT: Miller, Chair; Rittmer and Szymoniak

SSB 2004

EDUCATION: Connolly, Chair; Kramer and Varn

SSB 2005

EDUCATION: Murphy, Chair; Rensink and Szymoniak

SSB 2007

STATE GOVERNMENT: Buhr, Chair; Lloyd-Jones and Soorholtz

SSB 2008

STATE GOVERNMENT: Murphy, Chair; Dieleman and Kramer

SSB 2009

STATE GOVERNMENT: Running, Chair; Buhr and Pate

SSB 2010

STATE GOVERNMENT: Doyle, Chair, McLaren and Priebe

SUBCOMMITTEE ASSIGNMENTS
(Reassignments)

Senate File 16

LOCAL GOVERNMENT: Miller, Chair; Borlaug and Sorensen

Senate File 17

LOCAL GOVERNMENT: Miller, Chair; Borlaug and Sorensen

Senate File 19

TRANSPORTATION: Connolly, Chair; Lloyd-Jones and Slife

Senate File 37

LOCAL GOVERNMENT: Hannon, Chair; Rittmer and Sorensen

Senate File 70

LOCAL GOVERNMENT: Fraise, Chair; Rittmer and Sorensen

Senate File 154

STATE GOVERNMENT: Buhr, Chair; Horn and Pate

Senate File 275

STATE GOVERNMENT: Lloyd-Jones, Chair; Gronstal and Lind

Senate File 316

STATE GOVERNMENT: Welsh, Chair; Murphy and Pate

Senate File 348

TRANSPORTATION: Welsh, Chair; Fraise and Slife

Senate File 401

TRANSPORTATION: Kinley, Chair; Gettings and Slife

House Joint Resolution 4

STATE GOVERNMENT: Priebe, Chair; Soorholtz and Sorensen

House File 168

STATE GOVERNMENT: Gronstal, Chair; Murphy and Soorholtz

House File 200

STATE GOVERNMENT: Murphy, Chair; Horn and Vande Hoef

House File 594

JUDICIARY: Rosenberg, Chair; Connolly and Pate

House File 624

TRANSPORTATION: Dieleman, Chair; Pate and Slife

STUDY BILLS RECEIVED

SSB 2004 Education

To establish a midwestern higher education compact.

SSB 2005 Education

To specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date.

SSB 2006 Environment & Energy Utilities

Relating to appropriations from the lottery fund.

SSB 2007 State Government

Relating to the requirements for licensure as a certified public accountant.

SSB 2008 State Government

Relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision.

SSB 2009 State Government

Relating to the establishment of an employment services advisory council, and the elimination of the job service advisory council.

SSB 2010 State Government

Relating to the standards of conduct for professional engineers and land surveyors.

ANNOUNCEMENT OF APPOINTMENT

The President of the Senate announced the following statutory appointments:

ECONOMIC DEVELOPMENT BOARD
(Code 15.103)

Senator Harry Slife, 1/14/92—6/30/92 (to fill the vacancy created by the resignation of Senator Jack Nystrom).

RENEWABLE FUEL ADVISORY COMMITTEE
(Senate File 545, 1991 Session)

Senator Derryl McLaren, 1/14/92 —11/30/94

AFTERNOON SESSION

The Senate reconvened at 4:17 p.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 101, by Hester and Hutchins, a concurrent resolution to designate Shelby, Iowa, the Purple Martin Capital of Iowa.

Read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2020, by Szymoniak and Kramer, a bill for an act relating to the definition of children requiring special education.

Read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.C.R.	101	Rules and Administration
S.F.	2020	Education

ADJOURNMENT

On motion of Senator Husak, the Senate adjourned at 4:22 p.m., until 9:00 a.m., Wednesday, January 15, 1992.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 15, 1992

The Senate met in regular session at 9:07 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Reverend William Cotton, pastor of the Grace United Methodist Church, Des Moines, Iowa.

The Journal of Tuesday, January 14, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Sorensen and Szymoniak for the day on request of Senator Hutchins.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:10 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: January 14, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Kibbie, Lind, Murphy, Rensink, Tieden, Tinsman and Varn.

Members Absent: Dieleman, Kramer, Running and Szymoniak (all excused).

Committee Business: Assigned 1991 bills to same subcommittees; assigned 1992 SSBs to subcommittees; discussed priorities.

Adjourned: 1:50 p.m.

JUDICIARY

Convened: January 14, 1992, 2:23 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Gronstal, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Drake.

Committee Business: Assigned bills to subcommittees.

Adjourned: 2:32 p.m.

STATE GOVERNMENT

Convened: January 14, 1992, 3:01 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Murphy.

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:07 p.m.

ANNOUNCEMENT OF APPOINTMENT

The Minority Leader of the Senate announced the following appointment:

HEALTHY IOWANS 2000 APPOINTMENT

Senator Mark Hagerla (request of Director of Department of Health).

STUDY BILLS RECEIVED

SSB 2003.1 Local Government

Establishing requirements for joint investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

SSB 2011 Appropriations

Relating to the state revenue estimating conference.

SSB 2012 Judiciary

Relating to allowing imposition of both a fine and imprisonment for a simple misdemeanor and raising the maximum fine for a serious misdemeanor.

SSB 2013 Judiciary

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa to increase the limitation on fines for offenses which may be summarily tried without indictment to one thousand dollars.

SSB 2014 Judiciary

Expanding the enhanced criminal penalty for the distribution of certain controlled substances on or near schools and parks to additional controlled substances and to possession with intent to distribute.

SSB 2015 Human Resources

Relating to the solicitation of public donations from elders and providing a penalty.

SSB 2016 Human Resources

Relating to the discharge of an adoptive father's obligation for support of an adopted child.

SSB 2017 State Government

Expanding the scope of public employee collective bargaining negotiations to include health insurance benefits for public employee retirees.

SSB 2018 State Government

Establishing a study by a benefits consultant to gather information necessary in considering the establishment of a group health or medical insurance plan for public employee retirees, and providing an effective date.

SSB 2019 State Government

Relating to the extension of retirement dividends to certain retired members of the Iowa public employees' retirement system.

SSB 2020 State Government

Relating to the transfer of assets of terminated city fire or police retirement systems to the statewide system, and providing effective and retroactive applicability dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 20

BUSINESS & LABOR RELATIONS: Sturgeon, Chair; Rensink and Running

Senate Concurrent Resolution 22

BUSINESS & LABOR RELATIONS: Sturgeon, Chair; Rensink and Running

Senate File 321

JUDICIARY: Sturgeon, Chair; Gronstal, Murphy, Pate and Slife

Senate File 388

JUDICIARY: Murphy, Chair; Hagerla and Horn

Senate File 442

BUSINESS & LABOR RELATIONS: Peterson, Chair; Fuhrman and Running

Senate File 450

JUDICIARY: Deluhery, Chair; Fuhrman and Murphy

Senate File 459

BUSINESS AND LABOR RELATIONS: Peterson, Chair; Fuhrman and Running

Senate File 466

STATE GOVERNMENT: Welsh, Chair; Murphy and Soorholtz

Senate File 475

JUDICIARY: Gronstal, Chair; Murphy and Pate

Senate File 483

JUDICIARY: Murphy, Chair; Gronstal and Pate

Senate File 498

BUSINESS AND LABOR RELATIONS: Kinley, Chair; Peterson and Slife

Senate File 499

JUDICIARY: Slife, Chair; Drake and Varn

Senate File 500

BUSINESS AND LABOR RELATIONS: Running, Chair; Buhr and Fuhrman

Senate File 516

COMMERCE: Jensen, Chair; Doyle, Gronstal, Palmer and Slife

Senate File 2007

JUDICIARY: Varn, Chair; Rosenberg and Slife

Senate File 2008

BUSINESS AND LABOR RELATIONS: Buhr, Chair; Kinley and Slife

Senate File 2009

JUDICIARY: Horn, Chair; Hester and Varn

Senate File 2010

JUDICIARY: Connolly, Chair; Fuhrman and Peterson

Senate File 2014

JUDICIARY: Varn, Chair; Connolly and Fuhrman

Senate File 2019

APPROPRIATIONS: Gronstal, Chair; Lloyd-Jones and Pate

House File 323

COMMERCE: Doyle, Chair; Palmer and Slife

SSB 2006

ENVIRONMENT & ENERGY UTILITIES: Gronstal, Chair; Jensen and Rosenberg

SSB 2011

APPROPRIATIONS: Boswell, Chair; Tieden and Welsh

SSB 2012

JUDICIARY: Sturgeon, Chair; Slife and Varn

SSB 2013

JUDICIARY: Sturgeon, Chair; Slife and Varn

SSB 2014

JUDICIARY: Rosenberg, Chair; Fuhrman and Murphy

SUBCOMMITTEE ASSIGNMENTS
(Reassignments)

Senate File 57

COMMERCE: Varn, Chair; Deluhery and Fuhrman

Senate File 353

COMMERCE: Palmer, Chair; Deluhery and Fuhrman

Senate File 365

COMMERCE: Palmer, Chair; Deluhery and Fuhrman

AFTERNOON SESSION

The Senate reconvened at 4:07 p.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF BILLS

Senate File 2021, by Kersten, a bill for an act providing for notices relating to actions brought to recover damages arising from the construction of public improvements.

Read first time and **passed on file.**

Senate File 2022, by Kersten, a bill for an act relating to commemorative military veteran motor vehicle registration plates.

Read first time and **passed on file.**

Senate File 2023, by Kersten, a bill for an act requiring a landlord of a residential mobile home park to provide and maintain a structure or other device to shelter tenants from tornadoes and providing effective and applicability dates.

Read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the remainder of the week on request of Senator Horn.

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.F.	2021	State Government
S.F.	2022	Transportation
S.F.	2023	Commerce

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:12 p.m, until 9:00 a.m., Thursday, January 16, 1992.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 16, 1992

The Senate met in regular session at 9:08 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Golda Beals, secretary of the State Executive Council, Des Moines, Iowa, who sang "The Old Rugged Cross".

The Journal of Wednesday, January 15, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Slife and Sorensen until 10:00 a.m. on request of Senator Connolly.

SPECIAL GUEST

Senator Miller presented Alison Ewing, 1992 Iowa Young Woman of the Year. Alison, a student at Mason City High School with a career goal in musical theatre, will represent Iowa at the June national finals in Mobile, Alabama.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President pro tempore Lloyd-Jones presiding.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in joint convention.

In accordance with House Concurrent Resolution 102, duly adopted, the Senate proceeded to the House under the direction of the Secretary of the Senate and the Sergeant-at-arms.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:52 a.m., President pro tempore Lloyd-Jones presiding.

Senator Hutchins moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed by a voice vote.

President pro tempore Lloyd-Jones declared a quorum present and the joint convention duly organized.

Senator Hutchins moved that a committee of four, two members from the Senate and two members from the House, be appointed to escort Governor Terry E. Branstad to the Condition of the Iowa Judiciary Message.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Doyle and Taylor, on the part of the Senate, and Representatives Nielsen and Petersen, on the part of the House.

Senator Hutchins moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify the Honorable Arthur A. McGiverin, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive him.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Gettings, Gronstal and Rensink, on the part of the Senate, and Representatives Jay, Chapman and McKean on the part of the House.

The joint convention stood at ease until the fall of the gavel.

The joint convention resumed session, President pro tempore Lloyd-Jones presiding.

The following guests were escorted into the House chamber: Mrs. Joan McGiverin; Paul McGiverin; Betty Smith; Elaine Baxter, Secretary of State; Michael Fitzgerald, Treasurer of State; Richard Johnson, Auditor of State; Bonnie Campbell, Attorney General and Joy Corning, Lieutenant Governor.

The committee appointed waited upon Governor Branstad and escorted him to the speaker's station.

Justices of the Supreme Court, the Chief Judge and Judges of the Court of Appeals, and Chief Judges of the eight Iowa Judicial Districts were escorted into the House chamber.

The committee appointed waited upon Chief Justice McGiverin and escorted him to the speaker's station.

President pro tempore Lloyd-Jones then presented Chief Justice McGiverin who delivered the following Condition of the Iowa Judiciary Message:

Madam President, Mr. Speaker, Governor, Senators, Representatives, State Officials, Justices, Judges, my fellow Iowans:

On behalf of the entire Iowa court system, I thank the legislature for its invitation to report on the State of the Judicial Branch of government.

This past year has provided us with a unique opportunity to look back at our past and also to our future. December 15, 1991, marked the 200th anniversary of the ratification of the Bill of Rights to our United States Constitution. The freedoms guaranteed by the bill of rights are exercised by each of us every day. Similar individual rights are embodied in our Iowa Constitution. They are the bedrock of freedom in our country. We should never take them for granted nor forget that our rights and liberties are given life through our court system. They are real to us only to the extent that we maintain an efficient and effective judicial branch of government.

Our world continues to change. Since we last met, the Persian Gulf War has been resolved, only to be replaced by new uncertainties. The Soviet Union has dissolved before our very eyes and we ponder the effect on our lives. Some things, however, have not changed. The recession continues and I need not tell you our state faces difficult financial problems. I know these problems will be a major concern in your deliberations during the next several weeks.

Facing up to the needs of government will require you to consider the operation of all of its three branches of government. As you begin, this message is our opportunity to inform you of the condition of the courts and issues that affect our service to the people.

I report to you that the condition of the Iowa judiciary is good. The condition remains good because of the integrity and dedication of all the people who serve in our branch of government.

We are charged with the responsibility of impartially deciding controversies brought before us. We have no control over the number of cases presented. Nor should we. To limit the number of cases would be to limit the ability of Iowans to have meaningful access to justice under our state and federal constitutions.

Rising caseloads, however, continue to concern us. During 1991, the number of criminal cases filed in courts jumped more than 7% to 65,000 cases. In fact, we have experienced a rising criminal caseload in 12 of the last 13 years.

Last year, civil filings increased by more than 4% to approximately 54,000 cases. During the past 4 years the combined number of civil and criminal cases increased over 26 percent.

In like manner, at the appellate level, filings last year reached an all time high of 2009 cases.

At the same time the caseload is rising, our resources are becoming more scarce. Consequently, we must find ways to manage the court system more efficiently and at the same time look for ways to improve it.

Although the courts were not created to raise revenues, they do generate substantial funds for the state and local governments. During fiscal year 1991, the Judicial Branch remitted more than $39 million to the state. This amount was collected from fines, surcharges, court fees, and interest on court accounts. In addition, more than $4 million went to counties and cities.

Given the proper tools, we believe we can do even better.

In calendar year 1990, more than $11 million in fines, fees, and surcharges went unpaid. Almost $3 million in restitution and $3 million in court-appointed attorney —fees owed to the state were not paid. More than lost revenue is implicated. The amount of unpaid fines, restitution and surcharges also suggest that some criminal case defendants do not take their sentences seriously. I recommend that you review this problem and adopt changes to improve enforcement.

Most of the funds collected were processed manually in our clerk of district court offices. Automation of these rocedures is the first and most important step we can take to increase the collection of these outstanding obligations.

With automation, we will be able to more closely monitor obligations and notify those who must pay them. Automation will also provide executive agencies access to data to assist in their collections. These could include tax offsets, drivers' license suspensions, vehicle registration renewals, and efforts by county attorneys. Other opportunities may occur to you.

In my previous messages to you, I have discussed our efforts to automate or computerize the courts by what we call the Iowa court information system. The system is now in place in 28 counties. The staff of the clerks of court, juvenile courts and administrative offices in those counties are being trained in the proper implementation of the system. I will mention later how we plan to expand the system into more counties.

We have submitted our budget for fiscal year 1993. For the fifth year the judicial banch has submitted its budget directly to the legislature. We think this process, which you mandated by statute, is appropriate. As a co-equal branch of government, we should come directly to you.

We take our budgeting responsibility seriously and have submitted a budget which we believe is fiscally responsible, addresses the basic needs of the courts, and yet provides for improvements. It is the leanest budget since the state took over the cost of operating the entire court system.

For the fiscal year 1993, the court recommends a budget of $76.5 million, an increase of less than 3 percent. This is the amount necessary to provide court services to Iowans in all 99 counties.

When you consider the amount of funds which the court remits to the general fund, the state is actually paying less than half of the cost of the court system. It is one of the taxpayers' best bargains.

There has been much discussion of late about reducing the number of court offices. I have raised this concept with leaders of our legal system in discussing our future and we are awaiting their reaction.

We understand our task to be to operate the system as required by present statutes and the constitution. To the best of my knowledge, there is no information or study which shows we could better serve the interests of the people with fewer courthouses. Nor does the judicial branch have a plan for reducing the number of offices.

In view of the financial crisis, the judicial branch has limited its requests for next year. These requests are cost effective and would improve our efficiency in serving the public.

The courts maintain hundreds of thousands of documents and records. We are custodians of vital records, decrees and judgments affecting the transfer and ownership of property, orders affecting the lives of children, and countless rulings which regulate relationships between people. Storage of these documents and retrieval of the information contained in them is a major and increasing problem.

Yet, despite their tremendous importance, many district court records are stored in inadequate facilities which are in poor condition — many records are in jeopardy of being damaged or destroyed. Some offices have simply run out of space.

I might mention that although the recent destruction of the Page County courthouse was tragic, most of the records kept by the clerk of court and by county

officials were not destroyed. This was fortunate because most of these records could not have been replaced.

We are recommending that you provide us the funds to implement a statewide program to organize district court records and improve our records management. The project would include uniform procedures for filing and reproduction of records. It is not a small undertaking. If adequately funded, the entire project will take approximately 4 to 6 years to complete.

Continued automation of the courts is another project which we recommend for funding. Earlier I mentioned that statewide automation of the courts can improve our ability to collect additional fines and fees. But that is not the primary purpose for the system.

Automation of the courts will provide many benefits to the public:

—It will reduce the heavy reliance on labor-intensive manual procedures and allow the courts to be more efficient in the delivery of services. (for example, it will improve our ability to keep track of accounts. Last year, our offices processed more than $221 million.);

—It will increase the ability to gather and retrieve management and statistical information;

—It will streamline administration; and

—It will improve coordination of operations between the courts and state and local governments.

With the implementation of the system, we will no longer have to pay counties for data processing services. Although we have reduced or eliminated these payments in counties where ICIS has been installed, the state still pays about $630,000 for those services where ICIS is not present.

Computerization is another way to better manage our resources effectively. As you know, this technology is not a frill. The legislature has had the benefit of a computer system for many years. Most executive branch agencies are automated. We need to be.

Our request is to expand the system into 12 more counties. When we began this project 4 years ago, we had hoped to be done by this year. Inadequate funding has pushed back our completion date beyond next year. This project is decidedly in the public interest. It is an investment in Iowa's future.

Next, I want to convey a concern which has been expressed by many juvenile court judges, referees and officers. Last year, you appropriated approximately $4 million for court-ordered services. You also capped the fund and stated no supplemental funds would be available. The fund provides services primarily for delinquent juveniles. It pays for evaluations, transportation of children to and from court proceedings and facilities, education expenses for juveniles placed out-of-state and for treatment.

The fund was significantly reduced by costs carried over from the previous fiscal year and other cuts. Some of our judicial districts have stopped court-ordered services because of inadequate funds. I ask that you review this matter and find some way to provide needed services to troubled juveniles.

We realize you have many difficult decisions this year. In the past, we have emphasized the importance of recruiting the most qualified lawyers to serve on the bench and of keeping our good judges. If there is any new money for salaries, we ask only that you do for judges and court employees what you do for other state employees.

Finally, as you search for ways to balance the state budget, I hope you will not raise court fees again this year. You are all sensitive to tax increases. I trust you will be especially sensitive about court fees.

High court fees tend to deny access to the courthouse. They are particularly burdensome on the poor and older Iowans living on a fixed income. High fees are a tax on the parties—the people who use the court system.

Access to the courts is a fundamental right. The court system is the only means we have to protect freedoms established in our bill of rights.

We are well into the last decade of the 20th century. Principles of justice, equality, and belief in the dignity of every human being under the constitutions and the Bill of Rights have been our legacy as citizens of Iowa.

We gratefully acknowledge the legacy passed to us through the sacrifices of our predecessors on both the federal and state level.

With your help, the Iowa court system will continue to give the people of Iowa the service and protection they deserve under the constitution and the rule of law.

Chief Justice McGiverin was escorted from the House chamber by the committee previously appointed.

Governor Branstad was escorted from the House chamber by the committee previously appointed.

Representative McKinney moved that the joint convention be dissolved, which motion prevailed by a voice vote.

The Senate returned to the Senate chamber and resumed regular session, Senator Connolly presiding.

INTRODUCTION OF BILLS

Senate File 2024, by Dieleman, Taylor, Husak, Boswell, Gettings, Jensen, Vande Hoef, Hedge, and Sorensen, a bill for an act relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs.

Read first time and **passed on file.**

Senate File 2025, by Boswell, a bill for an act relating to the allocation of moneys by the Iowa finance authority.

Read first time and **passed on file.**

RECESS

On motion of Senator Buhr, the Senate recessed at 10:34 a.m., until 3:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2021 Education

Relating to the time by which community colleges must meet new accreditation standards established by the state board of education and providing for continuation of previous accreditation standards.

SSB 2022 Education

Relating to the nonvoting membership of the community college council.

SSB 2023 State Government

Relating to the transfer of assets of terminated city fire or police retirement systems to the statewide system, providing for the use of excess funds of terminated city systems, providing for certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates.

SSB 2024 Education

Transferring approval authority over certain land acquisitions by community colleges to the director of the department of education.

SSB 2025 Local Government

Relating to the appeal of local government budgets.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: January 15, 1992, 9:50 a.m.

Members Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member and Kibbie.

Members Absent: Hester.

Committee Business: Assigned sub-subcommittees.

Adjourned: 10:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 15, 1992, 9:50 a.m.

Members Present: Riordan, Chair; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: Boswell, Vice Chair (excused).

Committee Business: Reviewed legislative intent language and discussed future agenda.

Adjourned: 11:04 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 15, 1992, 9:45 a.m.

Members Present: Buhr, Chair and Tinsmah, Ranking Member.

Members Absent: Miller, Vice Chair; Hannon and Rittmer (all excused).

Committee Business: Discussed program agenda.

Adjourned: 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 15, 1992, 9:55 a.m.

Members Present: Gronstal, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Rosenberg and Taylor.

Members Absent: none.

Committee Business: Discussed Prison Industries, Performance of Duty, referred legality question on 663A.9 to Judiciary Committee.

Adjourned: 10:15 a.m.

APPROPRIATIONS

Convened: January 15, 1992, 2:17 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Running and Szymoniak.

Members Absent: Tinsman and Varn (both excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 2:19 p.m.

BUSINESS AND LABOR RELATIONS

Convened: January 15, 1992, 1:35 p.m.

Members Present: Running, Chair; Fuhrman, Ranking Member; Buhr, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: Sturgeon, Vice Chair and Kinley (both excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 2:00 p.m.

COMMERCE

Convened: January 15, 1992, 3:05 p.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Tieden and Varn.

Members Absent: Kinley, Vice Chair and Sturgeon (both excused).

Committee Business: Assigned bills to subcommittees; presentation by the insurance division.

Adjourned: 3:40 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: January 15, 1992, 1:40 p.m.

Members Present: Rosenberg, Chair; Gronstal, Vice Chair; Jensen, Ranking Member; Borlaug, Deluhery, Hannon and Hedge.

Members Absent: Fraise (excused), Kersten, Miller (excused), Soorholtz and Varn.

Committee Business: Assigned 1991 bills to same subcommittees; assigned SSB 2006 to a subcommittee; presentation by DuPont Company.

Adjourned: 1:55 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: January 15, 1992, 3:04 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Boswell (excused).

Committee Business: Assigned bills to subcommittees; discussed committee priorities.

Adjourned: 3:35 p.m.

ANNOUNCEMENT OF APPOINTMENTS

The Senate Majority and Minority Leaders announced the following appointments:

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
(Senate File 92, 1991 Session)

Senators Alvin Miller, Ventura and Sheldon Rittmer, DeWitt.

SUBCOMMITTEE ASSIGNMENTS

Senate File 517

AGRICULTURE: Doyle, Chair; Hester and Palmer

Senate File 526

AGRICULTURE: Priebe, Chair; Doyle and Soorholtz

Senate File 2002

LOCAL GOVERNMENT: Szymoniak, Chair; Borlaug and Jensen

Senate File 2004

TRANSPORTATION: Connolly, Chair; Jensen and Kinley

Senate File 2011

STATE GOVERNMENT: Dieleman, Chair; Kibbie, Soorholtz, Vande Hoef and Welsh

Senate File 2013

STATE GOVERNMENT: Priebe, Chair; Doyle and Rife

Senate File 2015

STATE GOVERNMENT: Running, Chair; Lind and Sorensen

Senate File 2016

STATE GOVERNMENT: Horn, Chair; Doyle, Kramer, Murphy and Pate.

Senate File 2017

LOCAL GOVERNMENT: Buhr, Chair; Fraise and Vande Hoef

Senate File 2018

TRANSPORTATION: Dieleman, Chair; Kersten and Lloyd-Jones

Senate File 2023

COMMERCE: Doyle, Chair; Kersten and Sturgeon

SSB 2017

STATE GOVERNMENT: Horn, Chair; Doyle, Kramer, Murphy and Pate

SSB 2018

STATE GOVERNMENT: Horn, Chair; Doyle, Kramer, Murphy and Pate

SSB 2019

STATE GOVERNMENT: Kibbie, Chair; Dieleman and Drake

SSB 2020

STATE GOVERNMENT: Kibbie, Chair; Dieleman and Drake

SSB 2023

STATE GOVERNMENT: Kibbie, Chair; Dieleman and Drake

SSB 2025

LOCAL GOVERNMENT: Hannon, Chair; Jensen and Sorensen

SUBCOMMITTEE ASSIGNMENTS
Reassignments

SSB 212

COMMERCE: Deluhery, Chair; Fuhrman and Palmer

SSB 213

COMMERCE: Deluhery, Chair; Fuhrman and Palmer

SSB 272

COMMERCE: Sturgeon, Chair; Deluhery and Fuhrman

AFTERNOON SESSION

The Senate reconvened at 3:45 p.m., Senator Dieleman presiding.

INTRODUCTION OF BILLS

Senate File 2026, by Kibbie, Hutchins, Fraise, Boswell, Dieleman, Vande Hoef, Miller, Riordan, Gronstal, Horn, Hannon, Murphy, Sorensen, Husak, Peterson, Priebe, Varn, Running, Hester, Taylor, Tieden, Borlaug, Hedge, Rittmer, Kersten, and Soorholtz, a bill for an act relating to motor vehicle licensing by transferring certain motor vehicle licensing duties including issuance of certain handicapped identification devices to the county treasurers and by providing for mail-in renewals of certain motor vehicle licenses and providing an effective date.

Read first time and **passed on file.**

Senate File 2027, by Kersten, Borlaug, Priebe, McLaren, Soorholtz, and Husak, a bill for an act authorizing the issuance of lifetime fishing and hunting licenses for residents permanently disabled or sixty-five years of age or older and imposing fees.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.F.	2024	Local Government
S.F.	2025	Appropriations
S.F.	2026	State Government
S.F.	2027	Natural Resources

INTRODUCTION OF BILLS

Senate File 2028, by Kersten, Hedge, Drake, Soorholtz, Lind, Borlaug, McLaren, Slife, Connolly, Rosenberg, and Priebe, a bill for an act relating to the minimum utilization requirement for asphalt pavement containing recycled rubber on federally assisted highway projects.

Read first time under Rule 28 and **passed on file.**

Senate File 2029, by Committee on Environment and Energy Utilities, a bill for an act relating to appropriations from the lottery fund.

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

COMMITTEE REPORT

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2029 (SSB 2006), a bill for an act relating to appropriations from the lottery fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Rosenberg, Gronstal, Deluhery, Fraise, Hannon, Kersten, Miller, Soorholtz and Varn. Nays, 2: Borlaug and Hedge. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 3:47 p.m., until 10:00 a.m., Monday, January 20, 1992.

JOURNAL OF THE SENATE

EIGHTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 20, 1992

The Senate met in regular session at 10:17 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Reverend Charles Stallworth, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Thursday, January 16, 1992, was approved.

INTRODUCTION OF BILL

Senate File 2030, by Riordan, a bill for an act prohibiting the establishment of a compost facility within a city or in an area completely surrounded by one or more cities.

Read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:30 a.m., until 4:00 p.m.

APPENDIX

PETITIONS

The following petitions opposing legislation to remove the motor vehicle registration from the county treasurer's office to a central office within 50 miles were presented and placed on file by:

Senator Drake from over 1,995 residents of Iowa.
Senator Fraise from 6,545 residents of Des Moines County.
Senator Husak from 1,208 residents of Tama County and 1,436 residents of Marshall County.
Senator Rittmer from 4,100 residents of Clinton County.

The following petitions were presented and placed on file by:

Senator Drake from 304 residents of Iowa opposing legislation removing boat, snowmobile and ATV registrations from the county recorder's office to regional Iowa DOT offices.

Senator Rittmer from 485 residents of Clinton County opposing legislation to close drivers' licensing stations in Clinton County.

REPORTS OF COMMITTEE MEETINGS

ENVIRONMENT AND ENERGY UTILITIES

Convened: January 16, 1992, 2:25 p.m.

Members Present: Rosenberg, Chair; Gronstal, Vice Chair; Borlaug, Deluhery, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz and Varn.

Members Absent: Jensen, Ranking Member (excused).

Committee Business: Approved SSB 2006 as a committee bill.

Adjourned: 2:45 p.m.

LOCAL GOVERNMENT

Convened: January 16, 1992, 1:36 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef.

Members Absent: Jensen (excused).

Committee Business: Assigned bills to subcommittees; discussed SSB 2003.1.

Adjourned: 2:06 p.m.

TRANSPORTATION

Convened: January 16, 1992, 11:07 a.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate, Slife and Welsh.

Members Absent: Drake, Ranking Member.

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:11 a.m.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Marceta Claypool, Fremont — For being selected one of the Ten Outstanding Young Americans for 1992 by the U.S. Junior Chamber of Commerce. Senator Hedge (1-18-92).

Students from George Washington Senior High, Cedar Rapids — For representing the state of Iowa in the American Constitution Bicentennial Competition and Bill of Rights. Senator Varn (1-16-92).

Nicholas Kulp, Burlington — For attaining the coveted rank of Eagle Scout. Senator Hagerla (1-16-92).

STUDY BILLS RECEIVED

SSB 2026 Small Business/Economic Development

Relating to the transfer of rural enterprises.

SSB 2027 State Government

Relating to the practice of dentistry, assessing a fee, and providing a civil penalty.

SSB 2028 State Government

Relating to state and local foster care review boards.

SSB 2029 State Government

Relating to the regulation of the practice of accountancy by limiting the acts which an accounting practitioner may engage in and amending provisions relating to hearings of the accountancy examining board.

SSB 2030 State Government

Relating to information subject to the review or control of the office of citizens' aide.

SSB 2031 Local Government

Making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters.

SSB 2032 Environment & Energy Utilities

Relating to requirements for the control of toxic air pollutants.

SUBCOMMITTEE ASSIGNMENTS

Senate File 432

EDUCATION: Horn, Chair; Connolly and Lind

Senate File 2021

STATE GOVERNMENT: Buhr, Chair; McLaren, Pate and Sorensen

Senate File 2024

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Jensen

Senate File 2025

APPROPRIATIONS: Gronstal, Chair; Gettings and Kersten

SSB 2016

HUMAN RESOURCES: Hannon, Chair; Horn and Tinsman

SSB 2026

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Hannon, Chair; Borlaug, Kibbie, Rittmer and Sorensen

SSB 2027

STATE GOVERNMENT: Gronstal, Chair; Kramer, Lloyd-Jones, Priebe and Soorholtz

SSB 2028

STATE GOVERNMENT: Sorensen, Chair; Buhr, Kramer, Lind and Welsh

SSB 2029

STATE GOVERNMENT: Murphy, Chair; Dieleman, Doyle, Kramer and Rife

SSB 2030

STATE GOVERNMENT: Running, Chair; Gronstal, Sorensen, Soorholtz and Vande Hoef

SSB 2031

LOCAL GOVERNMENT: Sorensen, Chair; Borlaug and Buhr

AFTERNOON SESSION

The Senate reconvened at 4:04 p.m., President pro tempore Lloyd-Jones presiding.

BILL REASSIGNED TO COMMITTEE

President pro tempore Lloyd-Jones announced that **Senate File 2026** was reassigned from the committee on **State Government** to the committee on **Transportation.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

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

INTRODUCTION OF BILL

Senate File 2031, by Pate, Jensen, Vande Hoef, Taylor, Borlaug, Hester, Tinsman, Kramer, Slife, Hedge, McLaren, Rittmer, Rife, Hagerla, and Rensink, a bill for an act relating to the public offense of harassment, establishing additional acts which constitute harassment, and increasing criminal penalties.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.F.	2028	Transportation
S.F.	2030	Environment & Energy Utilities

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:10 p.m., until 9:00 a.m., Tuesday, January 21, 1992.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 21, 1992

The Senate met in regular session at 9:10 a.m., Senator Connolly presiding.

Prayer was offered by Reverend James Barge, pastor of the Westminster Presbyterian Church, Des Moines, Iowa.

The Journal of Monday, January 20, 1992, was approved.

INTRODUCTION OF BILLS

Senate File 2032, by Riordan and Lind, a bill for an act relating to the manufacture and disposition of beer by special class "A" permittees.

Read first time and **passed on file.**

Senate File 2033, by Priebe, a bill for an act relating to the sale of real estate of the state forest nursery and the transfer of nursery stock and personal property.

Read first time and **passed on file.**

Senate File 2034, by Committee on Ways and Means, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates.

Read first time and **placed on Ways and Means calendar.**

RECESS

On motion of Senator Horn, the Senate recessed at 9:15 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 20, 1992, 2:21 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman.

Members Absent: Sturgeon (excused).

Committee Business: Approved SSB 2016 as a committee bill.

Adjourned: 2:35 p.m.

LOCAL GOVERNMENT

Convened: January 20, 1992, 4:15 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef.

Members Absent: Jensen (excused).

Committee Business: Assigned bills to subcommittees; approved SSB 2003.1 as a committee bill (under Rule 40); recommended passage of House File 39.

Adjourned: 4:34 p.m.

STATE GOVERNMENT

Convened: January 20, 1992, 3:04 p.m.

Members Present: Kibbie, Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Lloyd-Jones, Vice Chair and Gronstal (both excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:17 p.m.

WAYS AND MEANS

Convened: January 20, 1992, 1:33 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Drake, Fraise, Fuhrman, Hester, McLaren, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: Deluhery (excused) and Murphy.

Committee Business: Amended and approved SSB 2002 as a committee bill.

Adjourned: 1:40 p.m.

ANNOUNCEMENT BY THE PRESIDENT

The President of the Senate announced the following statutory appointment:

COMMISSION ON ELDER AFFAIRS
(Code 249D.11)

Senator Sheldon Rittmer, effective 5/5/91—6/30/95.

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2035 (SSB 2016), a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: *SENATE FILE 2036 (SSB 2003.1), a bill for an act establishing requirements for joint investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Miller, Rittmer, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, 2: Szymoniak and Borlaug. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2036 and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 89, a bill for an act relating to fees charged by the county recorder and exempting the county from the payment of fees.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2034 (SSB 2002), a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dieleman, Husak, Hedge, Connolly, Drake, Fraise, Fuhrman, Hester, McLaren, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 2: Deluhery and Murphy.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2034 and they were attached to the committee report.

STUDY BILLS RECEIVED

SSB 2033 Business & Labor Relations

Relating to prohibited practices by private and public employers and making penalties applicable.

SSB 2034 Business & Labor Relations

Relating to parental leaves of absence for employees of the state and providing an effective date.

SSB 2035 Business & Labor Relations

Requiring employers to permit employees to share vacation leave in cases of long-term or catastrophic illness.

SSB 2036 Human Resources

Relating to the provision of immunity from liability for certain decisions regarding exposure-prone invasive procedures.

SSB 2037 Human Resources

Relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames for the filing of birth certificates, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers.

SSB 2038 Human Resources

Relating to child day care and similar services concerning the state day care advisory committee and statewide resource and referral services.

SSB 2039 Education

To establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, providing for a tax, making an appropriation, and providing effective dates.

SSB 2040 Education

To establish a comprehensive school transformation program, and making an appropriation.

SSB 2041 Education

Relating to the method of payment of moneys appropriated for the state area school funding plan, and providing for monthly installments.

SSB 2042 Judiciary

Relating to violations of an individual's rights, and establishing additional criminal offenses.

SSB 2043 Judiciary

Relating to provisions and definitions within the juvenile justice code, and increasing the age of persons eligible to be represented by a guardian ad litem when acting as a prosecuting witness.

SSB 2044 Judiciary

Relating to the definition of public place for purposes of criminal intoxication.

SSB 2045 Judiciary

Relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies.

SSB 2046 Judiciary

Relating to certain religious exemptions to the required provision of medical treatment, and requiring screening for metabolic diseases in newborn infants.

SSB 2047 Judiciary

Relating to individual liability insurance premium rate increases and excluding the use of certain information.

SSB 2048 Judiciary

Relating to public access to court records and providing for the Act's applicability.

SSB 2049 Judiciary

Amending the definition of offensive weapons to include shells projecting a flammable or incendiary discharge and providing an effective date.

SSB 2050 Judiciary

Relating to indecent exposure by a minor in certain establishments and providing a penalty.

SSB 2051 Judiciary

Relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired.

SSB 2052 Judiciary

Relating to providing compensation for the expense of cleaning the scene of a homicide in a residence.

SSB 2053 Judiciary

Relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

SSB 2054 Environment & Energy Utilities

Relating to the disposition of storage tank management fees and the designation of underground storage tank disposal facilities.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 15

HUMAN RESOURCES: Sturgeon, Chair; Hannon and Rittmer

Senate Concurrent Resolution 101

RULES AND ADMINISTRATION: Gettings, Chair; Husak and Soorholtz

House Concurrent Resolution 19

RULES AND ADMINISTRATION: Lloyd-Jones, Chair; Gettings and Soorholtz

Senate File 293

HUMAN RESOURCES: Murphy, Chair; Kramer and Sturgeon

Senate File 341

HUMAN RESOURCES: Sturgeon, Chair; Buhr and Hagerla

Senate File 344

HUMAN RESOURCES: Taylor, Chair; Hannon and Horn

Senate File 395

HUMAN RESOURCES: Sturgeon, Chair; Murphy and Rittmer

Senate File 396

HUMAN RESOURCES: Sturgeon, Chair; Murphy and Rittmer

Senate File 397

HUMAN RESOURCES: Sturgeon, Chair; Murphy and Rittmer

Senate File 2003

EDUCATION: Tinsman, Chair; Horn and Szymoniak

Senate File 2005

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Jensen and Rosenberg

Senate File 2012

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Fraise, Hedge, Kersten and Rosenberg

Senate File 2020

EDUCATION: Szymoniak, Chair; Deluhery and Kramer

Senate File 2026

TRANSPORTATION: Dieleman, Chair; Fraise and Jensen

Senate File 2030

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Gronstal and Hedge

SSB 2021

EDUCATION: Running, Chair; Tieden and Varn

SSB 2022

EDUCATION: Kibbie, Chair; Kramer and Running

SSB 2024

EDUCATION: Kibbie, Chair; Running and Tieden

SSB 2032

ENVIRONMENT AND ENERGY UTILITIES: Varn, Chair; Borlaug, Fraise, Jensen and Rosenberg

SSB 2039

EDUCATION: Connolly, Chair; Kramer, Murphy, Szymoniak and Tieden

SSB 2040

EDUCATION: Horn, Chair; Connolly, Kramer, Murphy and Tieden

SSB 2041

EDUCATION: Kibbie, Chair; Lind and Murphy

SSB 2042

JUDICIARY: Sturgeon, Chair; Slife and Varn

SSB 2043

JUDICIARY: Rosenberg, Chair; Slife and Sturgeon

SSB 2044

JUDICIARY: Sturgeon, Chair; Hester and Murphy

SSB 2045

JUDICIARY: Gronstal, Chair; Horn and Pate

SSB 2046

JUDICIARY: Fuhrman, Chair; Connolly and Gronstal

SSB 2047

JUDICIARY: Rosenberg, Chair; Deluhery and Pate

SSB 2048

JUDICIARY: Varn, Chair; Connolly and Slife

SSB 2049

JUDICIARY: Connolly, Chair; Deluhery and Drake

SSB 2050

JUDICIARY: Rosenberg, Chair; Fuhrman and Murphy

SSB 2051

JUDICIARY: Rosenberg, Chair; Hagerla and Peterson

SSB 2052

JUDICIARY: Fuhrman, Chair; Hagerla and Horn

SSB 2053

JUDICIARY: Sturgeon, Chair; Fuhrman and Peterson

SSB 2054

ENVIRONMENT & ENERGY UTILITIES: Gronstal, Chair; Kersten and Rosenberg

AMENDMENT FILED

S—5001 H.F. 695 William W. Dieleman

AFTERNOON SESSION

The Senate reconvened at 4:20 p.m., Senator Dieleman presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 103, by Running, a concurrent resolution calling upon the United States Congress to provide for the establishment of benefit levels for aid to families with dependent children.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2035, by Committee on Human Resources, a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child.

Read first time and **placed on calendar.**

Senate File 2036, by Committee on Local Government, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2037, by Taylor, a bill for an act relating to fees charged to persons obtaining a permit to market agricultural or vegetable seed.

Read first time and **passed on file.**

Senate File 2038, by Husak, Soorholtz, Boswell, Doyle, Horn, Kibbie, Murphy, Priebe, Peterson, Hester, Fuhrman, Dieleman, Fraise, Drake, Rife, Rensink, Gronstal, Hutchins, Running, Jensen, McLaren, Borlaug, Kersten, Taylor, Tieden, Vande Hoef, Miller, Gettings, Slife, Pate, Welsh, Sorensen, and Deluhery, a bill for an act making an appropriation to the department of human

services for the Iowa veterans home for the fiscal year beginning July 1, 1991, and providing an effective date.

Read first time and **passed on file.**

Senate File 2039, by Committee on Education, a bill for an act to specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2040, by Rosenberg, a bill for an act relating to the appointment of associate juvenile judges and eliminating the juvenile referee system.

Read first time and **passed on file.**

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Iva West, Mechanicsville — For celebrating her 100th birthday on 11-25-91. Senator Hannon (1-20-92).

Brian Dose, Davenport — For attaining the coveted rank of Eagle Scout. Senator Rife. (1-21-92).

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.C.R.	103	Human Resources
S.F.	2031	Judiciary
S.F.	2032	State Government
S.F.	2033	Appropriations
S.F.	2037	Agriculture
S.F.	2038	Appropriations
S.F.	2040	Judiciary

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2041 (SSB 2011), a bill for an act relating to the state revenue estimating conference.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Boswell, Welsh, Tieden, Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Running and Tinsman. Nays, none. Absent or not voting, 2: Szymoniak and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2041 and they were attached to the committee report.

EDUCATION

Final Bill Action: SENATE FILE 2039 (SSB 2005), a bill for an act to specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Taylor, Deluhery, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Tieden and Tinsman. Nays, none. Absent or not voting, 3: Dieleman, Szymoniak and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2041, by committee on Appropriations, a bill for an act relating to the state revenue estimating conference.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENT FILED

S—5002	H.F.	39	Allen Borlaug Alvin V. Miller

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:24 p.m., until 9:00 a.m., Wednesday, January 22, 1992.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 22, 1992

The Senate met in regular session at 9:02 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Reverend Tom Hankin, pastor of the First Luthern Church, Dows, Iowa.

The Journal of Tuesday, January 21, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Welsh for the day on request of Senator Hutchins.

INTRODUCTION OF BILL

Senate Joint Resolution 2001, by Murphy and Husak, a joint resolution to nullify administrative rules of the college student aid commission giving priority under the Iowa nursing loan repayment program to nurses based on an assessment of nursing shortage areas, as well as the applicant's level of education debt, and providing an effective date.

Read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:20 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: January 21, 1992, 9:36 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair; Pate, Ranking Member and Slife.

Members Absent: Welsh.

Committee Business: Budget presentation by the Department of Revenue and Finance.

Adjourned: 10:48 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 21, 1992, 9:40 a.m.

Members Present: Gronstal, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Rosenberg and Taylor.

Committee Business: LFB distributed materials; ranking members will decide sub-subcommittees.

Adjourned: 9:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: January 21, 1992, 9:40 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Presentations by Alcoholic Beverage Division, Administrative Services Division and Banking Division of the Department of Commerce.

Adjourned: 11:05 a.m.

APPROPRIATIONS

Convened: January 21, 1992, 2:25 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Gronstal, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Running and Tinsman.

Members Absent: Szymoniak and Varn (both excused).

Committee Business: Approved SSB 2011 as a committee bill.

Adjourned: 2:50 p.m.

EDUCATION

Convened: January 21, 1992, 1:34 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Tieden and Tinsman.

Members Absent: Dieleman, Szymoniak and Varn (all excused).

Committee Business: Assigned bills to subcommittees; approved SSB 2005 as a committee bill.

Adjourned: 1:40 p.m.

JUDICIARY

Convened: January 21, 1992, 3:11 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Drake, Hagerla, Hester, Horn, Pate, Peterson and Slife.

Members Absent: Deluhery, Gronstal (excused), Murphy (excused) and Varn (excused).

Committee Business: Assigned bills to subcommittees; presentation by the State Attorney General.

Adjourned: 4:14 p.m.

STUDY BILL RECEIVED

SSB 2055 State Government

Establishing a municipal investment recovery program and authorizing an appropriation to the department of management.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2006

TRANSPORTATION: Dieleman, Chair; Kinley and Pate

Senate File 2022

TRANSPORTATION: Lloyd-Jones, Chair; Gettings and Kersten

Senate File 2027

NATURAL RESOURCES: Rosenberg, Chair; Hester and Riordan

Senate File 2028

TRANSPORTATION: Fraise, Chair; Gettings and Kersten

Senate File 2037

AGRICULTURE: Miller, Chair; Hedge and Riordan

SSB 2033

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

SSB 2034

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

SSB 2035

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Kinley presiding.

INTRODUCTION OF BILLS

Senate File 2042, by Rosenberg, a bill for an act relating to the qualifications of applicants for liquor control licenses, or beer or wine permits.

Read first time and **passed on file.**

Senate File 2043, by Szymoniak, a bill for an act providing for registration of acupuncturists and imposing a fee and a penalty.

Read first time and **passed on file.**

Senate File 2044, by Lind, a bill for an act relating to the management of landscape waste, making penalties applicable, and providing a penalty.

Read first time and **passed on file.**

Senate File 2045, by Rosenberg, a bill for an act relating to certain alcohol-related offenses by establishing a reality education alcohol prevention program and providing for the charging of fees.

Read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

President Welsh announced the assignment of the following bills to committee:

S.J.R.	2001	Education
S.F.	2042	State Government
S.F.	2043	State Government
S.F.	2044	Environment & Energy Utilities

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:02 p.m., until 9:00 a.m., Thursday, January 23, 1992.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 23, 1992

The Senate met in regular session at 9:03 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Reverend Pat DeJong, pastor of the United Church of Christ, Urbandale, Iowa.

The Journal of Wednesday, January 22, 1992, was approved.

INTRODUCTION OF BILL

Senate File 2046, by Szymoniak, a bill for an act relating to the issuance of handicapped identification devices and increasing the penalty for improper use of a handicapped identification device.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Welsh for the remainder of the day on request of Senator Hutchins and Senator Taylor until he returns on request of Senator Vande Hoef.

ELECTION OF PRESIDENT

President pro tempore Lloyd-Jones announced that Senator Joe Welsh had submitted a letter of resignation from the office of the President of the Senate effective upon the election of the new President.

Senator Connolly placed in nomination the name of Senator Michael Gronstal of Pottawattamie County as a candidate for the office of President of the Senate for the remainder of the Seventy-fourth General Assembly.

There being no further nominations, the Chair put the question to the Senate.

On the question "Shall Senator Gronstal be elected to the office of President of the Senate?" the vote was:

A non record roll call was requested.

A record roll call was requested.

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Voting present, 1:

Hester

Absent or not voting, 3:

Soorholtz Taylor Welsh

The Chair announced that Senator Gronstal had been elected President of the Senate for the remainder of the Seventy-fourth General Assembly.

President pro tempore Lloyd-Jones requested Senators Hutchins and Connolly to escort Senator Gronstal to the rostrum.

Senator Gronstal appeared, took the oath of office, was congratulated and presented the gavel by President pro tempore Lloyd-Jones.

President Gronstal took the chair and expressed his appreciation to the Senate for electing him as President of the Senate.

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:55 a.m., until 2:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: January 22, 1992, 11:07 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair and Slife.

Members Absent: Pate, Ranking Member and Welsh (excused).

Committee Business: Budget presentations - Management.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 22, 1992, 11:05 a.m.

Members Present: Riordan, Chair; Boswell, Vice Chair; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: none.

Committee Business: Discussed committee's visitation to Iowa State University.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: January 22, 1992, 11:15 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Connolly and Jensen.

Members Absent: Kersten, Ranking Member.

Committee Business: Overview of departmental funding for FY '91, '92 and '93 department requests; reviewed governor's spending reform committee recommendations.

Adjourned: 12:00 noon.

AGRICULTURE

Convened: January 21, 1992, 8:16 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Fraise, Hedge, Hester, Husak, McLaren and Miller.

Members Absent: Doyle, Palmer, Riordan (excused), Rittmer (excused) and Vande Hoef (excused).

Committee Business: Organizational meeting; reassigned 1991 bills to same subcommittees; assigned 1992 bills to subcommittees.

Adjourned: 8:21 a.m.

BUSINESS AND LABOR RELATIONS

Convened: January 22, 1992, 1:30 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: Kinley (excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 2:15 p.m.

COMMERCE

Convened: January 22, 1992, 3:13 p.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon and Tieden.

Members Absent: Kinley, Vice Chair; Gronstal (excused) and Varn.

Committee Business: Assigned bills to subcommittees; presentation by LSB on the interim study committee's recommendations on francise issue.

Adjourned: 3:37 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: January 22, 1992, 1:40 p.m.

Members Present: Rosenberg, Chair; Jensen, Ranking Member; Borlaug, Deluhery, Fraise, Hannon, Hedge, Kersten, Miller and Soorholtz.

Members Absent: Gronstal, Vice Chair and Varn (both excused).

Committee Business: Assigned bills to subcommittees; presentations by DNR and Minnesota Windpower.

Adjourned: 2:19 p.m.

LOCAL GOVERNMENT

Convened: January 22, 1992, 2:30 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Presentations by Iowa State Association of Counties and League of Iowa Municipalities.

Adjourned: 3:00 p.m.

NATURAL RESOURCES

Convened: January 22, 1992, 2:20 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden.

Members Absent: none.

Committee Business: Assigned bill to a subcommittee; Director of the Department of Natural Resources appeared before the committee.

Adjourned: 3:00 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: January 22, 1992, 3:10 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Peterson (excused).

Committee Business: Presentation by the Wallace Technology Foundation.

Adjourned: 4:00 p.m.

TRANSPORTATION

Convened: January 22, 1992, 4:00 p.m.

Members Present: Fraise, Chair; Dieleman, Gettings, Jensen, Kinley, Pate and Slife.

Members Absent: Connolly, Vice Chair; Drake, Ranking Member; Kersten, Lloyd-Jones and Welsh (all excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 4:04 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:45 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate Joint Resolution 2002, by Kibbie, Taylor, Husak, Rittmer, Lind, Slife, McLaren, Kramer, Kersten, Fuhrman, Miller, Tieden, Dieleman, Hester, Hedge, Borlaug, Priebe, Soorholtz, Vande Hoef, Boswell, Kinley, Peterson, Doyle, Pate, Fraise, and Gettings, a joint resolution to petition the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to prohibit the federal government from increasing costs of the state by reducing the proportion of federal funds to the states or requiring new or increased costs for mandated activities or services without funding.

Read first time and **passed on file.**

Senate File 2047, by Deluhery and Tieden, a bill for an act providing an amnesty for the return of marked dairy containers.

Read first time and **passed on file.**

Senate File 2048, by Jensen, a bill for an act relating to the labeling of products as recyclable, recycled, or degradable, and providing a penalty.

Read first time and **passed on file.**

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2029** be referred from the Regular Calendar to the committee on **Appropriations,** and **Senate File 2036** be referred from the Regular Calendar to the committee on **State Government** and returned to the Regular Calendar no later than 4:00 p.m., January 30, 1992.

APPENDIX

STUDY BILLS RECEIVED

SSB 2056 State Government

Relating to certain cities participating in the statewide fire and police retirement system, and allowing those cities to include newly hired police officers and fire fighters in the Iowa public employees' retirement system and federal social security under certain circumstances.

SSB 2057 Transportation

Relating to the applicability of motor carrier safety regulations to certain intrastate private carriers.

SSB 2058 Transportation

Relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records.

SSB 2059 Business & Labor Relations

Relating to disputes regarding health service charges in workers' compensation cases and imposing a fee.

SSB 2060 Business & Labor Relations

Amending and repealing obsolete provisions of the Iowa employment security law.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2045	Judiciary
S.F.	2046	Transportation
S.F.	2047	Agriculture
S.F.	2048	Environment & Energy Utilities
S.J.R.	2002	State Government

SUBCOMMITTEE ASSIGNMENTS

Senate File 514

STATE GOVERNMENT: Murphy, Chair; Horn and Rife

Senate File 2031

JUDICIARY: Sturgeon, Chair; Pate and Varn

Senate File 2032

STATE GOVERNMENT: Horn, Chair; Lind and Murphy

Senate File 2033

APPROPRIATIONS: Gettings, Chair; Lloyd-Jones and Rensink

Senate File 2038

APPROPRIATIONS: Husak, Chair; Gettings and Hagerla

Senate File 2040

JUDICIARY: Rosenberg, Chair; Slife and Sturgeon

SSB 2055

STATE GOVERNMENT: Dieleman, Chair; Gronstal, Kramer, Murphy and Vande Hoef

SSB 2056

STATE GOVERNMENT: Kibbie, Chair; Dieleman and Drake

SSB 2057

TRANSPORTATION: Fraise, Chair; Kinley and Slife

SSB 2058

TRANSPORTATION: Gettings, Chair; Drake and Lloyd-Jones

SSB 2059

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Buhr and Taylor

SSB 2060

BUSINESS AND LABOR RELATIONS: Peterson, Chair; Palmer and Slife

COMMITTEE REPORTS

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2011, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5003.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 2: Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2051 (SSB 2019), a bill for an act relating to the extension of retirement dividends to certain retired members of the Iowa public employees' retirement system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 2: Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2050 (SSB 2008), a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running and Sorensen. Nays, 1: Vande Hoef. Absent or not voting, 2: Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2049, by Sorensen and Rosenberg, a bill for an act relating to the establishment of a registration program for certified backflow assembly testers, and providing penalties.

Read first time under Rule 28 and **passed on file.**

Senate File 2050, by committee on State Government, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision.

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

Senate File 2051, by committee on State Government, a bill for an act relating to the extension of retirement dividends to certain retired members of the Iowa public employees' retirement system.

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

AMENDMENTS FILED

S—5003	S.F.	2011	State Government
S—5004	S.F.	2011	William W. Dieleman

REPORT OF COMMITTEE MEETING

ETHICS

Convened: January 22, 1992, 4:30 p.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Becky S. Knutson (citizen member, recused).

Committee Business: Presentation by Legal Counsel and action on counsel's recommendation.

Adjourned: 5:35 p.m.

January 22, 1992

MEMORANDUM OF DECISION

TO: John F. Dwyer, Secretary of the Senate

FROM: Senator Jean Lloyd-Jones, Ethics Committee Chairperson

RE: Decision of the Senate Ethics Committee

The Senate Ethics Committee met January 22, 1992, regarding the matter of the investigation of the relationship between Senator Joseph Welsh, Institutional Treasury Management (ITM), and Iowa Trust, or any agents or officers of either ITM or Iowa Trust. During the meeting, the Committee received and filed a report, dated January 15, 1992, from the Committee's Independent Legal Counsel, Mr. Patrick Roby, and, after consideration of the report and recommendations of the Independent Legal Counsel, contained in a January 22, 1992, letter to Senator Lloyd-Jones, voted to terminate the investigation. The committee also decided that a copy of the minutes of the meeting, along with the report and letter of the Independent Legal Counsel, shall be placed in the Senate Journal as a record of the Committee's action and the Independent Legal Counsel's recommendations.

Based upon the decision of the Committee, as a Committee Chairperson and as the President Pro Tem of the Senate, I am forwarding a copy of the minutes of the Committee meeting and the report and letter of the Independent Legal Counsel to be included in and as part of the Senate Journal record of the proceedings.* The attachments to the January 15, 1992, Independent Legal Counsel report may be placed on file in the office of the Secretary of the Senate if a notation is included in the Senate Journal indicating where those documents may be found.

*Minutes of the January 22, 1992, meeting of the Ethics Committee will be published when approved by the committee.

MEMORANDUM

TO: Senator Jean Lloyd-Jones, Chairperson
Senator Richard Drake, Ranking Member

FROM: Patrick M. Roby

DATE: January 15, 1992

RE: Senate Ethics Committee

This memorandum will summarize my investigation to date and set forth my recommendations for further proceeding. Throughout this memorandum I will be referring to various documents. Copies of all such documents will be forwarded to you by overnight mail so that you have them on the 16th. They are too voluminous to include in the faxed copies of this memorandum that are being delivered to you today. The Iowa Trust documents that are referred to were obtained from a review of Iowa Trust receivership records. I will address the areas of investigation in the same order as they were set forth in my memorandum of January 13, 1992.

1. Senator Welsh's relationship with Iowa Trust and ITM. Senator Welsh has maintained throughout that he had no connection with Iowa Trust. In response to questions from Senator Drake on January 6, 1992, Senator Welsh repeatedly stated that he did not work for Iowa Trust. The following documents certainly make it appear that he either held himself out as representing Iowa Trust or was held out by Iowa Trust as being its representative:

1. The Minutes of the Organizational Meeting of the Iowa Trust on January 25, 1990 list all of the persons present. Mr. Welsh is listed as being present for Iowa Trust.

2. A January 25 Clinton County sign-in sheet (presumably in 1991) lists Mr. Welsh on the sign-in sheet indicating the organization that he was appearing on behalf of as "Iowa Trust".

3. The Meeting of the Board of Trustees of Iowa Trust on April 19, 1990 lists among the participants, "Joe Welsh, Sales and Marketing".

4. On April 23, 1990 Mr. Welsh, using Iowa Trust stationery communicated with a county treasurer and forwarded information concerning Iowa Trust.

5. An April 30, 1990 letter to Peter King, Executive Director of the League of Iowa Municipalities, signed by all three members of the Board of Trustees provided, in part, "It has already come to our attention that the IPAIT criticism of IOWA TRUST was discussed at the spring IMFOA conference and still no contact was made to any of us or Joe Welsh our IOWA TRUST representative in our Des Moines office to get the facts."

6. On May 7, 1990 Mr. Welsh again wrote to another county treasurer on Iowa Trust stationery enclosing information concerning the Iowa Trust.

7. An October 19, 1990 invoice from the Iowa Association of Municipal Utilities was addressed to the Iowa Trust "Attn: Joe Welsh, Mktg. Dir.".

It is difficult to see any significant distinction between ITM and the Iowa Trust. The Executive Director of the Iowa Trust was John Tice of ITM. While Senator Welsh may indeed have received his paychecks from an entity other than the Iowa Trust, I have found no indication that he has held himself out as being anything other than a representative of the Iowa Trust. It should be noted that the Iowa Trust Board Minutes of January 16, 1991 and April 24, 1991 indicated that as of those dates ITM was paying for Iowa Trust expenses such as office rent, telephones, personnel salary and marketing costs and agreed to pay those expenses until the Trust exceeded $100,000,000 in assets. By April of 1991 ITE was paying a portion of the expenses as well.

2. Senator Welsh's contacts with representatives of municipalities. Since I have not yet had an opportunity to meet with Senator Welsh or those upon whom he called, I have limited information on this question. I have learned that as late as November 8, 1991 Senator Welsh and Mr. Telford, a salesman, appeared before the Iowa Association of Regional Councils at the Hotel Fort Des Moines. They made a presentation concerning the Iowa Trust. I have been furnished other information as to what occurred at that meeting but have not yet been able to verify it independently and will therefore not comment further.

3. Senator Welsh's September 18, 1990 request for an Attorney General's Opinion. In his sworn testimony before the committee on January 6, 1992 Senator Welsh testified that during August or September of 1990 the attorney for the school boards' Association advised that it was illegal for the school districts to invest in Iowa Trust and that the Iowa Trust legal counsel gave a contrary opinion. According to Senator Welsh, it appeared to be a gray area in the law and the board members of Iowa Trust were going to ask a local legislator or county attorney for an attorney general's opinion. Senator Welsh further stated that he decided that he would ask for the attorney general's opinion because he was a marketer for the Trust and a citizen legislator and wanted to make sure that he was not in conflict with any Iowa laws. He goes on to claim that he asked for informal opinion in September of 1990 (prepared text pages 16 and 17). Later in his testimony Senator Welsh indicated that when he learned of formation of Iowa Trust Education and realized that the desirability of having all entities in one fund was "mute "[sic]" "I simply cancelled the informal attorney general's opinion" (prepared text page 19). These statements are not consistent with the information that I have been furnished. First of all Senator Welsh did not ask for an informal opinion in September of 1990. The Davis Law Firm, attorneys for the Iowa Trust, drafted the request for an Attorney General's Opinion on September 17 and 18, 1990. I enclose a copy of the firm's invoice for those services. The final paragraph of the request for an Attorney General's Opinion states "On behalf of the Trust, I would request that you issue your opinion regarding this matter, so that school districts can become participants in the Trust." I believe that the only fair reading of the request is that it is a request for the attorney general to inform Iowa Trust that school districts can become participants in the Trust and that the requested opinion would be shared with school districts whose counsel had apparently previously expressed a contrary opinion.

The Minutes of the January 16th Meeting of the Iowa Trust Trustees contains the following language "Senator Joe Welsh requested an opinion from the attorney general and it appeared that the opinion would not be in our favor, therefore Senator Welsh withdrew his request before the opinion was published." This is partially confirmed by a memorandum from Elizabeth M. Osenbaugh, of the Attorney General's Office, dated December 11, 1990 which reflects the fact that Senator Welsh withdrew the opinion request in a conversation with Attorney General Miller. It is further confirmed by my telephone discussion with former Attorney General Miller on January 14, 1992. He informed me that it is his recollection that his office, after having reviewed Senator Welsh's request for the attorney general's opinion, concluded that it was not permissible for school districts to become participants in the Iowa Trust. As a courtesy, he called Senator Welsh to inform him that the opinion would so state and to give him an opportunity to make any further comments or arguments if he desired. At that point Senator Welsh asked if he could withdraw the opinion request. Contrary to Senator Welsh's testimony, it was the attorney general, not Senator Welsh who initiated the contact concerning the status of the request for the Attorney General's opinion.

4. Events surrounding the introduction of SF364 and its adoption as amended and the history of HF201 as amended by S—3659.

According to Senator Welsh's January 6 testimony SF364 was introduced by Senator Nystrom at the request of the Iowa Trust lobbyist Hultman. The bill passed through Committee and came to the Senate floor. On April 9, 1991 Senator Kinley filed Amendment S—3367 to SF364 from the floor. That Amendment essentially prohibited investment for the purpose of speculation and the realization of short term trading profits. I do not believe there is any dispute over the fact that this would likely have prevented joint investments in programs such as the Iowa Trust. That certainly was the view of the Iowa Trust at that time. The Minutes of the April 24, 1991 Iowa Trust Board Meeting reflect that lobbyist Lowell Junkins reported on the progress of "our bill". It goes on to say that "It was decided that Junkins should strip the Amendment and try to pass the original bill as quickly as possible." This came, of course, after the amended bill was passed as will be described below.

SF364, as amended, was adopted 46-0 with Senator Welsh voting present. It was immediately messaged to the House where it was assigned to the Committee for State Government. On April 12, 1991 Chairman Blanshan informed the Committee that if SF364 were passed he intended to request an interim study to review investment policies of pooled funds. Representative Blanshan then moved the bill and it passed 15-1. Nothing further occurred during the 1991 session.

HF201 was a code editor's bill. On April 11, 1991 it passed the Judiciary Committee. On April 23, 1991 HF201 was referred from the Unfinished Business Calendar to the Judiciary Committee. On April 29, 1991 the Committee considered HF201 and there were a number of amendments offered including one by Senator Connolly. That Amendment essentially duplicated the original SF364 which was the Iowa Trust bill. Senator Welsh had the following involvement with HF201 when it was considered by the Senate on May 2, 1991:

1. He resumed the chair to rule on a point of order raised by Senator Palmer concerning the Amendment and ruled the Amendment in order.

2. He voted in favor of the bill as amended. The bill failed by a vote of seventeen ayes and thirty nays. In his prepared testimony, Senator Welsh acknowledged that he voted for the bill. He justifies his decision to do so as follows "I was interested in many items in the bill. I felt justified in voting for this bill because of the myriad of changes proposed." (prepared testimony p.24)

The foregoing is a summary of the information which I have received to date. I will continue to investigate this matter until I have performed thirty-five hours of services at which time I will leave it to you to determine whether you wish to proceed further with the investigation. At this point, I have spent about thirty hours.

Although I have not thoroughly researched the question of the timing of the filing of any charges against Senator Welsh I do agree with that portion of the McCormick Memo which concludes that Committee's jurisdiction extends to issues of misconduct of legislators in their official capacity during the life of the general assembly for which the Code of Ethics has been adopted. I refer you to Section 10 (c) of the Code which indicates that a complaint will be considered to be timely filed if filed during the legislative session when an alleged violation occurs and if the alleged conduct occurs after adjournment, the complaint may be filed at any time up to and including the first fifteen days of the following legislative session. Since the allegations concerning Senator Welsh were not brought to the Committee's attention until after adjournment of the last session it is my opinion that any complaint filed within the first fifteen days of this session would be considered timely.

It is for the Committee of course to determine whether or not a complaint should be filed. I have attempted to provide you the information available to date, keeping in mind that I have not met with Senator Welsh because of his counsel's unavailability and there are other documents that need to be reviewed and witnesses to be interviewed. It would certainly be my preference to conduct further investigation but I understand the time constraints and the need to proceed with dispatch. I will of course be happy to expand upon the matters set forth in this memorandum and to proceed further as you desire. In the event the Committee should determine to proceed further and to initiate a Committee complaint pursuant to Section 10 (c) of the Senate Code of Ethics, I will be happy to provide such assistance or input as you may deem appropriate. I will also provide my opinion as to the formulation of charges to be included in a complaint.

January 22, 1992

Senator Jean Lloyd-Jones

RE: **Senate Ethics Committee Investigation**

Dear Senator Lloyd-Jones:

You have requested my opinion as to how Senator Joe Welsh's resignation as President effects the current investigation. Based upon the information available to me as of today, which is summarized in my memorandum of January 15, 1992, it is my opinion that Senate Welsh's action should be cause for termination of the investigation. The reason for my opinion is that Senator Welsh's action, regardless of the reasons he gave, sends a strong message to the members of the Iowa Legislature and, more importantly, to the citizens of the State of Iowa that the Iowa Senate demands strict adherence to its ethical rules.

Senator Welsh has resigned from the third-highest Constitutional office in the State since, pursuant to Amendment 42 of the Iowa Constitution, the President of the Senate is behind only the Lieutenant Governor in succession to the governorship. In addition, he has given up the perquisites of the office of President as well as its salary.

In my opinion, Senator Welsh's sworn testimony for the Committee earlier this month is inconsistent with the facts. The reasons for this opinion are outlined in my January 15, 1992, memorandum. That, I believe, is the most serious charge that could be leveled against Senator Welsh at this time given the information available. In addition, I believe the evidence shows that he failed to divest himself of the economic opportunity to market the Iowa Trust throughout the state when he knew, or should have known, that opportunity was provided to him because of his position as a member of the Iowa Senate. He also acted as President of the Senate and ruled on procedural matters in connection with HF201 during the last session which included an amendment specifically intended to benefit the Iowa Trust only. He then voted in favor of the bill which ultimately did not pass.

I have concerns over the Code of Ethics of the Iowa Senate. The provisions are worded generally and fail to address many issues that one would expect to see in a code of ethics for any legislature. I will not take the time to outline what I believe to be the deficiencies of the Code of Ethics or what could be included to make it stronger. I do believe that the Ethic Committee's time could be better spent attempting to redraft the Code of Ethics to directly and specifically address what is and is not acceptable conduct for members of the Iowa Senate and to provide for a more streamlined and workable procedure of processing and investigating complaints than set forth in the current rules.

I want to emphasize that I do not believe that the result in Senator Welsh's case would be any different under any ethics code enacted.

I will be happy to discuss this matter as well as my investigation and recommendations when the Ethics Committee meets on the late afternoon of January 22, 1992.

Very Truly Yours,

PATRICK M. ROBY
SHUTTLEWORTH & INGERSOLL, P.C.
ATTORNEYS AT LAW

On motion of Senator Horn, the Senate adjourned at 2:52 p.m., until 10:00 a.m., Monday, January 27, 1992.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 27, 1992

The Senate met in regular session at 10:08 a.m., President Gronstal presiding.

Prayer was offered by Reverend Kimberly Young, associate pastor of the Westminster Presbyterian Church, Des Moines, Iowa.

The Journal of Thursday, January 23, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Priebe and Welsh until they arrive on request of Senator Hutchins.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 102, by Varn, Priebe, Lind, Soorholtz, Rife, and Hutchins, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, Senator Connolly presiding.

RECESS

On motion of Senator Husak, the Senate recessed at 12:40 p.m., until 4:00 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

STATE GOVERNMENT

Convened: January 23, 1992, 1:32 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen and Vande Hoef.

Members Absent: Soorholtz and Welsh (excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2019 and 2008 as committee bills; amended SSB 2020 and ordered redrafted for final approval as a committee bill; recommended passage of Senate File 2011 as amended.

Adjourned: 2:30 p.m.

COMMUNICATIONS RECEIVED

The following communications were received and placed on file in the office of the Secretary of the Senate:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Annual Report of the Office of Renewable Fuels, pursuant to Chapter 254.24(3), 1991 Acts of the 74th General Assembly.

DEPARTMENT OF COMMERCE

The Alcoholic Beverages Division License Fee and Surcharge Study, pursuant to Chapter 203.4, 1991 Acts of the 74th General Assembly.

DEPARTMENT OF CORRECTIONS

Annual Report for fiscal year 1991, pursuant to Chapter 246.115, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Job Training Annual Report, pursuant to Chapter 280B.7, Code of Iowa.

DEPARTMENT OF EDUCATION

Independent Evaluation of Phase III of the Iowa Excellence in Education Program, pursuant to Chapter 1272.23, 1990 Acts of the 73rd General Assembly.

DEPARTMENT OF ELDER AFFAIRS

The 1991 Medicare Partners Report, pursuant to Chapter 249D.24(1), Code of Iowa.

DEPARTMENT OF JUSTICE

A report on Victim Restitution in Iowa, pursuant to Chapter 218.33, 1991 Acts of the 74th General Assembly.

DEPARTMENT OF MANAGEMENT

Statement of Standing Appropriations report, pursuant to Chapter 8.6(2), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

A report titled "An Inventory of Greenhouse Gas Emissions", pursuant to Chapter 1252.10, 1990 Acts of the 73rd General Assembly.

The 1991 report on the Household Hazardous Materials Toxic Cleanup Days Program, pursuant to Chapter 455F.8, Code of Iowa.

A report to the Natural Resource Commission on the Classification and Management of Iowa's State Parks, State Recreation Areas and State Preserves, pursuant to Chapter 155.1, 1991 Acts of the 74th General Assembly.

Groundwater Program Status Report, pursuant to Chapter 225, 1987 Iowa Acts.

The 1992 Iowa Comprehensive Energy Plan updating the state energy plan of 1990.

A report summarizing the South Africa related investments held within the Iowa Public Employees Retirement System, pursuant to Chapter 12A.4(2)(a), Code of Iowa.

Fiscal Year 1991 REAP Projects Report, pursuant to Chapter 455A.17(3), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

The Annual Report to the Governor and the General Assembly, pursuant to Chapter 135.77, Code of Iowa.

A report of Iowa's Health Risk Behaviors 1990 Final Report.

DEPARTMENT OF PUBLIC HEALTH

A report on the Certificate of Need Program, pursuant to Chapter 268, Section 305(2)a, 1991 Acts of the 74th General Assembly.

DEPARTMENT OF PUBLIC SAFETY

Annual Report for fiscal year 1991, pursuant to Chapter 7E.3(4), Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

The 1991 Annual Report, pursuant to Chapter 421.31(5), Code of Iowa.

DEPARTMENT OF TRANSPORTATION

A report of the 1992-1996 Transportation Improvement Program, pursuant to Chapter 307A.2(12), Code of Iowa.

Annual Report of Highway Research and Development in Iowa, pursuant to Chapter 310.36 and Chapter 312.3A, Code of Iowa.

Expenditures and contract obligations of the Primary and Interstate Highway Program, pursuant to Chapter 307.12, Section 14, Code of Iowa.

A report on "Commercial and Industrial Network Improvement and Programming Policy", pursuant to Chapter 312.2A.

A progress report of the pilot program to implement telecommuting, pursuant to Chapter 253.25, 1991 Acts of the 74th General Assembly.

A report of the study of the feasibility of operating a light rail system in the state, pursuant to Chapter 66.2, 1991 Acts of the 74th General Assembly.

A plan to determine the need for petroleum underground storage tanks, pursuant to Chapter 268.507(6), 1991 Acts of the 74th General Assembly.

The "Air Cargo Service and Development Study Proposal", pursuant to Chapter 268.518, 1991 Acts of the 74th General Assembly.

A report of the 1991 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12(10), Code of Iowa.

The "Iowa Transportation System Facts", which is the second portion of the annual report, pursuant to Chapter 17.9, Code of Iowa.

INTERNATIONAL NETWORK ON TRADE

INTERNET Annual Report for the year 1991.

IOWA CENTER FOR AGRICULTURAL SAFETY AND HEALTH

Annual Report, pursuant to Chapter 262.78, Code of Iowa.

IOWA LAW ENFORCEMENT ACADEMY

Domestic Abuse Training Report, pursuant to Chapter 80B.11(2), Code of Iowa.

IOWA UTILITIES BOARD

An Annual Report on the status of utility customer contribution funds, pursuant to Chapter 476.66(6), Code of Iowa.

STATE BOARD OF REGENTS

Annual Report of the Center for Health Effects of Environmental Contamination, pursuant to Chapter 455E.11(2)(b)(3)(c), Code of Iowa.

The 1993-1997 Five Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

STATE PSEUDORABIES ADVISORY COMMITTEE

Official 1992 Report on calendar year 1991 activities, pursuant to Chapter 166D, Section 3, Code of Iowa.

TREASURER OF STATE

A report listing the South Africa related investments, pursuant to Chapter 12A.4(2)(a), Code of Iowa.

PETITIONS

The following petitions were presented and placed on file by:

Senator Fuhrman from 164 residents of Iowa opposing the dismissal by the Senate Ethics Committee of the Senator Joseph Welsh ethics probe; and that if the Senate Ethics Committee cannot function, an Independent Ethics Commission should investigate the claims of impropriety of any or all legislators.

Senator Jensen from 1,567 residents of Bremer County opposing legislation to remove drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices.

Senator Taylor from 792 residents of Iowa opposing legislation to remove the motor vehicle registration from the county treasurer's office to a central office within 50 miles.

STUDY BILLS RECEIVED

SSB 2061 State Government

Relating to the cost of disciplinary hearings conducted by professional licensing boards.

SSB 2062 State Government

Relating to the establishment of a gamblers assistance program, creating an advisory committee, and specifying the powers and duties of the director of human services and the advisory committee.

SSB 2063 Human Resources

Relating to abuse of children and dependent adults including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, and the requirement of mandatory reporter training.

SSB 2064 Human Resources

Relating to adoption procedures including the information to be gained from a preplacement investigation and the provision of information to assist a natural parent in filing an affidavit requesting the court to reveal or not reveal the natural parent's name.

SSB 2065 Natural Resources

Relating to the alteration of motor vehicle fuels.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2002

STATE GOVERNMENT: Priebe, Chair; Dieleman, Doyle, Lind and McLaren.

Senate File 2036

STATE GOVERNMENT: Gronstal, Chair; Dieleman, Kramer, McLaren and Sorensen

Senate File 2042

STATE GOVERNMENT: Horn, Chair; Rife, Running, Soorholtz and Welsh

Senate File 2043

STATE GOVERNMENT: Buhr, Chair; Doyle, Lloyd-Jones, Pate and Vande Hoef

Senate File 2047

AGRICULTURE: Boswell, Chair; Riordan and Vande Hoef

SSB 2061

STATE GOVERNMENT: Lloyd-Jones, Chair; Doyle, Pate, Rife and Running

SSB 2062

STATE GOVERNMENT: Buhr, Chair; Kramer, Murphy, Sorensen and Vande Hoef

SSB 2063

HUMAN RESOURCES: Murphy, Chair; Sturgeon and Tinsman

SSB 2064

HUMAN RESOURCES: Szymoniak, Chair; Kramer and Murphy

AMENDMENT FILED

S—5005 S.F. 2020 Elaine Szymoniak

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2052, by Drake and Varn, a bill for an act to legalize the proceedings taken by the board of directors of the Mid-Prairie Community School District concerning the imposition of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

Read first time and **passed on file.**

Senate File 2053, by Lind and Vande Hoef, a bill for an act relating to the valuation of machinery and computers for purposes of property taxation and providing an applicability date.

Read first time and **passed on file.**

Senate File 2054, by Rosenberg, a bill for an act extending the period during which a person is exempted from juror service due to previous service.

Read first time and **passed on file.**

Senate File 2055, by Murphy, a bill for an act requiring availability of maternity leave and family leave for use by public and private employees.

Read first time and **passed on file.**

Senate File 2056, by Sturgeon, Running, Kersten, Welsh, Murphy, Dieleman, Horn, Buhr, Miller, Kibbie, Szymoniak, Hannon, Palmer, and Varn, a bill for an act prohibiting stalking and providing criminal penalties.

Read first time and **passed on file.**

Senate File 2057, by Vande Hoef, a bill for an act requiring that a document creating a mortgage or deed of trust encumbering real estate be acknowledged by the tenants in common of the real estate.

Read first time and **passed on file.**

Senate File 2058, by Horn and Szymoniak, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

Read first time and **passed on file.**

Senate File 2059, by Sturgeon, a bill for an act relating to the theft of milk containers and the applicability of a penalty.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	102	Agriculture
S.F.	2049	Local Government
S.F.	2052	Judiciary
S.F.	2053	Ways and Means
S.F.	2054	Judiciary
S.F.	2055	Human Resources
S.F.	2056	Judiciary
S.F.	2057	Commerce
S.F.	2058	Judiciary
S.F.	2059	Judiciary

COMMITTEE REPORTS

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2013, a bill for an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Doyle, Gronstal, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2032, a bill for an act relating to the manufacture and disposition of beer by special class "A" permittees.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kibbie, Lloyd-Jones, Lind, Buhr, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running and Sorensen. Nays, 3: Dieleman, Drake and Vande Hoef. Absent or not voting, 5: Doyle, Gronstal, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2060 (SSB 2020), a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems to the statewide system, providing for the use of excess funds of terminated city systems, providing for certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Sorensen and Vande Hoef. Nays, 1: Running. Absent or not voting, 5: Doyle, Gronstal, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2061 (SSB 2001), a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 2: Kinley and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2061 and they were attached to the committee report.

INTRODUCTION OF BILLS

Senate File 2060, by Committee on State Government, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems to the statewide system, providing for the use of excess funds of terminated city systems, providing for certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates.

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

Senate File 2061, by committee on Transportation, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements.

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

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:32 p.m., until 9:00 a.m., Tuesday, January 28, 1992.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 28, 1992

The Senate met in regular session at 9:05 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Ray Taylor, member of the Senate from Hardin County, Steamboat Rock, Iowa.

The Journal of Monday, January 27, 1992, was approved.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:40 a.m., until 4:00 p.m.

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the 1992 Regular Session:

*Vice Chair
**Ranking Member

AGRICULTURE—15 Members

Priebe, Chair	Doyle	Husak	Riordan
Peterson*	Fraise	McLaren	Rittmer
Soorholtz**	Hedge	Miller	Vande Hoef
Boswell	Hester	Palmer	

APPROPRIATIONS—21 Members

Boswell, Chair	Hagerla	Pate	Running
Welsh*	Husak	Peterson	Szymoniak
Tieden**	Kersten	Rensink	Tinsman
Buhr	Lind	Riordan	Varn
Connolly	Lloyd-Jones	Rosenberg	
Gettings	McLaren		

BUSINESS AND LABOR RELATIONS—10

Running, Chair	Buhr	Peterson	Slife
Sturgeon*	Kinley	Rensink	Taylor
Fuhrman**	Palmer		

COMMERCE—15

Deluhery, Chair	Fuhrman	Kersten	Sturgeon
Kinley*	Gettings	Lind	Tieden
Slife**	Gronstal	Palmer	Varn
Doyle	Jensen	Priebe	

EDUCATION—15

Connolly, Chair	Dieleman	Murphy	Tieden
Horn*	Kibbie	Rensink	Tinsman
Taylor**	Kramer	Running	Varn
Deluhery	Lind	Szymoniak	

ENVIRONMENT AND ENERGY UTILITIES—12

Rosenberg, Chair	Borlaug	Hedge	Soorholtz
Deluhery*	Fraise	Kersten	Sorensen
Jensen**	Hannon	Miller	Varn

HUMAN RESOURCES—12

Hannon, Chair	Horn	Riordan	Szymoniak
Buhr*	Kramer	Rittmer	Taylor
Hagerla**	Murphy	Sturgeon	Tinsman

JUDICIARY—15

Sturgeon, Chair	Deluhery	Horn	Peterson
Rosenberg*	Drake	Miller	Slife
Fuhrman**	Hagerla	Murphy	Varn
Connolly	Hester	Pate	

LOCAL GOVERNMENT—10

Miller, Chair	Borlaug	Hannon	Sorensen
Szymoniak*	Buhr	Jensen	Vande Hoef
Rittmer**	Fraise		

NATURAL RESOURCES—12

Palmer, Chair	Dieleman	Priebe	Rosenberg
Kibbie*	Hagerla	Rensink	Sturgeon
Hester**	Hedge	Riordan	Tieden

RULES AND ADMINISTRATION—9

Hutchins, Chair	Gettings	Jensen	Lloyd-Jones
Gronstal*	Husak	Kinley	Soorholtz
Rife**			

SMALL BUSINESS AND ECONOMIC DEVELOPMENT—13

Riordan, Chair	Kibbie	Pate	Running
Hannon*	Kramer	Peterson	Sorensen
Borlaug**	Miller	Rittmer	Vande Hoef
Boswell			

STATE GOVERNMENT—20

Kibbie, Chair	Doyle	McLaren	Running
Lloyd-Jones*	Drake	Murphy	Soorholtz
Lind**	Gronstal	Pate	Sorensen
Buhr	Horn	Priebe	Vande Hoef
Dieleman	Kramer	Rife	Welsh

TRANSPORTATION—12

Fraise, Chair	Dieleman	Kersten	Pate
Connolly*	Gettings	Kinley	Slife
Drake**	Jensen	Lloyd-Jones	Welsh

WAYS AND MEANS—15

Dieleman, Chair	Deluhery	Hester	Rosenberg
Husak*	Drake	McLaren	Szymoniak
Hedge**	Fraise	Murphy	Taylor
Connolly	Fuhrman	Palmer	

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION

Peterson, Chair	Pate**	Welsh
Dieleman*	Slife	

AGRICULTURE/NATURAL RESOURCES

Husak, Chair	McLaren**	Kibbie
Priebe*	Hester	

CLAIMS

Kinley, Chair	Soorholtz**	Drake
Doyle*	Boswell	

ECONOMIC DEVELOPMENT

Riordan, Chair	Kramer**	Lloyd-Jones
Boswell*	Borlaug	

EDUCATION

Varn, Chair	Lind**	Tieden
Horn*	Murphy	

HEALTH AND HUMAN RIGHTS

Buhr, Chair	Tinsman**	Rittmer
Miller*	Hannon	

HUMAN SERVICES

Szymoniak, Chair	Hagerla**	Sturgeon
Deluhery*	Fuhrman	

JUSTICE SYSTEM

Rosenberg, Chair	Vande Hoef**	Taylor
Fraise*	Gronstal	

REGULATION

Running, Chair	Rensink**	Sorensen
Palmer*	Hedge	

TRANSPORTATION AND SAFETY

Gettings, Chair	Kersten**	Jensen
Doyle*	Connolly	

APPOINTMENTS TO SENATE ETHICS COMMITTEE

Appointed by Senator Hutchins, Majority Leader

Lloyd-Jones, Chair	Gettings*	Husak

Appointed by Senator Rife, Minority Leader

Drake**	Hedge

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 27, 1992, 2:20 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Assigned study bills to committees; deferred action on Senate File 43; Senator Szymoniak gave a report on infant mortality interim committee.

Adjourned: 2:58 p.m.

STATE GOVERNMENT

Convened: January 27, 1992, 3:04 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen and Vande Hoef.

Members Absent: Doyle, Gronstal (excused), Soorholtz and Welsh (excused).

Committee Business: Assigned bills to subcommittees; amended and approved SSB 2020 as a committee bill; recommended passage of Senate Files 2013 and 2032.

Adjourned: 3:50 p.m.

TRANSPORTATION

Convened: January 27, 1992, 2:20 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Lloyd-Jones, Pate and Slife.

Members Absent: Kinley and Welsh (both excused).

Committee Business: Amended and approved SSB 2001 as a committee bill (rule 40); discussed and deferred action on SSB 2058.

Adjourned: 2:50 p.m.

STUDY BILLS RECEIVED

SSB 2055.1 State Government

Establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

SSB 2055.2 State Government

Establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

SSB 2065 Environment & Energy Utilities (corrected)

Relating to the alteration of motor vehicle fuels.

SSB 2066 Local Government

Relating to mileage reimbursement for county supervisors.

SSB 2067 Education

Relating to the timing for school aid payments and providing effective and retroactive applicability dates.

SSB 2068 Judiciary

Relating to the department of corrections, its programs, procedures, and facilities, and permitting the use of reasonable force, including deadly force, by a correctional officer to prevent escape by misdemeanants.

SSB 2069 Judiciary

Providing for an enhanced criminal penalty for the distribution of or possession with intent to distribute certain controlled substances on or near schools and parks.

SSB 2070 Judiciary

Establishing a volunteer physician program within the Iowa department of public health.

SSB 2071 Judiciary

Conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care law.

SSB 2072 Judiciary

Establishing the public offense of stalking, and providing criminal penalties.

SSB 2073 Judiciary

Relating to the procedure for bringing appeals by parties in certain post-conviction actions.

SSB 2074 Judiciary

Relating to consumer fraud and providing penalties and providing an effective date.

SSB 2075 Judiciary

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.

SSB 2076 Judiciary

Relating to nonsubstantive Code corrections.

SSB 2077 Environment & Energy Utilities

Relating to general permits for activities affecting the environment.

SSB 2078 Judiciary

Permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances.

SSB 2079 Natural Resources

A Concurrent Resolution urging the United State Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project.

SSB 2080 Natural Resources

Relating to the registration and use of boats and motorboats.

SUBCOMMITTEE ASSIGNMENTS
(Reassignments)

Senate File 45

JUDICIARY: Hester, Chair; Fuhrman and Miller

Senate File 133

JUDICIARY: Sturgeon, Chair; Drake, Miller, Rosenberg and Slife

Senate File 139

JUDICIARY: Rosenberg, Chair; Miller and Slife

Senate File 230

JUDICIARY: Peterson, Chair; Hagerla and Miller

Senate File 263

JUDICIARY: Peterson, Chair; Miller and Slife

Senate File 272

JUDICIARY: Miller, Chair; Pate and Peterson

Senate File 321

JUDICIARY: Sturgeon, Chair; Miller, Murphy, Pate and Slife

Senate File 475

JUDICIARY: Connolly, Chair; Murphy and Pate

Senate File 483

JUDICIARY: Murphy, Chair; Miller and Pate

Senate File 2036

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Kramer, McLaren and Sorensen

House File 381

JUDICIARY: Rosenberg, Chair; Hester and Miller

SSB 2045

JUDICIARY: Varn, Chair; Horn and Pate

SSB 2046

JUDICIARY: Fuhrman, Chair; Connolly and Miller

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2001

EDUCATION: Murphy, Chair; Kramer and Szymoniak

Senate File 2045

JUDICIARY: Rosenberg, Chair; Connolly and Pate

Senate File 2049

LOCAL GOVERNMENT: Sorensen, Chair; Jensen and Rittmer

Senate File 2052

JUDICIARY: Varn, Chair; Drake and Horn

Senate File 2054

JUDICIARY: Rosenberg, Chair; Deluhery and Slife

Senate File 2056

JUDICIARY: Sturgeon, Chair; Fuhrman and Varn

Senate File 2058

JUDICIARY: Horn, Chair; Fuhrman and Miller

Senate File 2059

JUDICIARY: Deluhery, Chair; Hester and Peterson

SSB 2066

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Jensen

SSB 2067

EDUCATION: Horn, Chair; Connolly and Tieden

SSB 2068

JUDICIARY: Varn, Chair; Fuhrman and Murphy

SSB 2069

JUDICIARY: Rosenberg, Chair; Drake and Hester

SSB 2070

JUDICIARY: Connolly, Chair; Horn and Slife

SSB 2071

JUDICIARY: Sturgeon, Chair; Fuhrman and Peterson

SSB 2072

JUDICIARY: Sturgeon, Chair; Hagerla and Horn

SSB 2073

JUDICIARY: Sturgeon, Chair; Hester and Varn

SSB 2074

JUDICIARY: Connolly, Chair; Drake and Fuhrman

SSB 2075

JUDICIARY: Varn, Chair; Deluhery and Hester

SSB 2076

JUDICIARY: Varn, Chair; Deluhery and Hester

SSB 2078

JUDICIARY: Sturgeon, Chair; Slife and Varn

AFTERNOON SESSION

The Senate reconvened at 4:14 p.m., President Gronstal 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 January 27, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2062, by Murphy, a bill for an act relating to the elimination of the prohibition of polystyrene products.

Read first time and **passed on file.**

Senate File 2063, by Szymoniak, a bill for an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date.

Read first time and **passed on file.**

Senate File 2064, by committee on State Government, a bill for an act establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

Read first time and **placed on calendar.**

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2064** be referred from the Regular Calendar to the committee on **Appropriations**, to be returned to the Senate Calendar no later that 4:00 p.m. on Wednesday, January 29, 1992.

APPENDIX

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2029, a bill for an act relating to appropriations from the lottery fund.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Welsh. Nays, none. Absent or not voting, 1: Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2038, a bill for an act making an appropriation to the department of human services for the Iowa veterans home for the fiscal year beginning July 1, 1991, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Boswell, Husak, Tieden, Connolly, Gettings, Hagerla, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Varn and Welsh. Nays, none. Pass, 4: Buhr, Lloyd-Jones, Szymoniak and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: *SENATE FILE 2064 (SSB 2055.2), a bill for an act establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2064 and they were attached to the committee report.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2062	Environment & Energy Utilities
S.F.	2063	Appropriations

AMENDMENT FILED

S—5006	S.F.	2015	John P. Kibbie

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:18 p.m., until 9:00 a.m., Wednesday, January 29, 1992.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 29, 1992

The Senate met in regular session at 9:05 a.m., President Gronstal presiding.

Prayer was offered by the Honorable James Riordan, member of the Senate from Dallas County, Waukee, Iowa.

The Journal of Tuesday, January 28, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dieleman for the day and January 30, 1992 on request of Senator Hutchins.

INTRODUCTION OF BILL

Senate File 2065, by committee on Judiciary, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses.

Read first time and **placed on calendar.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:16 a.m., until 4:00 p.m.

APPENDIX

IOWA LEGISLATIVE COUNCIL

***Indicates statutory membership**

SENATE MEMBERS	HOUSE MEMBERS
*Bill Hutchins, Vice Chair	*Robert C. Arnould, Chair
*Michael Gronstal	*John H. Connors
*Jean Lloyd-Jones	*Wayne McKinney, Jr.
*Leonard L. Boswell	*Thomas J. Jochum
*Jack Rife	*Harold Van Maanen
*Dale L. Tieden	*Roger A. Halvorson
Donald V. Doyle	Janet L. Adams
Wally E. Horn	Clifford O. Branstad
Emil J. Husak	Kay Chapman
John W. Jensen	William H. Harbor
Jim Lind	Mary A. Lundby
Maggie Tinsman	Michael K. Peterson

IOWA LEGISLATIVE COUNCIL COMMITTEES

ADMINISTRATION

Donald V. Doyle	Wayne McKinney, Jr.
Jean Lloyd-Jones	Michael K. Peterson
Dale L. Tieden	William H. Harbor

CAPITAL PROJECTS

Leonard L. Boswell	Janet Adams
Emil J. Husak	William J. Brand
Richard Varn	Thomas J. Jochum
Jack Rife	Roger A. Halvorson
Dale L. Tieden	Ruhl Maulsby

FISCAL

Leonard L. Boswell	Kay Chapman
Wm. W. (Bill) Dieleman	Thomas J. Jochum
Michael Gronstal	Donald J. Knapp
H. Kay Hedge	Wayne Bennett
Dale L. Tieden	Roger A. Halvorson

SERVICE

Bill Hutchins	Kay Chapman
Michael Gronstal	John H. Connors
Jack Rife	Harold Van Maanen

STUDIES

Wally E. Horn	Janet L. Adams
Emil J. Husak	Robert C. Arnould
Bill Hutchins	Wayne McKinney, Jr.
Jim Lind	Clifford O. Branstad
Jack Rife	Mary A. Lundby

ANNOUNCEMENT OF APPOINTMENT

The majority leader announced the following appointment:

Senator Richard Varn to the advisory committee of the Iowa Department of Economic Development and the Iowa Utilities Board.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: January 28, 1992, 9:35 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair; Pate, Ranking Member and Slife.

Members Absent: Welsh.

Committee Business: Budget review for governor, treasurer of state and secretary of state.

Adjourned: 11:53 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 28, 1992, 9:45 a.m.

Members Present: Riordan, Chair; Boswell, Vice Chair; Kramer, Ranking Member and Borlaug.

Members Absent: Lloyd-Jones (excused).

Committee Business: Presentation by the Wallace Foundation.

Adjourned: 11:24 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 28, 1992, 9:48 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Members Absent: none.

Committee Business: Governor's budget proposal; School for the Deaf audit.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 28, 1992, 9:48 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair; Hannon and Rittmer.

Members Absent: Tinsman, Ranking Member (excused).

Committee Business: Presentations by the Iowa State Civil Rights Commission and Department of Public Health.

Adjourned: 11:42 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 28, 1992, 9:45 a.m.

Members Present: Szymoniak, Chair; Deluhery, Vice Chair; Hagerla, Ranking Member and Sturgeon.

Members Absent: Fuhrman.

Committee Business: Presentation by LFB regarding the Department of Human Services budget and the governor's recommendations.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 28, 1992, 9:45 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Gronstal and Taylor.

Members Absent: none.

Committee Business: Summary by LFB regarding the governor's budget.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: January 28, 1992, 9:47 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Reviewed governor's budget recommendations.

Adjourned: 11:21 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: January 28, 1992, 9:50 a.m.

Members Present: Gettings, Chair and Doyle, Vice Chair.

Members Absent: Kersten, Ranking Member; Connolly and Jensen.

Committee Business: Summary by LFB of governor's budget recommendations; reviewed governor's budget detail.

Adjourned: 11:23 a.m.

AGRICULTURE

Convened: January 28, 1992, 8:17 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Rittmer and Vande Hoef.

Members Absent: Palmer and Riordan (excused).

Committee Business: Assigned bills to subcommittees; Senator Hester suggested drafting a resolution concerning the deductibility of soil conservation expenses from cash rent income; discussed guest speakers to appear before the committee.

Adjourned: 8:42 a.m.

APPROPRIATIONS

Convened: January 28, 1992, 2:30 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: none.

Committee Business: Recommended passage of Senate Files 2029 and 2038.

Adjourned: 3:10 p.m.

EDUCATION

Convened: January 28, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden and Tinsman.

Members Absent: Varn (excused).

Committee Business: Assigned bills to subcommittees; presentation by the Director of the Department of Education on legislative priorities.

Adjourned: 2:20 p.m.

JUDICIARY

Convened: January 28, 1992, 3:19 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Recommended passage of Senate File 2010 as amended; approved SSB 2042 as a committee bill.

Adjourned: 4:06 p.m.

STATE GOVERNMENT

Convened: January 28, 1992, 11:35 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: none.

Committee Business: Amended and approved SSB 2055.2 as a committee bill.

Adjourned: 12:10 p.m.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2064, a bill for an act establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5008.

Final Vote: Ayes, 17: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Szymoniak and Welsh. Nays, none. Absent or not voting, 4: Lloyd-Jones, Running, Tinsman and Varn.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2010, a bill for an act relating to the classification of certain types of ammunition as offensive weapons and making a penalty applicable.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5007.

Final Vote: Ayes, 15: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2065 (SSB 2042), a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED

SSB 2081 Appropriations

To permit the Iowa law enforcement academy to recover the cost of audio-visual services provided to state departments, independent agencies, or other governmental offices and providing for the creation of a special fund and the appropriation and use of moneys in the fund.

SSB 2082 Commerce

Relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief.

SSB 2083 Commerce

Relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with an advisory letter or other written interpretation or opinion of the administrator.

SSB 2084 Commerce

Relating to the regulation of credit unions by granting the superintendent certain additonal enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights.

SSB 2085 Commerce

Relating to the regulation of state banks by providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

SSB 2086 Commerce

Relating to the kinds of seprately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services.

SSB 2087 Business & Labor Relations

Relating to attenuation and compensation for occupational hearing loss.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 102

AGRICULTURE: Priebe, Chair; Doyle and Soorholtz

Senate File 2046

TRANSPORTATION: Connolly, Chair; Kinley and Slife

SSB 2081

APPROPRIATIONS: Gettings, Chair; Lind and Yarn

SSB 2082

COMMERCE: Jensen, Chair; Kersten and Palmer

SSB 2083

COMMERCE: Doyle, Chair; Priebe and Slife

SSB 2084

COMMERCE: Gettings, Chair; Kinley and Lind

SSB 2085

COMMERCE: Kinley, Chair; Gettings and Lind

SSB 2086

COMMERCE: Sturgeon, Chair; Deluhery and Tieden

SSB 2087

BUSINESS AND LABOR RELATIONS: Palmer, Chair; Running and Slife

AMENDMENTS FILED

S—5007	S.F.	2010	Judiciary
S—5008	S.F.	2064	Appropriations

S—5009	H.F.	2061	John Kibbie
S—5010	S.F.	2060	John Kibbie
S—5011	S.F.	2011	John Kibbie
			Emil Husak

AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., President Gronstal presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 104, by Jensen, a concurrent resolution to encourage businesses to utilize the By-product and Waste Search Service of the Iowa Waste Reduction Center at the University of Northern Iowa.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2066, by Sturgeon, a bill for an act relating to the provision of assistance-in-dying, and providing penalties.

Read first time and **passed on file.**

Senate File 2067, by Priebe, a bill for an act to require the treasurer of state to advertise for and take bids for the services of persons to conduct public auctions for the disposition of unclaimed property.

Read first time and **passed on file.**

Senate File 2068, by Priebe, a bill for an act exempting from the state sales, services, and use tax the gross receipts from the rental of motion picture films and video and audio tapes, discs and records under certain conditions.

Read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink for the remainder of the week on request of Senator Jensen.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2041

On motion of Senator Boswell, Senate File 2041, a bill for an act relating to the state revenue estimating conference, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2041** be **deferred.**

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2034

On motion of Senator Rosenberg, Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **Senate File 2034** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2051

On motion of Senator Kibbie, Senate File 2051, a bill for an act relating to the extension of retirement dividends to certain retired members of the Iowa public employees' retirement system, was taken up for consideration.

Senator Kibbie 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. 2051) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Voting present, 2:

Priebe	Szymoniak

Absent or not voting, 3:

Dieleman	Rensink	Soorholtz

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

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2060.

Senate File 2060

On motion of Senator Kibbie, Senate File 2060, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems to the statewide system, providing for the use of excess funds of terminated city systems, providing for

certain benefits for employees of the statewide system, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie offered amendment S—5010 filed by him from the floor to page one and the title page of the bill and moved its adoption.

Amendment S—5010 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that **House File 2061** be **substituted** for **Senate File 2060** as amended.

House File 2061

On motion of Senator Kibbie, House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie offered amendment S—5009 filed by him from the floor to page one and the title page of the bill.

Senator Borlaug asked and received unanimous consent that action on amendment S—5009 and **House File 2061** be **deferred.**

BUSINESS PENDING

Senate File 2041

The Senate resumed consideration of Senate File 2041, a bill for an act relating to the state revenue estimating conference, previously deferred.

Senator Boswell 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. 2041) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins

Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 16:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kramer
Pate	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 3:

Dieleman	Rensink	Soorholtz

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S. C.R.	104	Environment & Energy Utilities
S.F.	2066	Judiciary
S.F.	2067	State Government
S.F.	2068	Ways and Means

AMENDMENTS FILED

S—5012	S.F.	2064	John Kibbie
S—5013	S.F.	395	Richard Running

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:02 p.m., until 9:00 a.m., Thursday, January 30, 1992.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 30, 1992

The Senate met in regular session at 9:06 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Norman Schouten, pastor of the Second Reformed Church of Pella, Iowa.

The Journal of Wednesday, January 29, 1992, was approved.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:10 a.m., until 3:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 29, 1991, 9:50 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair; Tinsman, Ranking Member; Hannon and Rittmer.

Committee Business: Presentation by Department of Public Health.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 29, 1991, 9:45 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member and Taylor.

Members Absent: Gronstal (excused).

Committee Business: Budget presentation by the Judicial Department.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: January 29, 1991, 9:45 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: Presentations by the Iowa Law Enforcement Academy and Department of Transportation regarding the governor's budget recommendations.

Adjourned: 11:30 a.m.

APPROPRIATIONS

Convened: January 29, 1991, 9:35 a.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Husak, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg and Szymoniak.

Members Absent: Lloyd-Jones, Running, Tinsman and Varn (all excused).

Committee Business: Recommended passage of Senate File 2064 as amended.

Adjourned: 9:45 a.m.

COMMERCE

Convened: January 29, 1991, 3:02 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Doyle, Fuhrman, Lind, Palmer, Priebe and Tieden.

Members Absent: Slife, Ranking Member; Gettings, Gronstal, Jensen, Kersten (excused), Sturgeon and Varn.

Committee Business: Assigned bills to subcommittees; the members of the standing subcommittee on insurance are Varn, Chair; Doyle, Jensen, Palmer and Slife.

Adjourned: 3:04 p.m.

ETHICS

Convened: January 29, 1991, 11:15 a.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak; and citizen members DeKoster and Knutson.

Members Absent: none.

Committee Business: Approved committee minutes of 1-22-92 meeting; presentation by independent legal counsel of counsel's 1-22-92 memorandum recommendations; reviewed and discussed Wiggin's 1-16-92 letter to Lloyd-Jones; receipt of 1-27-92 formal complaint against Senator Welsh; receipt of 1-27-92 formal complaints against Senators Drake, Kinley, Kramer, Lloyd-Jones, Priebe and Tinsman; discussed independent legal counsel's possible "conflict of interest"; granted Welsh an additional ten days to respond to complaint; discussed appointment of replacement committee members; authorized unrestricted hours

for independent legal counsel, at previously agreed upon rate, subject to counsel's submission of hours to committee; submission of thirteen documents to counsel by Drake; discussed committee's policy on dissemination of information; announced the next meeting would be scheduled upon receipt of responses to complaints.

Adjourned: 12:10 p.m.

LOCAL GOVERNMENT

Convened: January 29, 1991, 2:24 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Deferred action on Senate File 2024 and SSB 2031; presentations by the mayors of Ames and Council Bluffs.

Adjourned: 2:48 p.m.

NATURAL RESOURCES

Convened: January 29, 1991, 2:20 p.m.

Members Present: Palmer, Chair; Hester, Ranking Member; Hedge, Priebe, Riordan, Sturgeon and Tieden.

Members Absent: Kibbie, Vice Chair (excused); Dieleman (excused); Hagerla, Rensink (excused) and Rosenberg (excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 2:30 p.m.

MINUTES OF MEETING

The following minutes of the Ethics Committee meeting on January 22, 1992, are presented in accordance with the Memorandum of Decision found on page 112 of the Senate Journal:

MINUTES

SENATE ETHICS COMMITTEE

January 22, 1992

PRELIMINARY BUSINESS

The Senate Ethics Committee was called to order by Senator Jean Lloyd-Jones, Chairperson, at 4:30 p.m., on Wednesday, January 22, 1992, in Room 116 of the Statehouse, Des Moines, Iowa. Members present in addition to Chairperson Lloyd-Jones included:

Senator Donald Gettings, Vice Chairperson
Senator Richard Drake, Ranking Member
Senator Kay Hedge
Senator Emil Husak
Lucas J. DeKoster

Also present were members of the legislative staff and other interested persons.

Senator Drake moved that the minutes of the January 6, 1992, meeting be approved, and the motion carried by unanimous voice vote.

The following documents were distributed to the Committee:

* January 22, 1992, facsimile letter from Patrick M. Roby.

* January 15, 1992, memorandum from Patrick M. Roby referring to and also including the following documents as attachments:

    * Minutes of the January 25, 1990, Iowa Trust organizational meeting.

    * Sign-in sheet of the January 25, 1990, Iowa Trust organizational meeting.

    * Minutes of the April 19, 1990, Iowa Trust Board of Trustees meeting.

    * Marketing update of April 19, 1990.

    * April 23, 1990, letter from Joe J. Welsh to Judy Harland, Buchanan County Treasurer.

    * April 30, 1990, letter from Elaine Gundacker to Peter B. King, Executive Director, League of Iowa Municipalities.

    * May 7, 1990, letter from Joe J. Welsh to Treasurer.

    * Minutes of the September 12, 1990, Iowa Trust Board of Trustees meeting.

    * Minutes of the January 16, 1991, Iowa Trust Board of Trustees meeting.

* Minutes of the April 24, 1991, Iowa Trust Board of Trustees meeting.

* January 13, 1992, memorandum from Patrick M. Roby.

* January 9, 1992, memorandum regarding itemization of Committee materials to Patrick M. Roby.

* January 6, 1992, memorandum from Leslie Workman, Legislative Service Bureau, to the Senate Legal Counsel regarding the Committee's amendment and passage of Committee bill LSB 5441XC.

Copies of all materials distributed are on file with the Legislative Service Bureau and the Office of the Secretary of the Senate.

OPENING REMARKS AND REPORT BY INDEPENDENT LEGAL COUNSEL

Chairperson Lloyd-Jones presented opening remarks and also introduced Mr. Patrick Roby, Independent Legal Counsel, who participated in the meeting via speaker telephone connection. Upon request by Chairperson Lloyd-Jones, Mr. Roby summarized his January 15, 1992, memorandum which discusses the past relationship of Senator Welsh with the Iowa Trust and Institutional Treasury Management.

Chairperson Lloyd-Jones then directed the Committee's attention to the facsimile letter from Mr. Roby, dated January 22, 1992. In the letter, Mr. Roby provides his opinion as to the effect of Senator Welsh's resignation as President of the Senate on the Committee's investigation. Chairperson Lloyd-Jones noted that Mr. Roby suggests in the facsimile letter that due to Senator Welsh's resignation as President of the Senate, the ethics investigation should be terminated.

COMMITTEE DISCUSSION AND MOTIONS

The Committee discussed the contents of Mr. Roby's report and his advice. Senator Husak moved that the Ethics Committee accept the advice contained in Mr. Roby's January 22, 1992, facsimile letter and cease action in the investigation of ethics violations by Senator Welsh. Senator Gettings seconded the motion.

Senator Husak responded to a question by Senator Drake that by his words "cease action", as was stated in the letter from Mr. Roby, he meant that the investigation should be terminated, but that the ethics rules could still be reviewed and improved, if possible.

Senator Drake questioned whether further language should be included in Senator Husak's motion that would address the evidence concerning ethics violations by Senator Welsh. Mr. DeKoster added that perhaps the Committee should file a report recommending a reprimand of Senator Welsh in addition to the cessation of any further investigation of Senator Welsh. Mr. DeKoster responded to a question from Senator Gettings by indicating that by the term reprimand, he meant that he believes that there are several items for which Senator

Welsh should be held accountable, and that this report recommending reprimand would then be on record and subject to action by the Senate.

Senator Gettings commented that Senator Welsh's tarnished prestige, resignation as President of the Senate and the resultant decrease in pay due to the resignation are all forms of punishment incurred by Senator Welsh, and are already on the public record.

Chairperson Lloyd-Jones noted that the Committee still had the Husak motion before it, and asked that the Committee act on the motion before proceeding to Mr. DeKoster's formulation of a motion for the Committee to file a report recommending a reprimand of Senator Welsh.

The Committee then voted on Senator Husak's motion that the Ethics Committee accept the advice contained in Mr. Roby's January 22, 1992, facsimile letter and terminate the investigation of ethics violations by Senator Welsh. The motion passed, with Senator Drake and Senator Hedge voting nay.

Mr. DeKoster then moved that the Ethics Committee file a report with the Senate stating that Senator Welsh was culpable for not being candid with the Committee about his relationship with the Iowa Trust and Institutional Treasury Management and for not being sensitive to the community of interests between Iowa Trust and Institutional Treasury Management and therefore, that a formal reprimand should be recommended. Senator Drake seconded the motion. A discussion followed relating to the contents of the motion and of the authority of the Committee to recommend a reprimand.

Chairperson Lloyd-Jones asked for final discussion on the DeKoster motion, at which time Senator Husak questioned whether the motion was in order, given the questions that were raised by legislative staff with respect to the Committee's authority under the Senate Code of Ethics to recommend a reprimand without the filing of a formal complaint or charges and without following the notice and hearing procedures in the Code of Ethics. Chairperson Lloyd-Jones ruled that Senator Husak's point was well taken and that the DeKoster motion was out of order. Chairperson Lloyd-Jones continued that since the Committee did not conduct an open public hearing and complete investigation into the possible ethics violations by Senator Welsh, further actions against Senator Welsh by the Committee, such as a reprimand, would be inappropriate.

Senator Husak reminded the Committee that all actions of the Committee will be recorded in the Senate Journal. Chairperson Lloyd-Jones also indicated that Mr. Roby's testimony and transactions with the Committee will become part of the Committee record.

FINAL BUSINESS AND ADJOURNMENT

Mr. Roby indicated that he would provide the Committee, prior to its next meeting, with a billing noting any additional time incurred, above and beyond the 35 hours allocated, for his service as independent legal counsel to the Committee.

The next meeting date was set for Wednesday, February 5, 1992.

There being no further business, the meeting was adjourned by Chairperson Lloyd-Jones at 5:35 p.m.

Respectfully submitted,

GARY D. RUDICIL
Research Analyst
Legislative Service Bureau

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Holy Trinity Catholic School, Protivin; Immaculate Conception School, Charles City; Notre Dame School System, Cresco; Sacred Heart School, Osage; St. Joseph's Community School, New Hampton; and Visitation School, Stacyville — For Excellence in Catholic Education. Senator Borlaug (1-29-92).

Students from George Washington Senior High, Cedar Rapids — For representing the State of Iowa in the National Bicentennial Competition on the Constitution and Bill of Rights. Senator Varn (3-12-92).

COMMITTEE REPORT

AGRICULTURE

Final Bill Action: SENATE CONCURRENT RESOLUTION 102, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5014	S.F.	2010	Donald V. Doyle
S—5015	H.F.	2061	Allen Borlaug

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 104

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

Senate File 2044

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Hannon and Jensen

Senate File 2048

ENVIRONMENT & ENERGY UTILITIES: Jensen, Chair; Hannon and Rosenberg

Senate File 2062

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

Senate File 2067

STATE GOVERNMENT: Priebe, Chair; Doyle, Pate, Soorholtz and Welsh

SSB 2065

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Borlaug and Deluhery

SSB 2077

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

SSB 2088

STATE GOVERNMENT: Running, Chair; Buhr, Dieleman, Lind and Vande Hoef

SUBCOMMITTEE ASSIGNMENT
(Reassignment)

SSB 54

STATE GOVERNMENT: Dieleman, Chair; Buhr and Pate

AFTERNOON SESSION

The Senate reconvened at 3:07 p.m., Senator Connolly presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

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

President Gronstal took the chair at 3:18 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the remainder of the day on request of Senator Hutchins.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2064.

Senate File 2064

On motion of Senator Kibbie, Senate File 2064, a bill for an act establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date, with report of committee on Appropriations recommending amendment and passage, was taken up for consideration.

Senator Boswell offered amendment S—5008 filed by the committee on Appropriations on January 29, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5008 was adopted by a voice vote.

Senator Kibbie offered amendment S—5012 filed by him on January 29, 1992, to pages 6 and 7 of the bill and moved its adoption.

Amendment S—5012 was adopted by a voice vote.

Senator McLaren offered amendment S—5016 filed by Senators McLaren, et al., from the floor to page 7 of the bill and moved its adoption.

Amendment S—5016 was adopted by a voice vote.

Senator Kibbie 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. 2064) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Dieleman	Rensink	Sturgeon

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

Senator Horn asked and received unanimous consent that **Senate File 2064** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred January 29, 1992)

Senate File 2034

The Senate resumed consideration of Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting

requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates, deferred on January 29, 1992.

Senator Rosenberg offered amendment S—5017 filed by Senators Rosenberg, et al., from the floor to page 3 of the bill and moved its adoption.

Amendment S—5017 was adopted by a voice vote.

Senator Welsh withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—5017 to Senate File 2034 was adopted by the Senate on January 30, 1992.

Senator Rosenberg 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. 2034) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Dieleman	Rensink	Sturgeon

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

UNFINISHED BUSINESS
(Deferred January 29, 1992)

House File 2061

The Senate resumed consideration of House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, and amendment S—5009 by Senator Kibbie to page one and the title page of the bill, deferred on January 29, 1992.

Senator Borlaug offered amendment S—5015 filed by him from the floor to amendment S—5009.

Senator Borlaug asked and received unanimous consent that action on amendment S—5015 to amendment S—5009, amendment S—5009 and **House File 2061** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2035

On motion of Senator Hannon, Senate File 2035, a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child, was taken up for consideration.

Senator Hannon 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. 2035) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten

Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Dieleman	Rensink	Sturgeon

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

Senate File 2039

On motion of Senator Murphy, Senate File 2039, a bill for an act to specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date, was taken up for consideration.

Senator Murphy 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. 2039) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Dieleman	Lloyd-Jones	Rensink	Sturgeon

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

Senate File 2013

On motion of Senator Priebe, Senate File 2013, a bill for an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee, with report of committee recommending passage, was taken up for consideration.

Senator Priebe 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. 2013) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Dieleman	Lloyd-Jones	Rensink	Sturgeon

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

Senate File 2032

On motion of Senator Riordan, Senate File 2032, a bill for an act relating to the manufacture and disposition of beer by special class "A" permittees, with report of committee recommending passage, was taken up for consideration.

Senator Riordan 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. 2032) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Dieleman	Fraise	Lloyd-Jones	Rensink
Sturgeon			

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

BUSINESS PENDING

House File 2061

The Senate resumed consideration of House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, amendment S—5009 by Senator Kibbie and

amendment S—5015 by Senator Borlaug to amendment S—5009, previously deferred.

Senator Boarlaug withdrew amendment S—5015 to amendment S—5009.

Senator Borlaug offered amendment S—5019 filed by him from the floor to amendment S—5009 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5019 to amendment S—5009 be adopted?" (H.F. 2061) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Borlaug	Deluhery	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Palmer	Pate
Rife	Rittmer	Slife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

Nays, 23:

Boswell	Buhr	Connolly	Doyle
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Szymoniak	Varn	Welsh	

Absent or not voting, 3:

Dieleman	Rensink	Sturgeon

Amendment S—5019 was adopted.

Senator Running called for a division of amendment S—5009 as amended: Page 1, lines 2-20 and page 2, lines 22-24 as division S—5009A; page 1, lines 21-50 and page 2, lines 1-27 as division S—5009B.

Senator Kibbie moved the adoption of division S—5009A as amended.

A record roll call was requested.

On the question "Shall division S—5009A as amended be adopted?" (H.F. 2061) the vote was:

Ayes, 34:

Borlaug	Boswell	Buhr	Deluhery
Drake	Fraise	Fuhrman	Gronstal
Hagerla	Hannon	Hedge	Hester
Husak	Hutchins	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Pate
Rife	Riordan	Rittmer	Slife
Sorensen	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn		

Nays, 12:

Connolly	Doyle	Gettings	Horn
Kinley	Palmer	Peterson	Priebe
Rosenberg	Running	Soorholtz	Welsh

Absent or not voting, 4:

Dieleman	Rensink	Sturgeon	Tieden

Division S—5009A as amended was adopted.

Senator Kibbie moved the adoption of division S—5009B as amended, which motion prevailed by voice vote.

Senator Kibbie 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. 2061) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg

Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Dieleman	Rensink	Sturgeon	Tieden

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

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5018.

Final Vote: Ayes, 14: Kibbie, Lloyd-Jones, Lind, Buhr, Doyle, Drake, Horn, McLaren, Murphy, Priebe, Running, Soorholtz, Sorensen, and Welsh. Nays, none. Absent or not voting, 6: Dieleman, Gronstal, Kramer, Pate, Rife and Vande Hoef.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2036** be referred from the Regular Calendar to the committee on **Commerce** and returned to the Senate Calendar by 5:00 p.m., Wednesday, February 5, 1992.

INTRODUCTION OF BILLS

Senate File 2069, by Hagerla, a bill for an act relating to the establishment and administration of an adopt-a-park program by the department of natural resources.

Read first time and **passed on file.**

Senate File 2070, by Hagerla, a bill for an act relating to the purchase of alcohol by persons under nineteen years of age and making penalties applicable.

Read first time and **passed on file.**

Senate File 2071, by Lind, Pate, Slife, Vande Hoef, Fuhrman, and Taylor, a bill for an act expanding the definition of operating while intoxicated to include operating while under the influence of any substance which impairs the mental or physical faculties to a degree which renders the operator incapable of safely driving.

Read first time and **passed on file.**

Senate File 2072, by Pate, Taylor, Tinsman, Kramer, Hagerla, Rensink, McLaren, Slife, Rittmer, Vande Hoef, Furhman, Tieden, and Borlaug, a bill for an act relating to drug-free and weapons-free zones near schools and parks and other locations, and establishing criminal offenses and penalties.

Read first time and **passed on file.**

Senate File 2073, by Pate, Tinsman, Slife, Vande Hoef, and Taylor, a bill for an act relating to the accrual of good conduct time by sex offenders, contingent upon satisfactory completion of a sex offender treatment program.

Read first time and **passed on file.**

Senate File 2074, by Pate and Kersten, a bill for an act requiring the district court administrator to provide to the public the sentencing records of judges and magistrates.

Read first time and **passed on file.**

Senate File 2075, by Pate, Tinsman, McLaren, Hagerla, Slife, Vande Hoef, Tieden, Borlaug, and Taylor, a bill for an act providing for the establishment of uniform bail guidelines and procedures, and providing for reports to the general assembly.

Read first time and **passed on file.**

Senate File 2076, by Pate, a bill for an act relating to the entry of restraining orders for harassment, and providing penalties, including fines and terms of confinement, for violations of such orders.

Read first time and **passed on file.**

Senate File 2077, by Pate, a bill for an act creating criminal penalties pertaining to the use of minors in drug and gang activities, establishing a mandatory minimum term of confinement, and restricting deferral of judgment or sentences and suspension of sentences.

Read first time and **passed on file.**

Senate File 2078, by Fraise and Jensen, a bill for an act relating to the allowance of the use of recyclable beverage container connectors.

Read first time and **passed on file.**

Senate File 2079, by Fuhrman, a bill for an act relating to officers and teachers as agents for school textbooks and supplies and providing a penalty and an effective date.

Read first time and **passed on file.**

Senate File 2080, by Jensen, a bill for an act relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind.

Read first time and **passed on file.**

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 January 30, 1992, passed the following bill in which the concurrence of the House was asked.

Senate File 2064, a bill for an act establishing a municipal investment recovery program and authorizing an appropriation to the department of management and providing an effective date.

APPENDIX

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 101, a concurrent resolution to designate Shelby, Iowa, the Purple Martin Capital of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Hutchins, Gronstal, Rife, Gettings, Husak and Lloyd-Jones. Nays, none. Absent or not voting, 3: Jensen, Kinley and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED

SSB 2088 State Government

Relating to the member representing community colleges on the college student aid commission.

SSB 2089 Human Resources

Relating to medical assistance program requirements involving health care facilities, certificates of need, specified low-income federal medicare beneficiaries, and program reimbursements of area education agencies.

SSB 2090 Human Resources

Relating to child support recovery.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2069	Natural Resources
S.F.	2070	Judiciary
S.F.	2071	Judiciary
S.F.	2072	Judiciary
S.F.	2073	Judiciary
S.F.	2074	Judiciary

S.F.	2075	Judiciary
S.F.	2076	Judiciary
S.F.	2077	Judiciary
S.F.	2078	Environment & Energy Utilities

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2061 passed the Senate on January 30, 1992.

RICHARD V. RUNNING

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: January 29, 1992, 10:32 a.m.

Members Present: Peterson, Chair; Pate, Ranking Member and Slife.

Members Absent: Dieleman, Vice Chair (excused) and Welsh.

Committee Business: Presentation by the Department of General Services on the Iowa Communications Network.

Adjourned: 11:10 a.m.

AMENDMENTS FILED

S—5016	S.F.	2064	Derryl McLaren John Kibbie Harry Slife Mark Hagerla Emil Husak Jim Riordan Leonard Boswell Florence Buhr Wally Horn Larry Murphy Beverly Hannon
S—5017	S.F.	2034	Ralph Rosenberg Larry Murphy Jack Hester Paul Pate

			Jim Lind John Kibbie Wally Horn Mike Connolly
S—5018	S.F.	2036	State Government
S—5019	H.F.	2061	Allen Borlaug

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:16 p.m., until 1:00 p.m., Monday, February 3, 1992.

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 3, 1992

The Senate met in regular session at 1:13 p.m., President Gronstal presiding.

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Jasper County, Sully, Iowa.

The Journal of Thursday, January 30, 1992, was approved.

RECESS

On motion of Senator Hutchins, the Senate recessed at 1:16 p.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: January 30, 1992, 10:11 a.m.

Members Present: Peterson, Chair; Pate, Ranking Member and Slife.

Members Absent: Dieleman, Vice Chair (excused) and Welsh.

Committee Business: Budget review of the Department of Revenue and Finance and presentation on private collection agencies; budget presentations for the governor and lieutenant governor.

Adjourned: 11:37 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 30, 1992, 10:15 a.m.

Members Present: Riordan, Chair; Boswell, Vice Chair and Kramer, Ranking Member and Lloyd-Jones.

Members Absent: Borlaug (excused).

Committee Business: Presentation by the International Division of DED.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 30, 1992, 10:15 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair; Tinsman, Ranking Member; Hannon and Rittmer.

Members Absent: none.

Committee Business: Budget presentations by the directors of the Commission for the Blind, the Department of Elder Affairs and the Department of Human Rights.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 30, 1992, 10:04 a.m.

Members Present: Szymoniak, Chair; Deluhery, Vice Chair; Fuhrman and Sturgeon.

Members Absent: Hagerla, Ranking Member.

Committee Business: Presentation of FADSS and field staff; explanations and descriptions of program and goals.

Adjourned: 11:54 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 30, 1992, 10:15 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Gronstal and Taylor.

Members Absent: none.

Committee Business: Approved revisions to minutes.

Adjourned: 10:18 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: January 30, 1992, 10:02 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member and Jensen.

Members Absent: Connolly.

Committee Business: Presentations by the Department of Public Defense and Department of Public Safety regarding the governor's budget recommendations.

Adjourned: 11:20 a.m.

AGRICULTURE

Convened: January 30, 1992, 8:45 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef.

Members Absent: none.

Committee Business: Recommended passage of Senate Concurrent Resolution 102.

Adjourned: 8:57 a.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: January 30, 1992, 1:51 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Miller, Sorensen and Varn.

Members Absent: Kersten (excused) and Soorholtz.

Committee Business: Presentation by the Iowa Utilities Board.

Adjourned: 2:20 p.m.

RULES AND ADMINISTRATION

Convened: January 30, 1992, 11:40 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak and Lloyd-Jones.

Members Absent: Jensen, Kinley and Soorholtz.

Committee Business: Recommended passage of Senate Concurrent Resolution 101.

Adjourned: 11:50 a.m.

STATE GOVERNMENT

Convened: January 30, 1992, 2:25 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Dieleman and Gronstal (both excused).

Committee Business; Assigned bills to subcommittees; recommended passage of Senate File 2036 as amended.

Adjourned: 2:40 p.m.

PETITIONS

The following petitions were presented and placed on file by:

Senator Jensen from approximately 500 residents of Iowa opposing legislation to remove drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices.

Senator Miller from 313 residents of Cerro Gordo and Franklin Counties favoring continued support of the Iowa Regional Library System.

Senator Priebe from approximately 700 residents of Pocahontas County opposing proposed drivers license and motor vehicle registration changes.

Senator Taylor from 1,160 residents of Hamilton County opposing legislation to remove the motor vehicle registration from the county treasurer's office to a central office within 50 miles.

The following petitions opposing legislation to establish 19 regional centers for renewing drivers licenses were presented and placed on file by Senator Vande Hoef:

Approximately 2,300 residents of Cherokee County.
729 residents of Lyon County.
742 residents of O'Brien County.
442 residents of Osceola County.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2034 passed the Senate on January 30, 1992.

RALPH ROSENBERG

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5017 to Senate File 2034 was adopted by the Senate on January 30, 1992.

RALPH ROSENBERG

STUDY BILLS RECEIVED

SSB 2091 Ways & Means

Relating to income taxation by increasing the tax credit allowed for certain research activities and providing an effective and applicability date.

SSB 2092 Human Resources

Relating to the circumstances under which a physician assistant may supply prescription drugs, controlled substances, or medical devices.

SSB 2093 State Government

Relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

SSB 2094 State Government

Relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

SSB 2095 Education

To change the name of the vocational services area contained in the minimum education standards from consumer and family sciences to family and consumer sciences.

SSB 2096 Environment & Energy Utilities

Relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind.

SSB 2097 Environment & Energy Utilities

Relating to viable water systems.

SSB 2098 Environment & Energy Utilities

Relating to the water supply and wastewater effluent limitations.

SSB 2099 Environment & Energy Utilities

Relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities.

SSB 2100 Environment & Energy Utilities

Relating to the civil penalties established for violation of utility board statutes, regulations, or orders.

SSB 2101 Agriculture

Relating to the labeling of containers containing agricultural seeds.

SSB 2102 Agriculture

Relating to the termination of financing statements under the uniform commercial Code.

SSB 2103 Agriculture

Providing for the regulation of milk and the increase of certain fees.

SSB 2104 Agriculture

Relating to implements of husbandry, by providing certain regulatory exemptions for machinery used to mix and dispense nutrients to bovine animals.

SSB 2105 Local Government

Relating to a city officer's or employee's permissible interest in a franchise agreement.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 103

HUMAN RESOURCES: Szymoniak, Chair; Horn and Taylor

Senate File 2001

HUMAN RESOURCES: Sturgeon, Chair; Hagerla and Riordan

Senate File 2036

COMMERCE: Varn, Chair; Deluhery and Jensen

Senate File 2053

WAYS AND MEANS: Husak, Chair; Fraise and Hester

Senate File 2055

HUMAN RESOURCES: Murphy, Chair; Buhr and Hagerla

Senate File 2068

WAYS AND MEANS: Dieleman, Chair; Palmer and Taylor

SSB 2089

HUMAN RESOURCES: Sturgeon, Chair; Szymoniak and Tinsman

SSB 2090

HUMAN RESOURCES: Szymoniak, Chair; Hagerla and Sturgeon

SSB 2091

WAYS AND MEANS: Rosenberg, Chair; Deluhery, Fuhrman, McLaren and Palmer

SSB 2092

HUMAN RESOURCES: Riordan, Chair; Kramer and Murphy

SSB 2093

STATE GOVERNMENT: Running, Chair; Buhr, Drake, Kramer and Murphy

SSB 2094

STATE GOVERNMENT: Running, Chair; Kramer, Pate, Sorensen and Welsh

RECONVENED

The Senate reconvened at 4:00 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2081, by Riordan, a bill for an act relating to physician assistants by providing for coverage of physician assistant services through proposed group insurance plans.

Read first time and **passed on file.**

Senate File 2082, by Varn, a bill for an act relating to providing certain credit information to a consumer at no cost.

Read first time and **passed on file.**

Senate File 2083, by Pate, Running, and Horn, a bill for an act increasing the penalty for improper use of a handicapped identification device.

Read first time and **passed on file.**

AMENDMENT FILED

S—5020	S.F.	2034	William W. Dieleman

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2079	Education
S.F.	2080	Environment & Energy Utilities
S.F.	2081	Human Resources
S.F.	2082	Commerce
S.F.	2083	Transportation

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:02 p.m., until 9:00 a.m., Tuesday, February 4, 1992.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 4, 1992

The Senate met in regular session at 9:08 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Leon W. Herndon, pastor of the Burns United Methodist Church, Des Moines, Iowa.

The Journal of Monday, February 3, 1992, was approved.

SPECIAL GUESTS

Senator Hutchins presented three Asia Foundation Fellows who will be working in the legislature this session: Tupuna Rakanui, Second Clerk Assistant and Clerk of Committees in the Cook Islands Parliament, who will be working in the House of Representatives; Dr. Panna Kaji Amatya, head of the political science department at the university in Katmandu, Nepal, who will be working in the Legislative Service Bureau; and Jan (Tony) Hsi-Dung, director of the Research Department and Vice-Researcher of the Secretariat of the Legislative Yuan, Wisdom Coalition, in the Republic of China, Taiwan, who will be working in the Legislative Fiscal Bureau. Tony's wife, Mei-Li Wu (Nancy), was also present.

The Fellows were accompanied by their Asian Foundation program coordinator, Rudi Jueng.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, Senator Kinley presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 12:16 p.m.

The vote revealed 34 present, 16 absent and a quorum present.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:20 p.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 3, 1992, 2:20 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of Senate File 43 as amended.

Adjourned: 3:20 p.m.

TRANSPORTATION

Convened: February 3, 1992, 2:20 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate, Slife and Welsh.

Members Absent: none.

Committee Business: Assigned Senate File 2046 to a subcommittee; approved SSBs 2057 and 2058 as committee bills.

Adjourned: 3:05 p.m.

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of February, 1992:

Senate File 2064.

JOHN F. DWYER
Secretary of the Senate

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 43, a bill for an act relating to access to and the use of dependent adult abuse information.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5021.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Schubert and Gertie Zylstra, Sibley — For celebration of their 65th wedding anniversary. Senator Vande Hoef (2-9-92).

STUDY BILLS RECEIVED

SSB 2106 State Government

Relating to the sale of beer and alcoholic liquor by a native wine manufacturer.

SSB 2107 Judiciary

Relating to authorizing juvenile detention or shelter care hearings or periodic dispositional review hearings to be held by teleconference.

SSB 2108 Judiciary

Transferring the jurisdiction of seventeen-year-old delinquents from juvenile to adult court.

SSB 2109 Judiciary

Relating to excluding certain alcoholic beverages violations by a minor from the jurisdiction of the juvenile court and establishing a penalty.

SSB 2110 Judiciary

Relating to the definition and regulation of certain controlled substances.

SSB 2111 Judiciary

Providing for parental liability for the cost of care at the state training school or other facility.

SSB 2112 Judiciary

Relating to private industry employment of inmates of correctional institutions.

SSB 2113 Judiciary

Relating to burglary and establishing penalties.

SSB 2114 Judiciary

Relating to the publication, distribution, and announcement of information pertaining to the average length of actual incarceration of persons convicted of committing aggravated misdemeanors and felonies.

SSB 2115 State Government

Relating to rules adopted by the alcoholic beverages division of the department of commerce governing transactions between wholesalers and retailers.

SSB 2116 Education

Relating to the hours of employment of persons under the age of eighteen, restricting the hours of employment during the time when school is in session, restricting the hours that a person can be employed during a day, and providing an exemption from the hourly restriction for certain persons from a public school superintendent or the authorities in charge of a nonpublic school.

SSB 2117 Education

To permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

SSB 2118 Appropriations

Relating to the state budget by supplementing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date.

SSB 2119 Business & Labor Relations

Relating to public employee payroll deductions for political committees.

SSB 2120 Business & Labor Relations

Relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures and a criminal penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2066

JUDICIARY: Sturgeon, Chair; Fuhrman and Rosenberg

Senate File 2070

JUDICIARY: Rosenberg, Chair; Connolly and Hagerla

Senate File 2071

JUDICIARY: Rosenberg, Chair; Peterson and Slife

Senate File 2072

JUDICIARY: Varn, Chair; Fuhrman and Murphy

Senate File 2073

JUDICIARY: Varn, Chair; Murphy and Pate

Senate File 2074

JUDICIARY: Deluhery, Chair; Peterson and Slife

Senate File 2075

JUDICIARY: Sturgeon, Chair; Murphy and Pate

Senate File 2077

JUDICIARY: Rosenberg, Chair; Pate and Sturgeon

SSB 2095

EDUCATION: Running, Chair; Deluhery and Rensink

SSB 2096

ENVIRONMENT & ENERGY UTILITIES: Hedge, Chair; Kersten and Sorenson

SSB 2097

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Soorholtz and Varn

SSB 2098

ENVIRONMENT & ENERGY UTILITIES: Fraise, Chair; Miller and Soorholtz

SSB 2099

ENVIRONMENT & ENERGY UTILITIES: Fraise, Chair; Hannon and Hedge

SSB 2100

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Rosenberg and Soorholtz

SSB 2101

AGRICULTURE: Priebe, Chair; Husak and Soorholtz

SSB 2102

AGRICULTURE: Doyle, Chair; Hedge and Soorholtz

SSB 2103

AGRICULTURE: Riordan, Chair; Soorholtz and Vande Hoef

SSB 2104

AGRICULTURE: Peterson, Chair; Boswell and McLaren

SSB 2105

LOCAL GOVERNMENT: Buhr, Chair; Jensen and Miller

SSB 2106

STATE GOVERNMENT: Horn, Chair; Lind, McLaren, Murphy and Running

SSB 2107

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

SSB 2108

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

SSB 2109

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

SSB 2110

JUDICIARY: Rosenberg, Chair; Drake and Peterson

SSB 2111

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

SSB 2112

JUDICIARY: Peterson, Chair; Hester and Horn

SSB 2113

JUDICIARY: Sturgeon, Chair; Slife and Varn

SSB 2114

JUDICIARY: Rosenberg, Chair; Connolly and Pate

SSB 2115

STATE GOVERNMENT: Welsh, Chair; Kibbie and Priebe

SSB 2116

EDUCATION: Connolly, Chair; Horn and Kramer

SSB 2117

EDUCATION: Murphy, Chair; Horn and Kramer

SSB 2118

APPROPRIATIONS: Boswell, Chair; Gettings, Rensink, Szymoniak and Tieden

SUBCOMMITTEE ASSIGNMENT
(Reassignment)

SSB 2054

ENVIRONMENT & ENERGY UTILITIES: Sorenson, Chair; Kersten and Rosenberg

AFTERNOON SESSION

The Senate reconvened at 4:12 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2084, by Sorensen, a bill for an act relating to the daily journals and printed bills of the general assembly and providing an appropriation.

Read first time and **passed on file.**

Senate File 2085, by Priebe, a bill for an act relating to prohibiting certain claims settlement practices involving a consumer's right to repair a motor vehicle under a policy or contract of insurance providing collision or comprehensive coverage and providing a penalty.

Read first time and **passed on file.**

Senate File 2086, by Priebe, a bill for an act relating to free hunting and fishing licenses for residents who are sixty-five years of age or older.

Read first time and **passed on file.**

Senate File 2087, by Priebe, a bill for an act making appropriations to the department of human services for the fiscal year beginning July 1, 1991, and providing an effective date.

Read first time and **passed on file.**

Senate File 2088, by Priebe, a bill for an act relating to the sale of the state forest nursery and disposition of the sale proceeds.

Read first time and **passed on file.**

Senate File 2089, by Priebe, a bill for an act relating to qualifications for licensure as a health professional.

Read first time and **passed on file.**

Senate File 2090, by Taylor, a bill for an act relating to the state waste stream reduction goal by including refuse-derived fuel in the calculation of the reduction.

Read first time and **passed on file.**

Senate File 2091, by Riordan, a bill for an act relating to hospital privileges provided a physician assistant.

Read first time and **passed on file.**

Senate File 2092, by Riordan, a bill for an act relating to the care of animals and providing a penalty.

Read first time and **passed on file.**

Senate File 2093, by committee on Transportation, a bill for an act relating to the applicability of motor carrier safety regulations to certain intrastate private carriers.

Read first time and **placed on calendar.**

Senate File 2094, by committee on Transportation, a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records.

Read first time and **placed on calendar.**

Senate File 2095, by Gronstal, a bill for an act relating to health data reporting requirements by exempting certain third-party health care payers from the requirements.

Read first time and **passed on file.**

Senate File 2096, by Kibbie, a bill for an act to extend the additional weightings assigned to students in districts engaged in whole grade sharing agreements.

Read first time and **passed on file.**

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 105, by Pate, Borlaug, Jensen, and Hedge, a concurrent resolution encouraging the United States Environmental Protection Agency to adopt national guidelines for the labeling of products as environmentally friendly.

Read first time and **passed on file.**

Senate Concurrent Resolution 106, by Fuhrman, a concurrent resolution encouraging the Congress of the United States to enact legislation establishing a uniform product liability statute.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	105	Environment & Energy Utilities
S.C.R.	106	Commerce
S.F.	2084	Rules & Administration
S.F.	2085	Commerce
S.F.	2086	Natural Resources
S.F.	2087	Appropriations
S.F.	2088	Appropriations
S.F.	2089	Human Resources
S.F.	2090	Environment & Energy Utilities
S.F.	2091	Human Resources
S.F.	2092	Natural Resources
S.F.	2095	Human Resources
S.F.	2096	Education

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: SENATE FILE 2097 (SSB 2075), a bill for an act relatingto 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.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2093 (SSB 2057), a bill for an act relating to the applicability of motor carrier safety regulations to certain private carriers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Connolly, Drake, Gettings, Jensen, Kinley, Lloyd-Jones, Slife and Welsh. Nays, 3: Dieleman, Kersten and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2094 (SSB 2058), a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate, Slife and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2097, by committee on Judiciary, 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.

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

AMENDMENTS FILED

S—5021	S.F.	43	Human Resources
S—5022	S.F.	2010	Donald V. Doyle

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:16 p.m., until 9:00 a.m., Wednesday, February 5, 1992.

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 5, 1992

The Senate met in regular session at 9:12 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Delbert Story, pastor of the Hazel Dell Methodist Church, Council Bluffs, Iowa.

The Journal of Tuesday, February 4, 1992, was approved.

INTRODUCTION OF BILLS

Senate File 2098, by Szymoniak and Vande Hoef, a bill for an act relating to the administration of public funds, providing penalties, and repealing certain sections.

Read first time and **passed on file.**

Senate File 2099, by Szymoniak, a bill for an act relating to a continuing budget appropriation for a city.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:28 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 4, 1992, 8:02 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; presentations by Iowa State University regarding the school's agricultural teaching and research programs and the challenges and purpose of the Extension Service.

Adjourned: 8:57 a.m.

APPROPRIATIONS

Convened: February 4, 1992, 2:23 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Husak, Kersten, Lind, McLaren, Peterson, Rensink, Riordan, Running, Szymoniak and Tinsman.

Members Absent: Lloyd-Jones, Pate, Rosenberg and Varn (all excused).

Committee Business: Assigned a bill to subcommittee.

Adjourned: 2:25 p.m.

EDUCATION

Convened: February 4, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Approved Senate File 2003 and ordered redrafted for final approval as a committee bill.

Adjourned: 2:16 p.m.

JUDICIARY

Convened: February 4, 1992, 3:12 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Approved SSB 2075 as a committee bill and adopted five amendments to be filed to the Senate File.

Adjourned: 4:08 p.m.

STUDY BILLS RECEIVED

SSB 2121 Agriculture

Relating to procedures by the general assembly and state agencies proposing actions which involve the constitutional taking of property.

SSB 2122 Agriculture

A Concurrent Resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers.

SSB 2123 Natural Resources

Prohibiting hunting and trapping in certain areas and providing a penalty.

SSB 2124 Small Business & Economic Development

Relating to the combining into a strategic investment fund of the financing for the community economic betterment program, value-added agricultural products and processes financial assistance program, business development financing corporation, self-employment loan program, and targeted small business financial assistance program, creating the regional business

financial assistance fund, and making an allocation of the moneys in the fund.

SSB 2125 Local Government

Relating to the disposition of fines and forfeited bail collected for violation of a county ordinance.

SSB 2126 Natural Resources

Relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

SSB 2127 Natural Resources

Relating to the acceptance of federal funds by the department of natural resources.

SSB 2128 Natural Resources

Relating to the protection of endangered species by the department of natural resources.

SSB 2129 Human Resources

Relating to health maintenance organizations and the participation of enrollees and providers in the operations of the organizations.

SSB 2130 Human Resources

Relating to abuse of children and dependent adults including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, and the requirement of mandatory reporter training.

SSB 2131 State Government

Relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of administrative law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations

conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 105

ENVIRONMENT AND ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

Senate Concurrent Resolution 106

COMMERCE: Deluhery, Chair; Fuhrman and Gronstal

Senate File 2069

NATURAL RESOURCES: Riordan, Chair; Hagerla and Palmer

Senate File 2080

ENVIRONMENT AND ENERGY UTILITIES: Hedge, Chair; Kersten and Sorensen

Senate File 2082

COMMERCE: Palmer, Chair; Slife and Varn

Senate File 2083

TRANSPORTATION: Kinley, Chair; Slife and Welsh

Senate File 2085

COMMERCE: Doyle, Chair; Jensen, Palmer, Slife and Varn

Senate File 2086

NATURAL RESOURCES: Priebe, Chair; Dieleman and Rensink

Senate File 2090

ENVIRONMENT AND ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

Senate File 2092

NATURAL RESOURCES: Riordan, Chair; Hester and Kibbie

SSB 2119

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Running and Slife

SSB 2120

BUSINESS AND LABOR RELATIONS: Palmer, Chair; Buhr and Rensink

SSB 2121

AGRICULTURE: Doyle, Chair; Fraise and Hester

SSB 2122

AGRICULTURE: Priebe, Chair; Hedge and Soorholtz

SSB 2123

NATURAL RESOURCES: Riordan, Chair; Hester, Kibbie, Rosenberg and Tieden

SSB 2124

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Riordan, Chair; Borlaug, Kibbie, Kramer and Running

SSB 2125

LOCAL GOVERNMENT: Fraise, Chair; Miller and Vande Hoef

SSB 2126

NATURAL RESOURCES: Priebe, Chair; Dieleman and Hedge

SSB 2127

NATURAL RESOURCES: Rensink, Chair; Kibbie and Sturgeon

SSB 2128

NATURAL RESOURCES: Hester, Chair; Priebe and Rosenberg

SSB 2129

HUMAN RESOURCES: Buhr, Chair; Hannon and Taylor

AMENDMENTS FILED

S—5023	S.C.R.	102	Richard Varn
S—5024	S.F.	2097	Judiciary
S—5025	S.F.	2097	Judiciary
S—5026	S.F.	2097	Judiciary
S—5027	S.F.	2097	Judiciary
S—5028	S.F.	2097	Judiciary
S—5029	S.F.	43	Beverly Hannon

AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., Senator Connolly presiding.

INTRODUCTION OF BILLS

Senate File 2100, by Szymoniak, a bill for an act relating to civil liability and the use and certification of alcohol breath analysis devices by licensees or permittees selling alcoholic liquor, wine, or beer.

Read first time and **passed on file.**

Senate File 2101, by Kibbie and Vande Hoef, a bill for an act relating to procedures for the provision of water services within two miles of a city.

Read first time and **passed on file.**

Senate File 2102, by Kersten, Pate, Kramer, Rensink, Fuhrman, Vande Hoef, Tieden, Rittmer, Borlaug, and Hedge, a bill for an act to prohibit members of the general assembly and legislative employees from representation of other persons or organizations for compensation before the general assembly for a period of two years after expiration of the term of office or employment of the former member or employee.

Read first time and **passed on file.**

Senate File 2103, by Szymoniak, a bill for an act relating to the levy of a county transit tax.

Read first time and **passed on file.**

Senate File 2104, by Gronstal, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable.

Read first time and **passed on file.**

Senate File 2105, by Hester, a bill for an act relating to compensation for persons damaged by the application of pesticides.

Read first time and **passed on file.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 4:17 p.m.

The vote revealed 43 present, 7 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2106, by Rittmer, Husak, Kibbie, Pate, Slife, Horn, Priebe, Connolly, Szymoniak, Fuhrman, Drake, Kramer, Fraise, Kinley, and Soorholtz, a bill for an act repealing hold harmless provisions relating to counties' allocation of secondary road and farm-to-market road use tax fund moneys.

Read first time and **passed on file.**

Senate File 2107, by Vande Hoef, a bill for an act relating to authorizing juvenile detention or shelter care hearings or periodic dispositional review hearings to be held by teleconference.

Read first time and **passed on file.**

APPENDIX

PRESENTATION OF VISITOR

Senator Boswell presented W. James Hindman, who presided over the growth of Jiffy Lube into a multi-million dollar international business and founded Youth Services International, Inc. a private corporation designed to manage juvenile service facilities, has extensive experience in developing and operating nursing homes as well as various level care facilities for private hospitals and government agencies, including NASA. Mr. Hindman and Youth Services International, will be opening an "adjudicated youth" training center at Clarinda this month. He will pattern the Clarinda operation after the Glen Mills operation in Pennsylvania.

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Deluhery, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2024, a bill for an act relating to the employment of a commission of veteran affairs' executive director to service two or more counties and providing for training of executive directors of county commissions of veteran affairs.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Jensen, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Hannon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2109 (SSB 2066), a bill for an act relating to mileage reimbursement for county supervisors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Miller, Szymoniak, Buhr, Fraise, Jensen and Sorensen. Nays, 3: Rittmer, Borlaug and Vande Hoef. Absent or not voting, 1: Hannon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: SENATE FILE 2108 (SSB 2080), a bill for an act relating to the registration and use of boats and motorboats.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Palmer, Kibbie, Hester, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg and Tieden. Nays, none. Absent or not voting, 2: Dieleman and Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2108, by committee on Natural Resources, a bill for an act relating to the registration and use of boats and motorboats.

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

Senate File 2109, by committee on Local Government, a bill for an act relating to mileage reimbursement for county supervisors.

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

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2098	Local Government
S.F.	2099	Local Government
S.F.	2100	Judiciary
S.F.	2101	Local Government
S.F.	2102	Rules & Administration
S.F.	2103	Local Government
S.F.	2104	State Government
S.F.	2105	Judiciary

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:22 p.m., until 9:00 a.m., Thursday, February 6, 1992.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 6, 1992

The Senate met in regular session at 9:08 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Mark Pries, pastor of the Peace Luthern Church, Pella, Iowa.

The Journal of Wednesday, February 5, 1992, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Buhr until she arrives on request of Senator Hutchins.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senate Concurrent Resolution 102

On motion of Senator Priebe, Senate Concurrent Resolution 102, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture, with report of committee recommending passage, was taken up for consideration.

Senator Varn offered amendment S—5023 filed by him on February 5, 1992, to page 2 of the resolution and moved its adoption.

Amendment S—5023 was adopted by a voice vote.

Senator Priebe moved the adoption of Senate Concurrent Resolution 102 as amended, which motion prevailed by a voice vote and the resolution was adopted.

Senator Hutchins asked and received unanimous consent that **Senate Concurrent Resolution 102** as amended, be **immediately messaged** to the House.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:35 a.m., until 4:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2132 Commerce

Relating to allowing a symbol in a telephone customer's directory listing which prohibits certain telephone solicitations.

SSB 2133 Commerce

Relating to the requirements of an abstractor participating in the title guaranty program.

SSB 2134 Education

To require the boards of directors of public school districts and the authorities in charge of nonpublic schools to establish a student health services program.

SSB 2135 Education

Relating to the standard academic work load for instructors at community colleges.

SSB 2136 Judiciary

Relating to the enforcement of the civil rights law.

SSB 2137 Judiciary

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa pertaining to the offenses which may be summarily tried without indictment.

SSB 2138 Education

To establish a forgivable loan program for resident graduate students enrolled in Iowa chiropractic colleges and universities.

SSB 2139 Judiciary

Authorizing limited liability companies in Iowa and including penalties.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: February 5, 1992, 10:10 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair and Slife.

Members Absent: Pate, Ranking Member (excused) and Welsh.

Committee Business: Budget presentation by the Department of Management and State-Federal Relations; report on the Iowa Communications Network.

Adjourned: 11:49 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 5, 1992, 9:50 a.m.

Mmbers Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member; Hester and Kibbie.

Members Absent: none.

Committee Business: Trust fund transfers and DNR geological survey.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 5, 1992, 9:40 a.m.

Members Present: Riordan, Chair; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: Boswell, Vice Chair (excused).

Committee Business: DED presentation on state funded programs.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 5, 1992, 9:50 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Members Absent: none.

Committee Business: Presentation by the Department of Education.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 5, 1992, 9:50 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair; Tinsman, Ranking Member; Hannon and Rittmer.

Members Absent: none.

Committee Business: Budget presentation by the director of the Department of Public Health.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 5, 1992, 9:47 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member and Taylor.

Members Absent: Gronstal (excused).

Committee Business: Approved committee minutes from previous meeting.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: January 29, 1992, 9:40 a.m.

Members Present: Palmer, Vice Chair; Hedge and Sorensen.

Members Absent: Running, Chair (excused) and Rensink, Ranking Member.

Committee Business: Reports by the Department of Inspection and Appeals.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 5, 1992, 9:40 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Presentation by the Auditor of State.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 5, 1992, 9:45 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: AFIS maintenance contract update; DCI historical staffing patterns; ILEA civil service testing update.

Adjourned: 11:05 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 5, 1992, 1:35 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: Kinley (excused).

Committee Business: Assigned bills to subcommittees; presentations by DES.

Adjourned: 2:10 p.m.

COMMERCE

Convened: February 5, 1992, 9:25 a.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Gronstal, Jensen, Kersten, Palmer, Priebe and Tieden.

Members Absent: Kinley, Vice Chair (excused); Doyle, Fuhrman, Gettings, Lind, Sturgeon and Varn.

Committee Business: Assigned bill to subcommittee.

Adjourned: 9:27 a.m.

COMMERCE

Convened: February 5, 1992, 3:10 p.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn.

Members Absent: Kinley, Vice Chair (excused).

Committee Business: Reported Senate File 2036 to the calendar without recommendation; amended SSBs 2083 and 2082 and ordered redrafted for final approval as committee bills; budget presentation by the chairman of the Iowa Utilities Board.

Adjourned: 3:50 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: February 5, 1992, 1:39 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn.

Members Absent: none.

Committee Business: Budget presentation by the chairman of the Iowa Utilities Board.

Adjourned: 2:20 p.m.

LOCAL GOVERNMENT

Convened: February 5, 1992, 2:28 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Jensen, Sorensen and Vande Hoef.

Members Absent: Hannon.

Committee Business: Recommended passage of Senate File 2024; approved SSB 2066 as a committee bill; amended SSB 2031 and ordered redrafted for final approval as a committee bill.

Adjourned: 3:03 p.m.

NATURAL RESOURCES

Convened: February 5, 1992, 2:20 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg and Tieden.

Members Absent: Dieleman (excused) and Sturgeon.

Committee Business: Assigned bills to subcommittees; approved SSB 2080 as a committee bill.

Adjourned: 2:30 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: February 5, 1992, 3:10 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Kibbie (excused).

Committee Business: Discussed SSB 2026 and assigned a bill to subcommittee.

Adjourned: 3:55 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2079

EDUCATION: Horn, Chair; Deluhery and Tieden

Senate File 2096

EDUCATION: Kibbie, Chair; Horn and Lind

Senate File 2100

JUDICIARY: Sturgeon, Chair; Drake and Varn

Senate File 2104

STATE GOVERNMENT: Gronstal, Chair; Buhr, Kramer, Murphy and Vande Hoef

Senate File 2105

JUDICIARY: Rosenberg, Chair; Deluhery and Hester

SSB 2131

STATE GOVERNMENT: Sorensen, Chair; Lind, Pate, Running and Welsh

SSB 2132

COMMERCE: Varn, Chair; Fuhrman and Gronstal

SSB 2133

COMMERCE: Doyle, Chair; Priebe and Tieden

SSB 2134

EDUCATION: Szymoniak, Chair; Kramer and Murphy

SSB 2135

EDUCATION: Horn, Chair; Deluhery and Tinsman

SSB 2136

JUDICIARY: Rosenberg, Chair; Murphy and Pate

SSB 2137

JUDICIARY: Sturgeon, Chair; Fuhrman and Varn

SSB 2138

EDUCATION: Horn, Chair; Murphy and Rensink

SSB 2139

JUDICIARY: Varn, Chair; Slife and Sturgeon

COMMITTEE REPORT

EDUCATION

Final Bill Action: SENATE FILE 2110 (formerly Senate File 2003), a bill for an act exempting twelfth grade students from physical education requirements under certain conditions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:11 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2110, by committee on Education, a bill for an act exempting twelfth grade students from physical education requirements under certain conditions.

Read first time and **placed on calendar.**

Senate File 2111, by Jensen, a bill for an act transferring the jurisdiction of seventeen-year-old delinquents from juvenile to adult court.

Read first time and **passed on file.**

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
L O C A L

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration the following Governor's appointees as members of state boards, departments and commissions pursuant to 1991 Code of Iowa sections and 1991 Iowa Code Supplement sections:

April 9, 1991

Diana Lynn Stewart, Oelwein, Fayette County, for appointment to the Commission on the Status of Women pursuant to Section 601K.52(2) to fulfill an unexpired term beginning immediately and ending April 30, 1992.

Susan S. Baska, Glenwood, Montgomery County, for appointment to the Iowa Emergency Response Commission pursuant to Section 30.2(2) for a term beginning May 1, 1991, and ending April 30, 1994.

April 10, 1991

Donna Brosdahl, Cresco, Howard County, for appointment to the Accountancy Examining Board pursuant to Section 116.3 for a term beginning May 1, 1991, and ending April 30, 1994.

April 22, 1991

For reappointment to the Commission on Community Action Agencies pursuant to Section 601K.92A for terms beginning May 1, 1991, and ending April 30, 1994:

Allen L. Axeen, Coralville, Johnson County, and Bonnie B. Dull, LeMars, Plymouth County.

April 25, 1991

Celso L. Ramirez, Des Moines, Polk County, for appointment as Administrator of the Division of Latino Affairs pursuant to Section 601K.2(8) beginning May 1, 1991, and to serve at the pleasure of the Governor.

Frederick Hagemann, Waverly, Bremer County, for appointment to the Iowa Economic Development Board pursuant to Section 15.103 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

May 9, 1991

Betty Jean Clark, Rockwell, Cerro Gordo County, for appointment to the Criminal and Juvenile Justice Planning Advisory Council pursuant to Section 601K.132 for a term beginning immediately and ending April 30, 1994.

Wayne T. Newton, Luzerne, Benton County, for appointment to the Wallace Technology Transfer Foundation of Iowa pursuant to Section 28.154 to fulfill an unexpired term beginning immediately, and ending April 30, 1994.

May 28, 1991

Gerald R. Anderson, Des Moines, Polk County, for appointment as Director of the Department of General Services pursuant to Section 18.2 for a term which began April 22, 1991, and to serve at the pleasure of the Governor.

June 21, 1991

For appointment to the Commission on the Status of African-Americans pursuant to Section 601K.142:

Sylvester Grady, Cedar Rapids, Linn County, to fulfill an unexpired term beginning immediately and ending April 30, 1994, and Ada E. Tredwell, Waterloo, Black Hawk County, to fulfill an unexpired term beginning immediately and ending April 30, 1992.

July 1, 1991

Rita M. Busch, Sioux City, Woodbury County, for appointment to the Board of Educational Examiners pursuant to Section 260.3 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

Terry Evans, Corning, Adams County, for appointment to the Iowa Grain Indemnity Fund Board pursuant to Section 543A.4 to fulfill an unexpired term beginning immediately and ending April 30, 1992.

July 18, 1991

For appointment to the City Development Board pursuant to Section 368.9 for terms beginning immediately and ending April 30, 1997:

Harley Hiemstra, Kingsley, Plymouth County, and Eric D. Kelly, Ames, Story County.

August 2, 1991

Jill M. Robinson, Des Moines, Polk County, for appointment to the Commission on the Deaf pursuant to Section 601K.112 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

Johanna B. Whalen, M.D., Davenport, Scott County, for appointment to the Medical Examining Board pursuant to Section 147.14(2) to fulfill an unexpired term beginning immediately and ending April 30, 1992.

August 5, 1991

Byron K. Orton, Altoona, Polk County, for appointment as the Industrial Commissioner pursuant to Section 86.1 for a term beginning immediately and ending April 30, 1997.

September 11, 1991

Mary Frances Winegardner, Clear Lake, Cerro Gordo County, for appointment to the Board of Physician Assistant Examiners pursuant to Section 147.14(12) to fulfill an unexpired term beginning immediately and ending April 30, 1994.

September 12, 1991

For appointment to the Board of Behavioral Science Examiners pursuant to Section 147.14(13):

Mary M. Conway, Emmetsburg, Palo Alto County, and Janelle Cowles, Des Moines, Polk County, for terms beginning immediately and ending April 30, 1992.

Dominick D. Pellegreno, Story City, Story County; Thomas J. Henrich, Davenport, Scott County, and Karen L. Bossard, Jefferson, Greene County, for terms beginning immediately and ending April 30, 1993.

Robert T. Buckley, Waterloo, Black Hawk County; Martin R. Edwards, Cedar Falls, Black Hawk County, and Barbara A. Walters, Des Moines, Polk County, for terms beginning immediately and ending April 30, 1994.

Merl L. McFarlane, Oelwein, Fayette County, for appointment to the Commission on Community Action Agencies pursuant to Section 601K.92A to fulfill an unexpired term beginning immediately and ending April 30, 1992.

For appointment to the Indigent Defense Advisory Commission pursuant to Section 13B.2A:

Carolyn D. Grupp, Mason City, Cerro Gordo County, and Richard P. Tekippe, New Hampton, Chickasaw County, for terms beginning immediately and ending April 30, 1992.

David J. Blair, Sioux City, Woodbury County, and Gopal T.K. Krishna, West Des Moines, Polk County, for terms beginning immediately and ending April 30, 1993.

Mary Ann Brown, Burlington, Des Moines County, and Perry K. Hummel, Vinton, Benton County, for terms beginning immediately and ending April 30, 1994.

For appointment to the Prevention of Disabilities Policy Council pursuant to Section 225D.3:

David A. Olson, Cedar Rapids, Linn County; Jerry D. Stilwell, West Des Moines, Polk County, and Carol A. Watson, Iowa City, Johnson County, for terms beginning immediately and ending April 30, 1992.

Billy S. Cox, Orient, Adair County; Verna L. Welte, Sioux City, Woodbury County, and Frank J. Zlatnik, Iowa City, Johnson County, for terms beginning immediately and ending April 30, 1993.

Mary L. Ellis, West Des Moines, Polk County; Diane E. Glass, Des Moines, Polk County, and Alfred Healy, M.D., Iowa City, Johnson County, for terms beginning immediately and ending April 30, 1994.

For appointment to the Renewable Fuel Advisory Committee pursuant to Section 159A.4:

A.H. Junior Cooper, Traer, Tama County; William J. Horan, Rockwell City, Calhoun County, and Ramona M. Paulin, Des Moines, Polk County, for terms beginning immediately and ending April 30, 1993.

Tyrone Evans, Clive, Polk County, and Rita Ann Venner, Breda, Carroll County, for terms beginning immediately and ending April 30, 1994.

For appointment to the Small Business Advisory Council pursuant to Section 15.108(7):

Doris A. Hansen, Sioux City, Woodbury County, and Robert M. Kreamer, Des Moines, Polk County, for terms beginning immediately and ending April 30, 1992.

Richard S. Burchett, Harlan, Shelby County, and Eugene H. Philiph, Sibley, Osceola County, for terms beginning immediately and ending April 30, 1993.

Janice M. Johnson, Waverly, Bremer County, and Eugene W. Pierce III, Bettendorf, Scott County, for terms beginning immediately and ending April 30, 1994.

Leona E. Westphal, Corning, Adams County, for a term beginning immediately and ending April 30, 1995.

For appointment to the Well Contractors' Council pursuant to Section 455B.190A for terms beginning immediately and ending April 30, 1993:

Judith E. Harrison, Keokuk, Lee County; Hillary B. Maurer, West Branch, Cedar County, and Gary R. Shawver, New Hampton, Chickasaw County.

September 24, 1991

Linda Hanson, Indianola, Warren County, for appointment as the Director of the Department of Personnel pursuant to Section 19A.1A for a term beginning immediately to serve at the pleasure of the Governor.

September 26, 1991

Richard H. Buenneke, Des Moines, Polk County, for appointment as the Superintendent of Banking pursuant to Section 524.201 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

October 10, 1991

John B. Parks, Ames, Story County, for appointment to the Iowa Product Development Corporation pursuant to Section 28.83 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

October 22, 1991

William C. Metz, Sioux City, Woodbury County, for appointment to the Iowa Economic Development Board pursuant to Section 15.103 to fulfill an unexpired term beginning immediately and ending April 30, 1992.

For appointment to the Small Business Advisory Council pursuant to Section 15.108(7):

Sarah A. Falb, West Union, Fayette County, for a term beginning immediately and ending April 30, 1995, and Patrick A. Ricks, West Burlington, Des Moines County, for a term beginning immediately and ending April 30, 1993.

November 1, 1991

A. Patricia Houlihan, Des Moines, Polk County, for appointment to the Indigent Defense Advisory Commission pursuant to Section 13B.2A for a term beginning immediately and ending April 30, 1992.

Steven W. Churchill, Des Moines, Polk County, for appointment to the Iowa State Civil Rights Commission pursuant to Section 601A.3 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

Stan N. Nilles, Kingsley, Plymouth County, for appointment to the Well Contractors' Council pursuant to Section 455B.190A for a term beginning immediately and ending April 30, 1993.

November 6, 1991

Jack Nystrom, Boone, Boone County, for appointment as Director of the Department of Commerce pursuant to Section 546.2 for a term beginning immediately to serve at the pleasure of the Governor.

December 2, 1991

John E. Knapp, Mason City, Cerro Gordo County, for appointment to the Real Estate Commission pursuant to Section 117.8 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

December 12, 1991

Stanton L. Visser, Rock Valley, Sioux County, for appointment to the Board of Behavioral Science Examiners pursuant to Section 147.14(13) to fulfill an unexpired term beginning immediately and ending April 30, 1992.

Jim R. Schwiesow, Orange City, Sioux County, for appointment to the Board of Corrections pursuant to Section 246.104 to fulfill an unexpired term beginning immediately and ending April 30, 1995.

Laura J. Stensrud, Lake Mills, Winnebago County, for appointment to the Medical Examining Board pursuant to Section 147.14(2) to fulfill an unexpired term beginning immediately and ending April 30, 1994.

Mary Ann B. Drish, Brighton, Jefferson County, for appointment to the State Soil Conservation Committee pursuant to Section 467A.4 to fulfill an unexpired term beginning immediately and ending April 30, 1995.

Perry J. Chapin, Des Moines, Polk County, for appointment to the Wallace Technology Transfer Foundation of Iowa pursuant to Section 28.154 to fulfill an unexpired term beginning immediately and ending April 30, 1992.

December 13, 1991

For appointment to the Iowa Statehood Sesquicentennial Commission pursuant to Section 7G.1(3) for terms beginning immediately and ending June 30, 1997:

Claudia J. Niles, Carroll, Carroll County, as Co-Chairperson and Robert D. Ray, Des Moines, Polk County, as Chairperson.

January 8, 1992

James D. Collins, Jr., M.D., Waterloo, Black Hawk County, for appointment to the Medical Examining Board pursuant to Section 147.14(2) to fulfill an unexpiired term beginning immediately and ending April 30, 1994.

Joan A. Webster-Vore, Hudson, Black Hawk County, for appointment to the Commission on the Deaf pursuant to Section 601K.112 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

January 20, 1992

Gary T. Gee, Shenandoah, Page County, for appointment to the Campaign Finance Disclosure Commission pursuant to Section 56.9 to fulfill an unexpired term beginning immediately and ending April 30, 1997.

January 23, 1992

Jill M. Miller, Atlantic, Cass County, for appointment to the Speech Pathology and Audiology Examining Board pursuant to Section 147.14(9) to fulfill an unexpired term beginning immediatelly and ending April 30, 1993.

Sincerely,
TERRY E. BRANSTAD
Governor

Communications were read and referred to the **committee on Rules and Administration.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2106	Transportation
S.F.	2107	Judiciary

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: *SENATE FILE 2113 (SSB 2078), a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Slife. Nays, none. Absent or not voting, 2: Connolly and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2113 and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE JOINT RESOLUTION 2002, a joint resolution to petition the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to prohibit the federal government from increasing costs of the state by reducing the proportion of federal funds to the states or requiring new or increased costs for mandated activities or services without funding.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz and Sorensen. Nays, none. Absent or not voting, 4: Gronstal, Rife, Vande Hoef and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 325, a bill for an act relating to the administration of care provided and drugs administered to horses engaged in racing.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Running, Soorholtz, Sorensen and Welsh. Nays, 1: Dieleman. Pass, 1: Priebe. Absent or not voting, 3: Gronstal, Rife and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2067, a bill for an act to require the treasurer of state to advertise for and take bids for the services of persons to conduct public auctions for the disposition of unclaimed property.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen and Welsh. Nays, none. Absent or not voting, 3: Gronstal, Rife and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2112 (SSB 2106), a bill for an act relating to the sale of beer and alcoholic liquor by a native wine manufacturer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Kibbie, Lloyd-Jones, Lind, Buhr, Doyle, Horn, Kramer, Murphy, Pate, Priebe, Running, Soorholtz and Sorensen. Nays, 2: Dieleman and Drake. Absent or not voting, 5: Gronstal, McLaren, Rife, Vande Hoef and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2112, by committee on State Government, a bill for an act relating to the sale of beer and alcoholic liquor by a native wine manufacturer.

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

Senate File 2113, by committee on Judiciary, a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances and providing an effective date.

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

AMENDMENTS FILED

S—5030	S.F.	2093	Mark Hagerla
S—5031	S.F.	2010	Linn Fuhrman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:17 p.m., until 9:00 a.m., Friday, February 7, 1992.

JOURNAL OF THE SENATE

TWENTY-SIXTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 7, 1992

The Senate met in regular session at 9:11 a.m., President Gronstal presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journal of Thursday, February 6, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Varn for the day on request of Senator Horn and Senator Vande Hoef for the day on request of Senator Hedge.

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 February 6, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2086, a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances and providing an effective date.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 39

On motion of Senator Borlaug, House File 39, a bill for an act relating to fees charged by the county recorder and exempting the county from the payment of fees, with report of committee recommending passage, was taken up for consideration.

Senator Borlaug offered amendment S—5002 filed by Senators Borlaug and Miller on January 21, 1992, to page one of the bill and moved its adoption.

Amendment S—5002 was adopted by a voice vote.

Senator Borlaug 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. 39) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman			

Nays, none.

Absent or not voting, 5:

Connolly	Rittmer	Vande Hoef	Varn
Welsh			

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

Senate File 2011

On motion of Senator Dieleman, Senate File 2011, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dieleman offered amendment S—5003 filed by the committee on State Government on January 23, 1992, to pages 4 and 15 of the bill.

Senator Kibbie offered amendment S—5011 filed by Senators Kibbie and Husak on January 29, 1992, to amendment S—5003 and moved its adoption.

Amendment S—5011 was adopted by a voice vote.

Senator Dieleman moved the adoption of amendment S—5003 as amended, which motion prevailed by voice vote.

Senator Husak offered amendment S—5035 filed by Senators Husak and Dieleman from the floor to pages 4 and 10-12 of the bill and moved its adoption.

Amendment S—5035 was adopted by a voice vote.

Senator Dieleman offered amendment S—5004 filed by him on January 23, 1992, to page 12 of the bill and moved its adoption.

Amendment S—5004 was adopted by a voice vote.

Senator Dieleman 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. 2011) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman		

Nays, none.

Absent or not voting, 4:

Lloyd-Jones	Vande Hoef	Varn	Welsh

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

Senator Hutchins asked and received unanimous consent that **Senate File 2011** be **immediately messaged** to the House.

Senate File 2061

On motion of Senator Gettings, Senate File 2061, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements, was taken up for consideration.

Senator Gettings 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. 2061) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson

Priebe	Rensink	Rife	Riordan
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman		

Nays, none.

Absent or not voting, 4:

Rittmer	Vande Hoef	Varn	Welsh

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

Senate File 2010

On motion of Senator Connolly, Senate File 2010, a bill for an act relating to the classification of certain types of ammunition as offensive weapons and making a penalty applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly offered amendment S—5007 filed by the committee on Judiciary on January 29, 1992, to page 1 and the title page of the bill.

Senator Doyle offered amendment S—5022 filed by him on February 4, 1992, to amendment S—5007 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5022 to amendment S—5007 be adopted?" (S.F. 2010) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Boswell	Deluhery	Dieleman	Doyle
Drake	Fraise	Gettings	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Miller	Murphy
Palmer	Peterson	Priebe	Rife
Rittmer	Running	Soorholtz	Szymoniak
Taylor	Welsh		

Nays, 22:

Borlaug	Buhr	Connolly	Fuhrman
Gronstal	Hagerla	Hannon	Hedge
Jensen	Kramer	Lind	Lloyd-Jones
McLaren	Pate	Rensink	Riordan
Rosenberg	Slife	Sorensen	Sturgeon
Tieden	Tinsman		

Absent or not voting, 2:

Vande Hoef	Varn

Amendment S—5022 was adopted.

With the adoption of amendment S—5022 to amendment S—5007, the Chair ruled amendment S—5031 filed by Senator Fuhrman on February 6, 1992, to amendment S—5007 out of order.

Senator Connolly asked and received unanimous consent that action on amendment S—5007 as amended and **Senate File 2010** be **deferred.**

Senate File 2065

On motion of Senator Sturgeon, Senate File 2065, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses, was taken up for consideration.

Senator Sturgeon 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. 2065) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife

Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Welsh

Nays, none.

Absent or not voting, 2:

Vande Hoef	Varn

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

Senate Concurrent Resolution 101

On motion of Senator Hutchins, Senate Concurrent Resolution 101, a concurrent resolution to designate Shelby, Iowa, the Purple Martin Capital of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Husak took the chair at 10:26 a.m.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 101, which motion prevailed by a voice vote and the resolution was adopted.

Senate File 43

On motion of Senator Szymoniak, Senate File 43, a bill for an act relating to access to and the use of dependent adult abuse information, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5021 filed by the committee on Human Resources on February 4, 1992, to pages 1-7 of the bill.

Senator Connolly took the chair at 10:37 a.m.

Senator Hannon offered amendment S—5029 filed by her on February 5, 1992, to page 6 of amendment S—5021.

Amendment S—5029 was adopted by a voice vote.

Senator Szymoniak moved the adoption of amendment S—5021 as amended which motion prevailed by a voice vote.

With the adoption of amendment S—5021 as amended, the Chair ruled amendment S—3187 filed by Senator Lind on March 26, 1991, to pages 2 and 3 of the bill, out of order.

Senator Szymoniak 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. 43) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Welsh

Nays, none.

Absent or not voting, 2:

Vande Hoef Varn

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Slife and Kersten for the remainder of the day on request of Senator Rife.

MOTION TO RECONSIDER ADOPTED

Senator Rosenberg called up the motion to reconsider Senate File 2034 filed by him on February 3, 1992, found on page 191 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2034) the vote was:

Ayes, 41:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fuhrman	Gettings	Gronstal	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Welsh			

Nays, 2:

Hagerla Tieden

Voting present, 1:

Murphy

Absent or not voting, 6:

Fraise	Kersten	Kramer	Slife
Vande Hoef	Varn		

The motion prevailed.

Senator Rosenberg moved to reconsider the vote by which Senate File 2034 went to its last reading, which motion prevailed by a voice vote.

Senate File 2034

On motion of Senator Rosenberg, Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation

skipping transfer tax returns, and providing effective and retroactive applicability dates, was taken up for reconsideration.

Senator Rosenberg called up the motion to reconsider the vote by which amendment S—5017 to Senate File 2034 was adopted by the Senate on January 30, 1992, filed by him on February 3, 1992, found on page 191 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5017 by Senators Rosenberg et. al., to page 3 of the bill, was taken up for reconsideration.

Senator Dieleman withdrew amendment S—5020 filed by him on February 3, 1992, to amendment S—5017.

Senator Rosenberg asked and received unanimous consent that amendment S—5017 to page 3 of the bill be withdrawn.

Senator Dieleman offered amendment S—5034 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5034 was adopted by a voice vote.

Senator Rosenberg 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. 2034) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Welsh		

Nays, none.

Absent or not voting, 4:

Kersten	Slife	Vande Hoef	Varn

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2024

On motion of Senator Dieleman, Senate File 2024, a bill for an act relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman 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. 2024) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Welsh		

Nays, none.

Absent or not voting, 4:

Kersten	Slife	Vande Hoef	Varn

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

Senator Husak took the chair at 11:08 a.m.

UNFINISHED BUSINESS
(Deferred May 12, 1991)

House File 695

The Senate resumed consideration of House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates, deferred on May 12, 1991.

Senator Connolly offered amendment S—3793 filed by him on May 12, 1991, to pages 1 and 2 of the bill.

Senator Drake raised the point of order that amendment S—3793 was interposed for delay.

President Gronstal took the chair at 11:15 a.m.

The Chair ruled the point well taken and amendment S—3793 out of order.

Senator Connolly withdrew amendment S—3794 filed by him on May 12, 1991, to page 2 of the bill.

Senator Connolly offered amendment S—3792 filed by him on May 12, 1991, to page 2 of the bill and moved its adoption.

Amendment S—3792 lost by a voice vote.

Senator Dieleman asked and received unanimous consent that amendment S—5001 filed by him on January 21, 1992, to page 3 of the bill be deferred.

Senator Dieleman offered amendment S—5032 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5032 was adopted by a voice vote.

With the adoption of amendment S—5032, the Chair ruled amendment S—5001 by Senator Dieleman to page 3 of the bill, previously deferred, out of order.

Senator Deluhery took the chair at 11:30 a.m.

Senator Connolly asked and received unanimous consent that action on **House File 695** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2113.

Senate File 2113

On motion of Senator Sturgeon, Senate File 2113, a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances and providing an effective date, was taken up for consideration.

Senator Sturgeon offered amendment S—5040 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5040 was adopted by a voice vote.

Senator Sturgeon asked and received unanimous consent that **House File 2086** be **substituted** for **Senate File 2113,** as amended.

House File 2086

On motion of Senator Sturgeon, House File 2086, a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances and providing an effective date, was taken up for consideration.

Senator Sturgeon withdrew amendment S—5036 filed by him from the floor to page 1 of the bill.

Senator Sturgeon 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. 2086) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Welsh

Nays, none.

Absent or not voting, 6:

Gronstal	Kersten	Rife	Slife
Vande Hoef	Varn		

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

Senator Sturgeon asked and received unanimous consent that **Senate File 2113** be **withdrawn** from further consideration of the Senate.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2093** be referred from the Regular Calendar to the committee on **Agriculture**.

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 February 7, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2136, a bill for an act relating to the designated route of interstate 80.

This bill was read first time and **passed on file**.

INTRODUCTION OF BILLS

Senate File 2114, by Fraise, a bill for an act relating to procedures upon the closing of polls using electronic voting or tabulating systems.

Read first time and **passed on file.**

Senate File 2115, by Lind, a bill for an act prohibiting the disposal of beverage containers containing alcoholic liquor in a sanitary landfill.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

INTRODUCTION OF BILL

Senate File 2116, by committee on Appropriations, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date.

Read first time and **placed on Appropriations calendar.**

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: February 6, 1992, 9:52 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair; Pate, Ranking Member and Slife.

Members Absent: Welsh.

Committee Business: Review of total quality management by the Department of Management.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 6, 1992, 9:45 a.m.

Members Present: Riordan, Chair; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: Boswell, Vice Chair (excused).

Committee Business: Presentations by INTERNET and Department of Agriculture and its international trade bureau.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 6, 1992, 9:40 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Committee Business: Assigned bills to subcommittees.

Adjourned: 9:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 6, 1992, 9:50 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair; Tinsman, Ranking Member; Hannon and Rittmer.

Members Absent: none.

Committee Business: Presentation by LFB on the program-and zero-based budgeting of the Division of Family and Community Health.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 6, 1992, 9:52 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Presentations by the Industrial Services, Labor Services and Administration divisions of the Department of Employment Services.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 6, 1992, 10:00 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair and Jensen.

Members Absent: Kersten, Ranking Member and Connolly.

Committee Business: Reviewed road use tax document; overview of LFB funding flow charts.

Adjourned: 11:20 a.m.

APPROPRIATIONS

Convened: February 6, 1992, 5:30 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Husak, Kersten, Lind, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak and Tinsman.

Members Absent: Lloyd-Jones, McLaren and Varn (all excused).

Committee Business: Amended SSB 2118 and ordered redrafted for final approval as a committee bill.

Adjourned: 6:00 p.m.

EDUCATION

Convened: February 6, 1992, 1:34 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved Senate File 2003 as a committee bill; amended SSB 2004 and ordered redrafted for final approval as a committee bill.

Adjourned: 2:24 p.m.

JUDICIARY

Convened: February 6, 1992, 3:09 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Slife.

Members Absent: Varn (excused).

Committee Business: Amended and approved SSB 2078 as a committee bill.

Adjourned: 4:06 p.m.

STATE GOVERNMENT

Convened: February 6, 1992, 2:25 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Welsh.

Members Absent: Gronsal and Vande Hoef (both excused).

Committee Business: Assigned bills to subcommittees; recommended passage of Senate Files 325, 2067 and Senate Joint Resolution 2002; recommended passage of Senate File 316 as amended; approved SSB 2106 as a committee bill.

Adjourned: 2:56 p.m.

TRANSPORTATION

Convened: February 6, 1992, 4:20 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate and Welsh.

Members Absent: Slife (excused).

Committee Business: Assigned bills to subcommittees; deferred action on Senate File 2026.

Adjourned: 5:13 p.m.

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 7, 1992, when the final vote was taken on House File 39 and Senate File 2061.

Had I been present, I would have voted "aye" on both bills.

SHELDON RITTMER

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 7, 1992, when the final vote was taken on House File 39.

Had I been present, I would have voted "aye".

MIKE CONNOLLY

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 7, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2064 — Establishing a municipal investment recovery program and aurhorizing an appropriation to the department of management and providing an effective date.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5022 to amendment S—5007 to Senate File 2010 was adopted by the Senate on February 7, 1992.

LARRY MURPHY

MR. PRESIDENT: I move to reconsider the vote by which House File 2086 passed the Senate on February 7, 1992.

BILL HUTCHINS

MR. PRESIDENT: I move to reconsider the vote by which House File 2086 passed the Senate on February 7, 1992.

WILLIAM W. DIELEMAN

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Thirty fifth and sixth grade students from St. Josephs School, Des Moines, Iowa, accompanied by Kyla Gehm. Senator Palmer.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2116 (SSB 2118), a bill for an act relating to the state budget by supplementing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Boswell, Welsh, Tieden, Buhr, Gettings, Hagerla, Husak, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Running, Szymoniak and Tinsman. Nays, none. Absent or not voting, 5: Connolly, Kersten, Lloyd-Jones, Rosenberg and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 316, a bill for an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5033.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen and Welsh. Nays, none. Absent or not voting, 3: Gronstal, Rife and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED

SSB 2140 Transportation

Relating to the designated route of interstate 80.

SSB 2141 Transportation

Requiring sale of the state aircraft pool.

SSB 2142 Business & Labor Relations

Relating to assessments to be paid by employers related to workers' compensation insurance or self-insurance.

SSB 2143 Business & Labor Relations

Relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date.

SSB 2144 State Government

Providing for and requiring licensure of massage therapists and imposing fees and civil penalties.

AMENDMENTS FILED

S—5032	H.F.	695	William W. Dieleman
S—5033	S.F.	316	State Government
S—5034	S.F.	2034	William W. Dieleman

S—5035	S.F.	2011	Emil Husak William W. Dieleman
S—5036	H.F.	2086	Al Sturgeon
S—5037	S.F.	2109	Allen Borlaug Sheldon Rittmer Wilmer Rensink H. Kay Hedge Jack Rife Derryl McLaren Harry Slife Albert Sorensen Jack W. Hester Dale L. Tieden John W. Jensen Alvin V. Miller James R. Riordan James Kersten Wally Horn William W. Dieleman Al Sturgeon Emil J. Husak Leonard Boswell Donald V. Doyle Mary Kramer Jim Lind Maggie Tinsman Ray Taylor Larry Murphy Linn Fuhrman John Soorholtz Paul Pate
S—5038	S.F.	2094	Don Getings
S—5039	S.F.	316	Joe J. Welsh
S—5040	S.F.	2113	Al Sturgeon

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2111	Judiciary
S.F.	2114	State Government

S.F.	2115	Environment & Energy Utilities
H.F.	2136	Transportation

SUBCOMMITTEE ASSIGNMENTS

Senate File 2084

RULES & ADMINISTRATION: Hutchins, Chair; Husak and Soorholtz

Senate File 2087

APPROPRIATIONS: Husak, Chair; Boswell and Tieden

Senate File 2088

APPROPRIATIONS: Husak, Chair; Boswell and Tieden

Senate File 2102

RULES AND ADMINISTRATION: Husak, Chair; Gettings and Soorholtz

Senate File 2106

TRANSPORTATION: Gettings, Chair; Connolly and Jensen

SSB 2140

TRANSPORTATION: Fraise, Chair; Slife and Welsh

SSB 2141

TRANSPORTATION: Welsh, Chair; Fraise and Jensen

SSB 2142

BUSINESS & LABOR RELATIONS: Peterson, Chair; Kinley and Rensink

SSB 2143

BUSINESS & LABOR RELATIONS: Buhr, Chair; Peterson and Taylor

ADJOURNMENT

On motion of Senator Peterson, the Senate adjourned at 12:54 p.m., until 10:30 a.m., Tuesday, February 11, 1991.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 11, 1992

The Senate met in regular session at 10:47 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Dwight Schmidt, administrator of the Evangelical Free Church, Boone, Iowa.

The Journal of Friday, February 7, 1992, was approved.

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 February 6, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2112, a bill for an act providing for the filing of soil and water resource conservation plans.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2117, by Varn, a bill for an act relating to implementation of a statewide system utilizing a smartcard.

Read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

SPECIAL GUESTS

Senator Dieleman presented Lisa Mendell from Pella, Youth Ambassador for the Easter Seal Campaign.

Lisa, who is eleven years old and a sixth grader at Pella Community School, is afflicted with celebral palsy. She enjoys reading, swimming and horseback riding.

Senator Husak presented Roger A. Galvin from Belle Plaine, Easter Seal Adult Ambassador.

Roger, 54, is the father of six children and has nine grandchildren. He suffered his first crushed disc in 1973 and was declared legally disabled in 1979 with spinal deterioration from herniated discs.

Roger enjoys woodworking, making miniature furniture and writing poetry.

MOTIONS TO RECONSIDER WITHDRAWN

House File 2086

Senator Hutchins withdrew the motion to reconsider House File 2086, a bill for an act permitting a political subdivision to become a debtor under the federal Bankruptcy Code under certain circumstances and providing an effective date, filed by him on February 7, 1992, and found on page 262 of the Senate Journal.

Senator Dieleman withdrew the motion to reconsider House File 2086 filed by him on February 7, 1992, and found on page 262 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **House File 2086** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2116.

Senate File 2116

On motion of Senator Boswell, Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2116** be **deferred.**

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, President Gronstal presiding.

RECESS

On motion of Senator Husak, the Senate recessed at 12:22 p.m., until 2:15 p.m.

APPENDIX

PETITIONS

The following petitions opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices were presented and placed on file by:

Senator Connolly from 750 residents of Dubuque County.
Senator Dieleman from 542 residents of Black Hawk and Bremer Counties.
Senator Husak from 217 residents of Black Hawk County.
Senator Jensen from 215 residents of Iowa.

The following petitions were presented and placed on file by:

Senator Boswell from 157 residents of Ringgold County favoring legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices.

Senator Hedge from 274 residents of Keokuk and Mahaska Counties opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices.

The following petitions opposing legislation removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices were presented and placed on file by:

Senator Hedge from 237 residents of Jefferson County.
Senator Husak from 438 residents of Tama County.
Senator Kibbie from 3,403 residents of Clay, Dickinson, Emmet, and Palo Alto Counties.
Senator Priebe from 586 residents of Humboldt County.
Senator Priebe from 973 residents of Winnebago County.
Senator Rensink from 2,778 residents of Plymouth County.
Senator Rensink from 1,967 residents of Sioux County.

The following petitions supporting the continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Rensink from 709 residents of Sioux County.
Senator Rensink from 246 residents of Plymouth County.

Senator Priebe from 65 residents of Humboldt County.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following governor's appointments to state boards, commissions and departments to Senate standing committees as indicated for investigation on February 11, 1992:

AGRICULTURE

Mary Ann B. Drish — State Soil Conservation Committee.

Terry Evans — Iowa Grain Indemnity Fund Board.

BUSINESS AND LABOR RELATIONS

Byron K. Orton — Industrial Commissioner.

COMMERCE

Jack Nystrom — Director of the Department of Commerce.

Richard H. Buenneke — Superintendent of Banking.

EDUCATION

Rita M. Busch — Board of Educational Examiners

ENVIRONMENT & ENERGY UTILITIES

Tyrone Evans, Ramona M. Paulin, Rita Ann Venner, William J. Horan and A.H. Junior Cooper — Renewable Fuel Advisory Committee.

HUMAN RESOURCES

Janelle Cowles, Stanton L. Visser, Barbara A. Walters, Dominick D. Pellegreno, Thomas J. Henrich, Martin R. Edwards, Mary M. Conway, Robert T. Buckley and Karen L. Bossard — Board of Behavioral Science Examiners.

Mary Frances Winegardner — Board of Physician Assistant Examiners.

Joan A. Webster-Vore and Jill M. Robinson — Commission on the Deaf.

Frank J. Zlatnik, Verna L. Welte, Carol A. Watson, Jerry D. Stilwell, David A. Olson, Alfred Healy, M.D., Diane E. Glass, Mary L. Ellis and Billy S. Cox — Prevention of Disabilities Policy Council.

Bonnie B. Dull, Merl L. McFarlane and Allan L. Axeen — Commission on Community Action Agencies.

Diana Lynn Stewart — Commission on the Status of Women.

JUDICIARY

Mary Ann Brown, Carolyn D. Grupp, Perry K. Hummel, Gopal T.K. Krishna, Richard P. Tekippe, A. Patricia Houlihan and David J. Blair — Indigent Defense Advisory Commission.

Jim R. Schwiesow — Board of Corrections.

Steven W. Churchill — Iowa State Civil Rights Commission.

Betty Jean Clark — Criminal and Juvenile Justice Planning Advisory Council.

LOCAL GOVERNMENT

Eric D. Kelly and Harley Hiemstra — City Development Board.

NATURAL RESOURCES

Stan N. Nilles, Gary R. Shawver, Hillary B. Maurer and Judith E. Harrison — Well Contractors' Council.

RULES AND ADMINISTRATION

Claudia J. Niles and Robert D. Ray — Iowa Statehood Sesquicentennial Commission.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Perry J. Chapin and Wayne T. Newton — Wallace Technology Transfer Foundation of Iowa.

Patrick A. Ricks, Sarah A. Falb, Leona E. Westphal, Eugene W. Pierce III, Eugene H. Philiph, Robert M. Kreamer, Janice M. Johnson, Doris A. Hansen and Richard S. Burchett — Small Business Advisory Council.

Frederick Hageman and William C. Metz — Iowa Economic Development Board.

John B. Parks — Iowa Product Development Corporation.

STATE GOVERNMENT

Jill M. Miller — Speech Pathology & Audiology Examining Board.

Gary T. Gee — Campaign Finance Disclosure Commission.

James D. Collins, Jr., M.D., Laura J. Stensrud and Johanna B. Whalen, M.D. — Medical Examining Board.

Ada E. Tredwell and Sylvester Grady — Commission on the Status of African Americans.

Director of the Department of General Services — Gerald R. Anderson.

Administrator of the Division of Latino Affairs — Celso L. Ramirez.

Susan S. Baska — Iowa Emergency Response Commission.

Donna Brosdahl, Accountancy Examining Board.

John E. Knapp — Real Estate Commission.

Linda Hanson — Director of the Department of Personnel.

BILL HUTCHINS, Chair

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

The President of the Senate announced the following appointments:

RURAL HEALTH ADVISORY BOARD
(Code 135.13)

Senators Bev Hannon and Wilmer Rensink, 2/7/92 — 1/1/94

Council on Agricultural Education
(Code 256.32)

Senator Berl Priebe, 2/7/92 — 2/6/95

Iowa Highway Research Board
(1989 session, Senate File 524)

Senator Mark Hagerla — to fill the unexpired term of Senator Richard Drake, 2/7/92 - 6/30/93

COMMUNICATIONS RECEIVED

The following communications were received and placed on file in the office of the Secretary of the Senate:

DEPARTMENT OF COMMERCE
Professional Licensing and Regulation Division

A report encompassing the six professions within the division, pursuant to Chapter 258A.4(2), Code of Iowa.

DEPARTMENT OF EDUCATION

Community college responses in compliance with the 10-year building program and the 2-year bonding estimate, pursuant to Chapter 280A.70, Code of Iowa.

IOWA ENERGY CENTER

Iowa Energy Center 1991 Annual Report, pursuant to Chapter 266.39(4), Code of Iowa.

BOARD OF REGENTS

Current status on purchase and use of soybean inks, starch-based plastic garabage can liners, and purchase of plastic products for which starch-based alternatives are available, pursuant to Chapter 262.9(4)(d)(1)(2), Code of Iowa. Also, information from Regent institutions on achievement of environmental mandates, pursuant to Chapter 455D, Code of Iowa.

A report of the study of American Sign Language in conjunction with the Iowa Board of Educational Examiners and the Iowa Department of Education, pursuant to Chapter 193.4, 1991 Acts of the 74th General Assembly.

DEPARTMENT OF ECONOMIC DEVELOPMENT

A "Report on Iowa's Foreign Offices".

Fiscal Year 1991 Annual Report for the Iowa Retraining Program, Small Business New Jobs Training Program and the Iowa Industrial New Jobs Training Program, pursuant to Chapter 280B.7, Code of Iowa.

DEPARTMENT OF GENERAL SERVICES

Annual Report of the Capitol Planning Commission, pursuant to Chapter 18A.3, Code of Iowa.

1991 Recycling Program Report, pursuant to Chapter 18.18, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Annual reports of the 14 health-related licensing boards in the Bureau of Professional Licensure, pursuant to Chapter 258A.4(2), Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

Audit Report on Lottery Division, pursuant to Chapter 99E.11, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

1991 Iowa Aviation System Plan, pursuant to Chapter 17.11(1), 1991 Supplement, Code of Iowa.

A report of traffic signal inventory was required, pursuant to Chapter 1252.50, Code of Iowa. This inventory has not been compiled due to unavailability of funds.

"Biodegradable Plastic Bag and Soy Inks Report", pursuant to Chapter 307.21, Code of Iowa.

IOWA CIVIL RIGHTS COMMISSION

Annual Report, pursuant to Chapter 601A.5(7), Code of Iowa.

IOWA COLLEGE AID COMMISSION

An affirmative action summary, pursuant to Chapter 261.25(5), Code of Iowa.

A "Biodegradble Plastic Bag and Soy Inks Report", pursuant to Chapter 307.21, Code of Iowa.

IOWA LEGISLATIVE COUNCIL

Reports of interim study committees on Agricultural Chemical Site Remediation, Centralized Communication Between Excavators and Pipeline Operations, Enhancement and Consolidation of Economic Development Service Delivery, Group Health Benefits for Public Employee Retirees, Infant Mortality in Iowa, MediPASS Implementation Oversight and Tax Fairness and Equity.

IOWA RAILWAY FINANCE AUTHORITY

1991 Annual Report, pursuant to Chapter 307B.8(6), Code of Iowa.

TREASURER OF STATE

"Linked Investments for Tomorrow" reports on Horticulture and Alternative Crops, Targeted Small Business and Project Main Street, pursuant to Chapter 12.38, Code of Iowa.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 7, 1992, 12:04 p.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Gettings, Hagerla, Husak, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Running, Szymoniak and Tinsman.

Members Absent: Connolly, Kersten, Lloyd-Jones, Rosenberg and Varn (all excused).

Committee Business: Approved SSB 2118 as a committee bill.

Adjourned: 12:06 p.m.

RULES AND ADMINISTRATION

Convened: February 7, 1992, 8:40 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; assigned governor's appointees to committees; received caucus staff report; reviewed developmentally disabled Page.

Adjourned: 9:05 a.m.

WAYS AND MEANS

Convened: February 3, 1992, 1:37 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Fuhrman, Hester, McLaren, Palmer, Rosenberg and Szymoniak.

Members Absent: Connolly, Deluhery (excused), Drake, Fraise (excused), Murphy and Taylor.

Committee Business: Assigned bills to subcommittees.

Adjourned: 1:40 p.m.

STUDY BILLS RECEIVED

SSB 2145 State Government

Providing for registration and title protection of interior designers, providing fees and penalties, and providing applicability dates.

SSB 2146 Agriculture

Providing for the delegation of powers by fiduciaries.

SSB 2147 Human Resources

Relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2114

STATE GOVERNMENT: Sorensen, Chair; Gronstal, Lind, McLaren and Welsh

SSB 2144

STATE GOVERNMENT: Murphy, Chair; Horn, Lind, Pate and Welsh.

SSB 2145

STATE GOVERNMENT: Drake, Chair; Doyle, Kramer, Lloyd-Jones and Priebe

SUBCOMMITTEE ASSIGNMENT
(Reassignment)

Senate File 2104

STATE GOVERNMENT: Welsh, Chair; Buhr, Gronstal, Kramer and Vande Hoef

COMMITTEE REPORT

EDUCATION

Final Bill Action: SENATE FILE 2120 (SSB 2004), a bill for an act to establish a midwestern higher education compact.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Connolly, Horn, Deluhery, Dieleman, Kibbie, Rensink, Running, Szymoniak. Nays, 2: Lind and Tieden. Absent or not voting, 5: Taylor, Kramer, Murphy, Tinsman and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 2:35 p.m., President Gronstal presiding.

BILL REASSIGNED TO COMMITTEE

President Gronstal announced that **Senate File 2098** was reassigned from the committee on **Local Government** to the committee on **State Government.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, President Gronstal presiding.

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 February 7, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2032, a bill for an act relating to the manufacture and disposition of beer by special class "A" permittees.

ALSO: That the House has on February 7, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2025, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail.

This bill was read first time and **passed on file.**

House File 2126, a bill for an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2118, by Szymoniak, a bill for an act creating a public transit subsidy program for state employees and providing for funding of the program.

Read first time and **passed on file.**

Senate File 2119, by Kibbie, Peterson, and Vande Hoef, a bill for an act relating to essential county purposes and the use of general obligation bonds for funding of local water services.

Read first time and **passed on file.**

Senate File 2120, by committee on Education, a bill for an act to establish a midwestern higher education compact.

Read first time and **placed on calendar.**

Senate File 2121, by Connolly, a bill for an act relating to the establishment of a bone marrow donor program, including the establishment of a bone marrow donation fund, and providing for the appropriation of moneys in the fund.

Read first time and **passed on file.**

Senate File 2122, by Fuhrman, Taylor, Tinsman, Lind, Pate, Slife, McLaren, Kramer, Soorholtz, Rife, Kersten, Rensink, Vande Hoef, Hedge, Jensen, Tieden, Hester, Borlaug, Rittmer, and Hagerla, a bill for an act relating to state budget and financial control by requiring certain financial practices and establishing a general fund expenditure limitation.

Read first time and **passed on file.**

Senate File 2123 by Kersten, a bill for an act relating to the number of days in which payment is made to members of the general assembly for the expenses of office during the legislative session.

Read first time and **passed on file.**

Senate File 2124, by Kersten, a bill for an act providing for an enhanced criminal penalty for the distribution of or possession with intent to distribute certain controlled substances on or near schools and parks.

Read first time and **passed on file.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

BUSINESS PENDING

Senate File 2116

The Senate resumed consideration of Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, previously deferred.

Senator Tieden offered amendment S—5042 filed by Senators Tieden, et. al., from the floor to pages 1 and 7 of the bill.

Senator Tieden offered amendment S—5046 filed by him from the floor to page 1 of amendment S—5042 and moved its adoption.

Amendment S—5046 was adopted by a voice vote.

Senator Tieden called for a division of amendment S—5042 as amended: Page 1, lines 2-37 as division S—5042A; page 1, lines 38-50, pages 2-10 and page 11, lines 1-40 as division S—5042B.

Senator Tieden moved the adoption of division S—5042A as amended.

A record roll call was requested.

On the question "Shall division S—5042A as amended be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Vande Hoef

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Absent or not voting, 1:

Tinsman

Division S—5042A as amended lost.

Senator Tieden moved the adoption of division S—5042B as amended.

A record roll call was requested.

On the question "Shall division S—5042B as amended be adopted?" (S.F. 2116) the vote was:

Ayes, 21:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson

Priebe	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Division S—5042B as amended lost.

Senator Tieden offered amendment S—5043 filed by Senators Tieden, et. al., from the floor to pages 2-4 and 7 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5043 be adopted?" (S.F. 2116) the vote was:

Ayes, 22:

Borlaug	Drake	Fuhrman	Hedge
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Amendment S—5043 lost.

Senator Riordan offered amendment S—5041 filed by Senators Riordan and Boswell from the floor to page 5 of the bill and moved its adoption.

Amendment S—5041 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S—5047 filed by Senators Connolly and Szymoniak from the floor to page 5 of the bill.

Senator Connolly offered amendment S—5048 filed by Senators Connolly et. al., from the floor to page 5 of the bill.

Senator Boswell asked and received unanimous consent that amendment S—5048 and **Senate File 2116** be **deferred.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 107, by Pate, Taylor, Hedge, Fuhrman, and Vande Hoef, a concurrent resolution relating to packaging and the municipal solid waste stream.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2125, by Taylor, a bill for an act directing the department of human services to apply for a federal waiver to limit payment of aid to dependent children under certain circumstances.

Read first time and **passed on file.**

Senate File 2126, by Buhr, a bill for an act relating to establishing the department of public health as lead agency for emergency medical services, providing for minimum certification requirements for ambulance crews, providing for the delivery of prehospital care by physician assistants, providing funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and requiring townships to provide ambulance services in counties not providing such service.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2117	State Government
S.F.	2118	Transportation
S.F.	2119	Local Government
S.F.	2121	Human Resources
S.F.	2122	Appropriations
S.F.	2123	Rules and Administration
H.F.	2025	Judiciary
H.F.	2112	Agriculture
H.F.	2126	Judiciary

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 11, 1992, when the vote was taken on division S—5042A to Senate File 2116.

Had I been present, I would have voted "aye".

MAGGIE TINSMAN

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5042A as amended to Senate File 2116 failed to be adopted by the Senate on February 11, 1992.

LARRY MURPHY

AMENDMENTS FILED

S—5041	S.F.	2116	Jim Riordan Leonard Boswell
S—5042	S.F.	2116	Dale Tieden Jack Rife Jim Lind Maggie Tinsman

			Richard Vande Hoef
			Mark Hagerla
			John W. Jensen
			Jim Kersten
			Allen Borlaug
			H. Kay Hedge
			Harry Slife
			Mary Kramer
			Derryl McLaren
			Linn Fuhrman
			Jack Hester
			Wilmer Rensink
S—5043	S.F.	2116	Dale L. Tieden
			Jack Rife
			Maggie Tinsman
			Richard Vande Hoef
			John Jensen
			Mary Kramer
			Allen Borlaug
			H. Kay Hedge
			Harry Slife
			Derryl McLaren
			Jim Lind
			Linn Fuhrman
			Jack Hester
			Wilmer Rensink
			Ray Taylor
S—5044	S.F.	316	Larry Murphy
			Elaine Szymoniak
			Mary Kramer
S—5045	S.F.	2116	Ray Taylor
S—5046	S.F.	2116	Dale Tieden
S—5047	S.F.	2116	Michael W. Connolly
			Elaine Szymoniak
S—5048	S.F.	2116	Michael Connolly
			Elaine Szymoniak
			Ralph Rosenberg
			Maggie Tinsman
			Al Sturgeon
S—5049	H.F.	2061	Donald Doyle
			John Kibbie

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:10 p.m., until 9:00 a.m., Wednesday, February 12, 1992.

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 12, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Albert G. Sorensen, member of the Senate from Boone County, Boone, Iowa.

The Journal of Tuesday, February 11, 1992, was approved.

INTRODUCTION OF BILL

Senate File 2127, by Running, a bill for an act increasing the penalty for improper use of a handicapped identification device and requiring notification.

Read first time and **passed on file.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:20 a.m., until 4:45 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 11, 1992, 10:08 a.m.

Members Present: Varn, Chair; Horn, Murphy and Tieden.

Members Absent: Lind, Ranking Member.

Committee Business: Presentations by the Department of Management, State Library and Regional Library.

Adjourned: 11:40 a.m.

EDUCATION

Convened: February 11, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Assigned governor's appointee to a subcommittee; approved SSB 2004 as a committee bill.

Adjourned: 2:21 p.m.

WAYS AND MEANS

Convened: February 11, 1992, 4:35 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fuhrman, Hester, McLaren, Murphy, Rosenberg and Taylor.

Members Absent: Fraise, Palmer and Szymoniak.

Committee Business: Assigned bills to subcommittees.

Adjourned: 4:40 p.m.

SUBCOMMITTEE ASSIGNMENTS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 11 and February 12, 1992, to investigate the appointment and reappointment of the following Governor's appointees:

AGRICULTURE

As a member of the Iowa Grain Indemnity Fund Board:

TERRY EVANS: Husak, Chair; McLaren and Soorholtz

As a member of the State Soil Conservation Committee:

MARY ANN B. DRISH: Hedge, Chair; Fraise and Palmer

BUSINESS AND LABOR RELATIONS

As Industrial Commissioner:

BYRON K. ORTON: Running, Chair; Sturgeon and Fuhrman

COMMERCE

As Superintendent of Banking:

RICHARD H. BUENNEKE: Kinley, Chair; Tieden and Deluhery

As Director of the Department of Commerce:

JACK NYSTROM: Slife, Chair; Gronstal and Varn

EDUCATION

As a member of the Board of Educational Examiners:

RITA M. BUSCH: Kibbie, Chair; Deluhery and Rensink

ENVIRONMENT AND ENERGY UTILITIES

As members of the Renewable Fuel Advisory Committee:

A.H. JUNIOR COOPER: Hedge, Chair; Soorholtz and Fraise
TYRONE EVANS: Borlaug, Chair; Jensen and Miller
WILLLIAM J. HORAN: Sorensen, Chair; Borlaug and Hedge
RAMONA M. PAULIN: Miller, Chair; Kersten and Soorholtz

RITA ANN VENNER: Jensen, Chair; Kersten and Miller

HUMAN RESOURCES

As members of the Board of Behavioral Science Examiners:

KAREN L. BOSSARD: Sturgeon, Chair; Horn and Taylor
ROBERT T. BUCKLEY: Buhr, Chair; Hannon and Hagerla
MARY M. CONWAY: Szymoniak, Chair; Horn and Tinsman
JANELLE COWLES: Hagerla, Chair; Buhr and Riordan
MARTIN R. EDWARDS: Taylor, Chair; Sturgeon and Murphy
THOMAS J. HENRICH: Horn, Chair; Hannon and Tinsman
DOMINICK D. PELLEGRENO: Tinsman, Chair; Horn and Buhr
STANTON L. VISSER: Szymoniak, Chair; Murphy and Taylor
BARBARA A. WALTERS: Rittmer, Chair; Riordan and Szymoniak

As a member of the Board of Physician Assistant Examiners:

MARY FRANCES WINEGARDNER: Riordan, Chair; Sturgeon and Hagerla

As members of the Commission on Community Action Agencies:

ALLAN L. AXEEN: Hagerla, Chair; Riordan and Horn
BONNIE B. DULL: Kramer, Chair; Hannon and Murphy
MERL L. McFARLANE: Buhr, Chair; Hannon and Rittmer

As members of the Commission on the Deaf:

JILL M. ROBINSON: Kramer, Chair; Szymoniak and Riordan
JOAN A. WEBSTER-VORE: Taylor, Chair; Sturgeon and Buhr

As a member of the Commission on the Status of Women:

DIANA LYNN STEWART: Buhr, Chair; Murphy and Kramer

As members of the Prevention of Disabilities Policy Council:

BILLY S. COX: Rittmer, Chair; Sturgeon and Hannon
MARY L. ELLIS: Riordan, Chair; Tinsman and Horn
DIANE E. GLASS: Taylor, Chair; Szymoniak and Buhr
ALFRED HEALY, M.D.: Hannon, Chair; Sturgeon and Kramer
DAVID A. OLSON: Horn, Chair; Buhr and Hagerla
JERRY D. STILWELL: Hannon, Chair; Riordan and Taylor
CAROL A. WATSON: Tinsman, Chair; Murphy and Szymoniak
VERNA L. WELTE: Murphy, Chair; Sturgeon and Rittmer
FRANK J. ZLATNIK: Hannon, Chair; Buhr and Kramer

JUDICIARY

As a member of the Board of Corrections:

JIM R. SCHWIESOW: Murphy, Chair; Rosenberg and Hagerla

As a member of the Criminal and Juvenile Justice Planning Advisory Council:

BETTY JEAN CLARK: Hester, Chair; Slife and Rosenberg

As members of the Indigent Defense Advisory Commission:

DAVID J. BLAIR: Sturgeon, Chair; Varn and Hester
MARY ANN BROWN: Peterson, Chair; Drake and Connolly
CAROLYN D. GRUPP: Horn, Chair; Hagerla and Murphy
A. PATRICIA HOULIHAN: Hester, Chair; Peterson and Drake
PERRY K. HUMMEL: Slife, Chair; Fuhrman and Varn
GOPAL T.K. KRISHNA: Deluhery, Chair; Hagerla and Rosenberg
RICHARD P. TEKIPPE: Fuhrman, Chair; Pate and Miller

As a member of the Iowa State Civil Rights Commission:

STEVEN W. CHURCHILL: Rosenberg, Chair; Hagerla and Deluhery

LOCAL GOVERNMENT

As members of the City Development Board:

HARLEY HIEMSTRA: Vande Hoef, Chair; Sorensen and Buhr
ERIC D. KELLY: Szymoniak, Chair; Jensen and Sorensen

NATURAL RESOURCES

As members of the Well Contractors' Council:

JUDITH E. HARRISON: Priebe, Chair; Rensink and Tieden
HILLARY B. MAURER: Hagerla, Chair; Kibbie and Riordan
STAN N. NILLES: Hester, Chair; Dieleman and Sturgeon
GARY R. SHAWVER: Hedge, Chair; Priebe and Rosenberg

RULES AND ADMINISTRATION

As Co-Chairperson of the Iowa Statehood Sesquicentennial Commission:

CLAUDIA J. NILES: Lloyd-Jones, Chair; Soorholtz and Kinley

As Chairperson of the Iowa Statehood Sesquicentennial Commission:

ROBERT D. RAY: Lloyd-Jones, Chair; Soorholtz and Kinley

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

As members of the Iowa Economic Development Board:

FREDERICK HAGEMANN: Borlaug, Chair; Miller and Sorensen
WILLIAM C. METZ: Vande Hoef, Chair; Sorensen and Running

As a member of the Iowa Product Development Corporation:

JOHN B. PARKS: Peterson, Chair; Pate and Rittmer

As members of the Small Business Advisory Council:

RICHARD S. BURCHETT: Pate, Chair; Kibbie and Sorensen
SARAH A. FALB: Kramer, Chair; Hannon and Rittmer
DORIS A. HANSEN: Sorensen, Chair; Vande Hoef and Kramer
JANICE M. JOHNSON: Rittmer, Chair; Pate and Hannon
ROBERT M. KREAMER: Borlaug, Chair; Kramer and Peterson
EUGENE H. PHILIPH: Miller, Chair; Vande Hoef and Kibbie
EUGENE W. PIERCE III: Sorensen, Chair; Hannon and Pate
PATRICK A. RICKS: Running, Chair; Peterson and Pate
LEONA E. WESTPHAL: Peterson, Chair; Borlaug and Rittmer

As members of the Wallace Technology Transfer Foundation of Iowa:

PERRY J. CHAPIN: Kibbie, Chair; Riordan and Kramer
WAYNE T. NEWTON: Vande Hoef, Chair; Running and Peterson

STATE GOVERNMENT

As a member of the Accountancy Examining Board:

DONNA BROSDAHL: Priebe, Chair; Murphy and Rife

As Administrator of the Division of Latino Affairs:

CELSO L. RAMIREZ: Buhr, Chair; Gronstal and Kramer

As a member of the Campaign Finance Disclosure Commission:

GARY T. GEE: Sorensen, Chair; McLaren and Welsh

As a member of the Commission on the Status of African-Americans:

SYLVESTER GRADY: Horn, Chair; Running and Pate
ADA E. TREDWELL: Running, Chair; Lind and Buhr

As Director of the Department of General Services:

GERALD R. ANDERSON: Buhr, Chair; Doyle and Kramer

As Director of the Department of Personnel:

LINDA HANSON: Welsh, Chair; Dieleman and Kramer

As a member of the Iowa Emergency Response Commission:

SUSAN S. BASKA: McLaren, Chair; Gronstal and Sorensen

As members of the Medical Examining Board:

JAMES D. COLLINS, JR., M.D.: Running, Chair; Lind and Horn
LAURA J. STENSRUD: Priebe, Chair; Buhr and Vande Hoef
JOHANNA B. WHALEN, M.D.: Drake, Chair; Dieleman and Murphy

As a member of the Real Estate Commission:

JOHN E. KNAPP: Priebe, Chair; Doyle and Soorholtz

As a member of the Speech Pathology and Audiology Examining Board:

JILL M. MILLER: McLaren, Chair; Dieleman and Running

COMMUNICATION FROM THE MAJORITY LEADER

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

February 7, 1992

The Honorable Jean Lloyd-Jones, Chairperson
The Honorable Don Gettings, Vice Chairperson
Senate Ethics Committee
State Capitol
Des Moines, IA 50319

Dear Senators Lloyd-Jones and Gettings:

This letter is in response to Senator Lloyd-Jones' letter of January 29, 1992, in which she made the following statement and request ". . .On behalf of the Senate Ethics Committee, I would respectfully request that you appoint, after consultation with the Senate Minority Leader, the two required Senators to replace Senators Drake and Lloyd-Jones during meetings relating to the six complaints filed by Senator Welsh on January 27, 1992."

In response to this request, and after consultation with the Minority Leader, I am today appointing Senator Harry Slife to replace Senator Drake and Senator Ralph Rosenberg to replace Senator Lloyd-Jones on the committee during meetings relating to the six complaints filed by Senator Welsh.

Further, it is my understanding, based on our mutual interpretation of relevant rules and precedents which we have discussed, that Senator Gettings, as vice-chair of the committee, will serve as chair during the meetings held when Senator Lloyd-Jones is temporarily replaced as a committee member.

I urge you to continue to do your best to fairly and expeditiously resolve the matters within your committee jurisdiction. I stand ready to assist you in that effort upon request.

Sincerely,

BILL HUTCHINS
Senate Majority Leader

STUDY BILLS RECEIVED

SSB 2148 Ways & Means

Relating to increasing the cigarette and tobacco products tax, redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax on solid waste collection and disposal services and consulting services, and providing an effective date.

SSB 2149 Ways & Means

Relating to the state sales, services, and use taxes on water vessels, all-terrain vehicles, and snowmobiles.

SSB 2150 Transportation

Authorizing United States armed forces retired, motor vehicle registration plates.

SSB 2151 Commerce

Relating to unclaimed property, and providing an effective date and applicability provisions.

SSB 2152 Commerce

Relating to dramshop liability insurance premium rate increases and excluding the use of certain information.

SSB 2153 Commerce

Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care

retirement communities, perpetual care cemeteries, funeral services, and merchandise, and cemetery merchandise, and providing an effective date.

SSB 2154 Commerce

Relating to invention development services, and making penalties applicable.

SSB 2155 State Government

Relating to hospital privileges provided a psychologist.

SSB 2156 State Government

Relating to restrictions upon automatic benefit increases for members of the Iowa public employees' retirement system contingent upon cost-of-living adjustments for retired members.

SSB 2157 State Government

Relating to the size of swimming pools and wading pools regulated by the Iowa department of public health.

SSB 2158 Business & Labor Relations

Creating a uniform employment termination Act, imposing a fee, and providing civil penalties.

SSB 2159 Local Government

Relating to the minimum qualifications and experience for a chief of a civil service fire department.

SSB 2160 Natural Resources

Relating to soil and water conservation by providing for financial incentives.

SSB 2161 Natural Resources

Relating to the regulation of hunting perserves and providing penalties for violations.

SSB 2162 Natural Resources

Relating to permanent soil and water conservation practices by providing for the allocation of cost-sharing moneys.

SSB 2163 Environment & Energy Utilities

Relating to the waste reduction and recycling incentives, and providing penalties.

SSB 2164 Agriculture

A Concurrent Resolution to urge the Congress of the United States to study and enact initiatives to ensure that highly erodible land under the federal Conservation Reserve Program is protected and to ensure that such protection does not jeopardize the economic stability of the American farmer.

SSB 2165 Natural Resources

Relating to the operation of watercraft, snowmobiles, and all-terrain vehicles while intoxicated, establishing implied consent for chemical testing, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2063

APPROPRIATIONS: Szymoniak, Chair; Hagerla and Riordan

Senate File 2078

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Fraise and Jensen

Senate File 2099

LOCAL GOVERNMENT: Szymoniak, Chair; Jensen and Sorensen

Senate File 2101

LOCAL GOVERNMENT: Vande Hoef, Chair; Buhr and Sorensen

Senate File 2103

LOCAL GOVERNMENT: Szymoniak, Chair; Borlaug and Fraise

Senate File 2107

JUDICIARY: Rosenberg, Chair; Deluhery and Slife

Senate File 2111

JUDICIARY: Rosenberg, Chair; Deluhery and Slife

Senate File 2115

ENVIRONMENT & ENERGY UTILITIES: Fraise, Chair; Borlaug and Hannon

Senate File 2117

STATE GOVERNMENT: Murphy, Chair; Gronstal, Lind, Pate and Welsh

Senate File 2118

TRANSPORTATION: Welsh, Chair; Connolly and Drake

Senate File 2119

LOCAL GOVERNMENT: Vande Hoef, Chair; Buhr and Sorensen

House File 2025

JUDICIARY: Sturgeon, Chair; Pate and Varn

House File 2112

AGRICULTURE: Hester, Chair; Peterson and Riordan

House File 2126

JUDICIARY: Fuhrman, Chair; Horn and Rosenberg

House File 2136

TRANSPORTATION: Fraise, Chair; Slife and Welsh

SSB 2146

AGRICULTURE: Palmer, Chair; Doyle and Hester

SSB 2148

WAYS AND MEANS: Murphy, Chair; Deluhery and Drake

SSB 2149

WAYS AND MEANS: Rosenberg, Chair; Connolly and Hedge

SSB 2150

TRANSPORTATION: Dieleman, Chair; Fraise and Slife

SSB 2151

COMMERCE: Gettings, Chair; Kersten and Sturgeon

SSB 2152

COMMERCE: Varn, Chair; Doyle, Jensen, Palmer and Slife

SSB 2153

COMMERCE: Doyle, Chair; Jensen, Palmer, Slife and Varn

SSB 2154

COMMERCE: Doyle, Chair; Jensen, Palmer, Slife and Varn

SSB 2155

STATE GOVERNMENT: Murphy, Chair; Horn, McLaren, Pate and Running

SSB 2156

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Murphy and Rife

SSB 2157

STATE GOVERNMENT: Lind, Chair; Buhr, Dieleman, Priebe and Vande Hoef

SSB 2158

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Palmer and Taylor

SSB 2159

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Rittmer

SSB 2160

NATURAL RESOURCES: Priebe, Chair; Rensink and Tieden

SSB 2161

NATURAL RESOURCES: Kibbie, Chair; Dieleman and Riordan

SSB 2162

NATURAL RESOURCES: Priebe, Chair; Dieleman and Rensink

SSB 2163

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Borlaug and Miller

SSB 2164

AGRICULTURE: Priebe, Chair; Hedge and McLaren

SSB 2165

NATURAL RESOURCES: Riordan, Chair; Dieleman and Hagerla

SUBCOMMITTEE ASSIGNMENT
(Reassignment)

SSB 2139

JUDICIARY: Varn, Chair; Deluhery, Fuhrman, Slife and Sturgeon

REPORT OF STANDING COMMITTEE
(Place nominee on En Bloc Confirmation Calendar)

BUSINESS AND LABOR RELATIONS

Pursuant to Senate Rule 59, the committee on Business and Labor Relations assigned to investigate the following Governor's appointment, completed its investigation on February 12, 1992, and recommended the appointee be confirmed:

Byron K. Orton as Industrial Commissioner.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE CONCURRENT RESOLUTION 108 (SSB 2122), a concurrent resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 13: Priebe, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Peterson and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2047, a bill for an act providing an amnesty for the return of marked dairy containers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Priebe, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Peterson and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2128 (SSB 2103), a bill for an act providing for the regulation of milk and the increase of certain fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Priebe, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Peterson and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2129 (SSB 2101), a bill for an act relating to the labeling of containers containing agricultural seeds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Priebe, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Peterson and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2132 (SSB 2083), a bill for an act relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with an advisory letter or other written interpretation or opinion of the administrator.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Deluhery, Slife, Doyle, Fuhrman, Gettings, Jensen, Kersten, Lind, Palmer, Priebe and Tieden. Nays, none. Absent or not voting, 4: Kinley, Gronstal, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2133 (SSB 2082), a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Deluhery, Slife, Doyle, Fuhrman, Gettings, Jensen, Kersten, Lind, Palmer, Priebe and Tieden. Nays, none. Absent or not voting, 4: Kinley, Gronstal, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2049, a bill for an act relating to the establishment of a registration program for certified backflow assembly testers, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2131 (SSB 2031), a bill for an act making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2134 (SSB 2105), a bill for an act relating to a city officer's or employee's permissible interest in a franchise agreement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2006, a bill for an act relating to prisoner of war and congressional medal of honor special motor vehicle registration plates.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Fraise, Drake, Dieleman, Gettings, Jensen, Kersten, Lloyd-Jones, Pate, Slife and Welsh. Nays, none. Absent or not voting, 2: Connolly and Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S—5050	S.F.	2112	John P. Kibbie Wally Horn

AFTERNOON SESSION

The Senate reconvened at 5:30 p.m., President Gronstal presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 108, by committee on Agriculture, a concurrent resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers.

Read first time and **placed on calendar.**

INTRODUCTION OF BILLS

Senate File 2128, by committee on Agriculture, a bill for an act providing for the regulation of milk and the increase of certain fees.

Read first time and **placed on calendar.**

Senate File 2129, by committee on Agriculture, a bill for an act relating to the labeling of containers containing agricultural seeds.

Read first time and **placed on calendar.**

Senate File 2130, by Priebe, a bill for an act relating to targeted small business procurement procedures and local purchases.

Read first time and **passed on file.**

Senate File 2131, by committee on Local Government, a bill for an act making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters.

Read first time and **placed on calendar.**

Senate File 2132 by committee on Commerce, a bill for an act relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with a declaratory ruling of the administrator.

Read first time and **placed on calendar.**

Senate File 2133, by committee on Commerce, a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief.

Read first time and **placed on calendar.**

Senate File 2134, by committee on Local Government, a bill for an act relating to a city officer's or employee's permissible interest in a franchise agreement.

Read first time and **placed on calendar.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	107	Environment & Energy Utilities
S.F.	2124	Judiciary
S.F.	2125	Human Resources
S.F.	2126	Human Resources
S.F.	2127	Transportation
S.F.	2130	Small Business & Economic Development

COMMITTEE REPORTS

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2005, a bill for an act relating to eligibility for participation in the Iowa affordable heating program.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5051.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 109 (SSB 2079), a resolution urging the United States Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2135 (SSB 2127), a bill for an act relating to the acceptance of federal funds by the department of natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2136 (SSB 2148), a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax on solid waste collection and disposal services and consulting services, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Dieleman, Husak, Deluhery, Fraise, Murphy, Palmer, Rosenberg and Szymoniak. Nays, 7: Hedge, Connolly, Drake, Fuhrman, Hester, McLaren and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 109, by committee on Natural Resources, a concurrent resolution urging the United States Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project.

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

INTRODUCTION OF BILLS

Senate File 2135, by committee on Natural Resources, a bill for an act relating to the acceptance of federal funds by the department of natural resources.

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

Senate File 2136, by committee on Ways and Means, a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax

on solid waste collection and disposal services and consulting services, and providing an effective date.

Read first time under Rule 28 and **placed on Ways and Means Calendar.**

AMENDMENT FILED

S—5051 S.F. 2005 Environment & Energy Utilities

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:37 p.m., until 9:00 a.m., Thursday, February 13, 1992.

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 13, 1992

The Senate met in regular session at 9:07 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Stan Wierson, pastor of the First United Methodist Church, Marion, Iowa.

The Journal of Wednesday, February 12, 1992, was approved.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:12 a.m., until 11:15 a.m.

RECONVENED

The Senate reconvened at 11:18 a.m., President Gronstal presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 101, by committee on Rules and Administration, a resolution relating to gubernatorial appointments requiring senate confirmation.

Read first time and **placed on calendar.**

INTRODUCTION OF BILL

Senate File 2137, by Fraise, Husak, and Boswell, a bill for an act relating to motor vehicle certificates of title, by eliminating component part reviews and rebuilt designations, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, and creating a penalty.

Read first time and **passed on file.**

RECESS

On motion of Senator Kibbie, the Senate recessed at 11:20 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 12, 1992, 9:42 a.m.

Members Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member; Hester and Kibbie.

Members Absent: none.

Committee Business: Distributed flowchart information; presentation and discusssion of governor's recommendations for privatization of grain warehouse inspections and weights and measures inspections.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 12, 1992, 9:45 a.m.

Members Present: Riordan, Chair; Boswell, Vice Chairr; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: none.

Committee Business: Presentations by East Central Intergovernmental Association, Southeast Iowa Regional Planning Commission and Department of Economic Development.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 12, 1992, 9:40 a.m.

Members Present: Buhr, Chair; Miller, Vice Chair and Tinsman, Ranking Member.

Members Absent: Hannon and Rittmer (both excused).

Committee Business: Leadership meeting to discuss FY 1992 comparison to governor's recommendations.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 1992, 9:50 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member and Taylor.

Members Absent: Gronstal (excused).

Committee Business: Presentation by LFB on the shell bill.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 12, 1992, 9:47 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Presentations by the Department of Inspections and Appeal and the Public Defender.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 12, 1992, 9:40 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: Reviewed budget targets; selected issues for future committee review.

Adjourned: 11:10 a.m.

AGRICULTURE

Convened: February 12, 1992, 8:05 a.m.

Members Present: Priebe, Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Riordan, Rittmer and Vande Hoef.

Members Absent: Peterson, Vice Chair and Palmer (both excused).

Committee Business: Approved SSBs 2101, 2122 and 2103 as committee bills; recommended passage of Senate File 2047; presentation by Manildra Energy Corp on ethanol production in Iowa.

Adjourned: 8:50 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 12, 1992, 1:35 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: none.

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 1:55 p.m.

COMMERCE

Convened: February 12, 1992, 3:05 p.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Jensen, Kersten, Lind, Palmer, Priebe and Tieden.

Members Absent: Kinley, Vice Chair (excused); Gronstal (excused), Sturgeon and Varn.

Committee Business: Assigned bills and governor's appointees to subcommittees; approved SSBs 2082 and 2083; public hearings on the franchise act was suggested.

Adjourned: 3:15 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: February 12, 1992, 1:42 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn.

Members Absent: Soorholtz.

Committee Business: Recommended passage of Senate File 2005 as amended and approved SSB 2099 as a committee bill.

Adjourned: 2:16 p.m.

HUMAN RESOURCES

Convened: February 12, 1992, 4:05 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Deferred action on SSBs 2130 and 2015.

Adjourned: 4:55 p.m.

LOCAL GOVERNMENT

Convened: February 12, 1992, 2:20 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills and governor's appointees to subcommittees; approved SSBs 2031 and 2105 as committee bills; recommended passage of Senate File 2049; amended SSB 2025 and ordered redrafted for final approval as a committee bill.

Adjourned: 3:07 p.m.

NATURAL RESOURCES

Convened: February 12, 1992, 2:15 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden.

Members Absent: none.

Committee Business: Approved SSBs 2079 and 2127 as committee bills; deferred action on Senate File 2069.

Adjourned: 2:30 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: February 12, 1992, 3:10 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Boswell (excused).

Committee Business: Assigned governor's appointees to subcommittees; discussed SSB 2124.

Adjourned: 3:42 p.m.

TRANSPORTATION

Convened: February 12, 1992, 4:15 p.m.

Members Present: Fraise, Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Lloyd-Jones, Pate, Slife and Welsh.

Members Absent: Connolly, Vice Chair and Kinley (both excused).

Committee Business; Assigned bills to subcommittees; recommended passage of Senate File 2006.

Adjourned: 4:34 p.m.

WAYS AND MEANS

Convened: February 12, 1992, 4:55 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Amended and approved SSB 2148 as a committee bill.

Adjourned: 5:12 p.m.

STUDY BILLS RECEIVED

SSB 2166 Small Business & Economic Development

Relating to the combining into a strategic investment fund of the financing for the community economic betterment program, value-added agricultural products and processes financial assistance program, business development financing corporation, self-employment loan program, and targeted small business financial assistance program, and making an appropriation to that fund.

SSB 2167 Small Business & Economic Development

Providing for a rural enterprise data system.

SSB 2168 Business & Labor Relations

Relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, and amusement park permit and inspection fees.

SSB 2169 Judiciary

Relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications.

SSB 2170 Judiciary

Relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in a dating, courtship, engagement, or marriage relationship, including certain assaults involving minors, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

Senate File 413

HUMAN RESOURCES: Rittmer, Chair; Buhr and Hannon

Senate File 469

HUMAN RESOURCES: Murphy, Chair; Rittmer and Sturgeon

Senate File 2121

HUMAN RESOURCES: Buhr, Chair; Hagerla and Sturgeon

Senate File 2123

RULES AND ADMINISTRATION: Jensen, Chair; Gettings and Hutchins

SSB 2147

HUMAN RESOURCES: Hannon, Chair; Kramer and Sturgeon

SSB 2166

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Riordan, Chair; Borlaug, Kibbie, Kramer and Running

SSB 2167

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Hannon, Chair; Borlaug, Kibbie, Rittmer and Sorensen

SSB 2168

BUSINESS AND LABOR RELATIONS: Kinley, Chair; Fuhrman and Palmer

SSB 2169

JUDICIARY: Sturgeon, Chair; Slife and Varn

SSB 2170

JUDICIARY: Rosenberg, Chair; Deluhery and Hagerla

COMMITTEE REPORTS

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2138 (SSB 2099), a bill for an act relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 101, a resolution relating to gubernatorial appointments requiring senate confirmation.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Rife, Gettings, Jensen and Kinley. Nays, none. Absent or not voting, 3: Husak, Lloyd-Jones and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:47 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2138, by committee on Environment and Energy Utilities, a bill for an act relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities.

Read first time and **placed on calendar.**

Senate File 2139, by Hutchins, a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose a local income surtax to partially fund the issuance of certain bonds.

Read first time and **passed on file.**

Senate File 2140, by Hutchins, a bill for an act relating to coverage of the payment of certain services provided by advanced registered nurse practitioners under group health plans.

Read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Gronstal presiding.

UNFINISHED BUSINESS
(Deferred February 11, 1992)

Senate File 2116

The Senate resumed consideration of Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, and amendment S—5048 by Senators Connolly, et al., to page 5 of the bill, deferred February 11, 1992.

Senator Connolly asked and received unanimous consent that action on amendment S—5048 to page 5 of the bill continue to be deferred.

Senator Taylor offered amendment S—5045 filed by him on February 11, 1992, to page 6 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5045 be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Borlaug	Doyle	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 1:

Running

Amendment S—5045 lost.

Senator Boswell offered amendment S—5052 filed by him from the floor to page 6 of the bill.

Senator Tieden asked and received unanimous consent that action on amendment S—5052 be deferred.

Senator Varn offered amendment S—5053 filed by Senators Varn, Boswell, and Connolly from the floor to pages 1, 5 and 7 of the bill and called for a division:

Division S—5053A: Page 1, lines 2-50; page 2, lines 1-40, lines 42-50, and page 3.

Division S—5053B: Page 2, line 41.

Senator Varn asked and received unanimous consent that action on division S—5053B be deferred.

Senator Lind asked and received unanimous consent that action on amendment S—5057 filed by Senators Lind, et al., from the floor to division S—5053A be deferred.

Senator Lind offered amendment S—5059 filed by him from the floor to division S—5053A.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

BUSINESS PENDING

Senate File 2116

The Senate resumed consideration of Senate File 2116, division S—5053A and amendment S—5059 to division S—5053A.

Senator Lind withdrew amendment S—5059 to division S—5053A.

Senator Lind asked and received unanimous consent to withdraw amendment S—5057 to division S—5053A, previously deferred.

Senator Murphy offered amendment S—5055 filed by Senators Murphy et al., from the floor to division S—5053A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5055 to division S—5053A be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 17:

Boswell	Dieleman	Doyle	Fraise
Hannon	Hester	Husak	Hutchins
Kibbie	Kinley	Miller	Murphy
Priebe	Riordan	Sturgeon	Taylor
Tieden			

Nays, 33:

Borlaug	Buhr	Connolly	Deluhery
Drake	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Horn	Jensen
Kersten	Kramer	Lind	Lloyd-Jones
McLaren	Palmer	Pate	Peterson
Rensink	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Tinsman	Vande Hoef	Varn
Welsh			

Amendment S—5055 lost.

Senator Murphy offered amendment S—5056 filed by him from the floor to division S—5053A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5056 to division S—5053A be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery

Dieleman	Drake	Fuhrman	Gettings
Gronstal	Hannon	Hester	Hutchins
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Rife	Riordan
Rosenberg	Slife	Soorholtz	Sorensen
Szymoniak	Tieden	Varn	

Nays, 19:

Borlaug	Doyle	Fraise	Hagerla
Hedge	Horn	Husak	Jensen
Kibbie	Pate	Priebe	Rensink
Rittmer	Running	Sturgeon	Taylor
Tinsman	Vande Hoef	Welsh	

Amendment S—5056 was adopted.

Senator Vande Hoef offered amendment S—5061 filed by Senators Vande Hoef and Taylor from the floor to division S—5053A and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5061 to division S—5053A be adopted?" (S.F. 2116) the vote was:

Ayes, 21:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Sturgeon	Taylor	Tieden	Tinsman
Vande Hoef			

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Szymoniak	Varn
Welsh			

Amendment S—5061 lost.

Senator Varn moved the adoption of division S—5053A as amended.

Senator Lind raised the point of order that division S—5053A as amended was not eligible under Senate Rule 26.

Senator Lind withdrew his point of order.

Senator Varn moved the adoption of division S—5053A as amended.

A record roll call was requested.

On the question "Shall division S—5053A as amended be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Boswell	Buhr	Connolly	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 22:

Borlaug	Deluhery	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Division S—5053A as amended was adopted.

Senator Tieden offered amendment S—5058 filed by Senators Tieden and Lind from the floor to pages 1 and 6 of the bill.

Senator Tieden offered amendment S—5060 filed by him from the floor to amendment S—5058 and moved its adoption.

Amendment S—5060 was adopted by a voice vote.

Senator Tieden moved the adoption of amendment S—5058 as amended, which motion lost by voice vote.

Senator Welsh offered amendment S—5054 filed by Senators Welsh, Kersten and Horn from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5054 be adopted?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 41:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Varn
Welsh			

Nays, 9:

Borlaug	Drake	Hagerla	Kramer
Lind	Slife	Taylor	Tinsman
Vande Hoef			

Amendment S—5054 was adopted.

The Senate resumed consideration of amendment S—5048 by Senators Connolly, et al., to page 5 of the bill, previously deferred.

Senator Connolly moved the adoption of amendment S—5048.

On the question "Shall amendment S—5048 be adopted?" (S.F. 2116) the vote was:

Ayes, 48

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 2:

Hedge	Taylor

Amendment S—5048 was adopted.

With the adoption of amendment S—5048, the Chair ruled division S—5053B by Senators Varn, Boswell and Connolly to page 5 of the bill, previously deferred, out of order.

With the adoption of division S—5053A as amended, the Chair ruled the motion to reconsider the vote by which division S—5042A to Senate File 2116 failed to be adopted by the Senate on February 11, 1992, filed by Senator Murphy on February 11, 1992, and found on page 283 of the Senate Journal, out of order.

Senator Boswell moved the adoption of amendment S—5052 to page 6 of the bill, previously deferred.

Amendment S—5052 was adopted by a voice vote.

Senator Boswell 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. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Horn

Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 19:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Rensink
Rife	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

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

Senator Hutchins asked and received unanimous consent that **Senate File 2116** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2141, by committee on State Government, a bill for an act relating to the requirements for licensure as a certified public accountant.

Read first time and **placed on calendar.**

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Mother Mosque, Cedar Rapids — For recognition of the Mother Mosque as the oldest mosque in North America. Senator Running (2-13-92).

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2137	Transportation
S.F.	2139	Local Government
S.F.	2140	Human Resources

PRESENTATION OF VISITOR

Senator Hannon presented David Hunt, 1991-92 Iowa Ambassador for Education (Teacher of the Year) from Clarence-Lowden High School, Clarence, Iowa.

COMMITTEE REPORTS

STATE GOVERNMENT

Final Bill Action: HOUSE JOINT RESOLUTION 4, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Dieleman, Doyle, Drake, Horn, McLaren, Murphy, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef. Nays, 4: Buhr, Gronstal, Kramer and Welsh. Absent or not voting, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2141 (SSB 2007), a bill for an act relating to the requirements for licensure as a certified public accountant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef. Nays, none. Pass, 2: Murphy and Welsh. Absent, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5052	S.F.	2116	Leonard Boswell
S—5053	S.F.	2116	Richard Varn Leonard Boswell Mike Connolly
S—5054	S.F.	2116	Joe Welsh Jim Kersten Wally Horn
S—5055	S.F.	2116	Larry Murphy John Kibbie Leonard Boswell Beverly Hannon Eugene Fraise Berl Priebe Emil Husak William Dieleman Donald Doyle
S—5056	S.F.	2116	Larry Murphy
S—5057	S.F.	2116	Jim Lind Maggie Tinsman Paul Pate Linn Fuhrman Mark Hagerla Allen Borlaug Harry Slife H. Kay Hedge Sheldon Rittmer Jack Hester John Jensen Ray Taylor Richard Vande Hoef Mary Kramer Dale Tieden

S—5058	S.F.	2116	Dale Tieden Jim Lind
S—5059	S.F.	2116	Jim Lind
S—5060	S.F.	2116	Dale Tieden
S—5061	S.F.	2116	Richard Vande Hoef Ray Taylor

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:50 p.m., until 9:00 a.m., Friday, February 14, 1992.

JOURNAL OF THE SENATE

THIRTY-THIRD CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 14, 1992

The Senate met in regular session at 9:05 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Charles Klink, pastor of the Asbury United Methodist Church, Wellman, Iowa.

The Journal of Thursday, February 13, 1992, was approved.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2036** be referred from the Regular Calendar to the committee on **Commerce** and returned to the Senate Calendar by 5:00 p.m., Thursday, February 20, 1992.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 101.

Senate Resolution 101

On motion of Senator Hutchins, Senate Resolution 101, a resolution relating to gubernatorial appointments requiring Senate confirmation, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Resolution 101, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boswell until he arrives on request of Senator Hutchins.

ADOPTION OF RESOLUTIONS
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 109.

Senate Concurrent Resolution 109

On motion of Senator Tieden, Senate Concurrent Resolution 109, a concurrent resolution urging the United States Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project, was taken up for consideration.

Senator Tieden moved the adoption of Senate Concurrent Resolution 109, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 108.

Senate Concurrent Resolution 108

On motion of Senator Priebe, Senate Concurrent Resolution 108, a concurrent resolution to encourage the establishment of the National Association of Swine Records in Des Moines, Iowa, and the support of the Association to increase performance of purebred swine and to assist purebred swine producers, was taken up for consideration.

Senator Priebe moved the adoption of Senate Concurrent Resolution 108, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2136.

Senate File 2136

On motion of Senator Murphy, Senate File 2136, a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax on

solid waste collection and disposal services and consulting services, and providing an effective date, was taken up for consideration.

Senator Kinley offered amendment S—5063 filed by him from the floor to pages 1, 2, 4, 5 and the title page of the bill.

The Senate stood at ease until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, Senator Connolly presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 10:18 a.m.

The vote revealed 38 present, 12 absent and a quorum present.

BUSINESS PENDING

Senate File 2136

The Senate resumed consideration of Senate File 2136 and amendment S—5063.

Senator Hutchins asked and received unanimous consent that action on amendment S—5063 and **Senate File 2136** be **deferred.**

UNFINISHED BUSINESS
(Deferred February 7, 1992)

House File 695

The Senate resumed consideration of House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates, deferred February 7, 1992.

Senator Dieleman 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. 695) the vote was:

Ayes, 40:

Borlaug	Buhr	Deluhery	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Vande Hoef	Varn

Nays, 8:

Connolly	Hester	Jensen	Palmer
Peterson	Rosenberg	Tinsman	Welsh

Absent or not voting, 2:

Boswell	Sturgeon

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

Senator Dieleman asked and received unanimous consent that **Senate File 540** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS
(Deferred February 7, 1992)

Senate File 2010

The Senate resumed consideration of Senate File 2010, a bill for an act relating to the classification of certain types of ammunition as offensive weapons and making a penalty applicable, and amendment S—5007, as amended, by the committee on Judiciary to page 1 and the title page of the bill, deferred February 7, 1992.

Senator Murphy called up the motion to reconsider the vote by which amendment S—5022 to amendment S—5007 to Senate File 2010 was adopted by the Senate on February 7, 1992, filed

by him on February 7, 1992, found on page 262 of the Senate Journal and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2010) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Buhr	Connolly	Deluhery	Drake
Fraise	Fuhrman	Gronstal	Hannon
Hedge	Hester	Horn	Hutchins
Jensen	Kramer	Lind	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 23:

Borlaug	Dieleman	Doyle	Gettings
Hagerla	Husak	Kersten	Kibbie
Kinley	McLaren	Miller	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Running	Slife	Soorholtz
Taylor	Tieden	Vande Hoef	

Absent or not voting, 1:

Boswell

The motion prevailed and amendment S—5022 by Senator Doyle to amendment S—5007 was taken up for reconsideration.

Senator Doyle moved the adoption of amendment S—5022 to amendment S—5007.

A record roll call was requested.

On the question "Shall amendment S—5022 to amendment S—5007 be adopted?" (S.F. 2010) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Borlaug	Dieleman	Doyle	Drake
Gettings	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Pate
Peterson	Priebe	Rife	Rittmer
Running	Slife	Soorholtz	Taylor
Tieden	Vande Hoef		

Nays, 22:

Buhr	Connolly	Deluhery	Fuhrman
Gronstal	Hagerla	Hannon	Hedge
Hester	Jensen	Lind	Murphy
Palmer	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Absent or not voting, 2:

Boswell	Fraise

Amendment S—5022 was adopted.

Senator Connolly moved the adoption of amendment S—5007 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5007 as amended, the Chair ruled amendment S—5014 filed by Senator Doyle on January 30, 1992, to page 1 of the bill, out of order.

Senator Connolly offered amendment S—5068 filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—5068 was adopted by a voice vote.

Senator Connolly offered amendment S—5069 filed by him from the floor to page 1 of the bill.

Senator Doyle raised the point of order that amendment S—5069 was out of order because the same subject matter had previously been considered by the Senate.

The Chair ruled the point not well taken and amendment S—5069 in order.

Senator Connolly moved the adoption of amendment S—5069.

A record roll call was requested.

On the question "Shall amendment S—5069 be adopted?" (S.F. 2010) the vote was:

Ayes, 20:

Buhr	Connolly	Deluhery	Fuhrman
Gronstal	Hannon	Hedge	Hester
Kramer	Lind	Lloyd-Jones	Palmer
Riordan	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn

Nays, 28:

Borlaug	Dieleman	Doyle	Drake
Fraise	Gettings	Hagerla	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Rittmer	Running	Soorholtz
Taylor	Tieden	Vande Hoef	Welsh

Absent or not voting, 2:

Boswell	Hutchins

Amendment S—5069 lost.

Senator Connolly asked and received unanimous consent that action on **Senate File 2010** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie for the remainder of the day on request of Senator Hutchins.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2109

On motion of Senator Sorenson, Senate File 2109, a bill for an

act relating to mileage reimbursement for county supervisors, was taken up for consideration.

Senator Borlaug offered amendment S—5037 filed by Senators Borlaug, et al., on February 7, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5037 was adopted by a voice vote.

Senator Sorensen 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. 2109) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Kibbie

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

BUSINESS PENDING

Senate File 2136

The Senate resumed consideration of Senate File 2136, a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax

on solid waste collection and disposal services and consulting services, and providing an effective date, and amendment S—5063 by Senator Kinley to pages 1, 2, 4, 5 and the title page of the bill, previously deferred.

Action on amendment S—5063 was deferred for consideration of amendment S—5072.

Senator Fuhrman offered amendment S—5072 filed by Senators Fuhrman, et al., from the floor to strike everything after the enacting clause and the title page of the bill.

Senator Murphy raised the point of order that amendment S—5072 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5072 out of order.

The Senate resumed consideration of amendment S—5063 by Senator Kinley to pages 1, 2, 4, 5 and the title page of the bill, previously deferred.

Senator Kersten asked and received unanimous consent to withdraw amendment S—5067 filed by Senators Kersten, et al., from the floor to pages 2-4 and the title page of the bill.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery for the remainder of the day on request of Senator Hutchins and Senator Fuhrman for the remainder of the day on request of Senator Rife.

BUSINESS PENDING

Senate File 2136

The Senate resumed consideration of Senate File 2136 and amendment S—5063.

Senator Kinley moved the adoption of amendment S—5063.

A record roll call was requested.

On the question "Shall amendment S—5063 be adopted?" (S.F. 2136) the vote was:

Ayes, 37:

Borlaug	Boswell	Buhr	Connolly
Dieleman	Doyle	Fraise	Gettings
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kinley	Kramer	Lind	McLaren
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Running	Slife	Soorholtz	Sorensen
Taylor	Tieden	Tinsman	Vande Hoef
Welsh			

Nays, 9:

Drake	Gronstal	Hutchins	Lloyd-Jones
Miller	Riordan	Rosenberg	Szymoniak
Varn			

Absent or not voting, 4:

Deluhery	Fuhrman	Kibbie	Sturgeon

Amendment S—5063 was adopted.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2136** be **deferred.**

INTRODUCTION OF BILLS

Senate File 2142, by committee on Education, a bill for an act to establish a comprehensive school transformation program.

Read first time and **placed on calendar.**

Senate File 2143, by committee on Education, a bill for an act relating to the hours of employment of persons under the age of eighteen, restricting the hours of employment during the time when school is in session, restricting the hours that a person can be employed during a day, and providing an exemption from the hourly restriction for certain persons from a public school superintendent or the authorities in charge of a nonpublic school.

Read first time and **placed on calendar.**

Senate File 2144, by Priebe, a bill for an act relating to an unpaid leave of absence for state officers and employees for the fiscal year beginning July 1, 1992.

Read first time and **passed on file.**

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 February 12, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2165, a bill for an act relating to disputes regarding health service charges in workers' compensation cases.

This bill was read first time and **passed on file.**

House File 2172, a bill for an act relating to nonsubstantive Code corrections.

This bill was read first time and **passed on file.**

APPENDIX

PRESENTATION OF VISITORS

Senator Riordan presented Doug Reynolds, 1991-92 Iowa FFA President, who lives and farms near Redfield. He will be attending the FFA Legislative Symposium on February 18 at the Iowa Historical Building.

Senator Sturgeon presented Nancy Mouats from North High School in Sioux City, Iowa's 1992-93 Teacher of the Year. She was accompanied by her son Jeff.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-six sixth, seventh and eighth grade students from John Adams Middle School, Mason City, Iowa, accompanied by Lee Anne Mairs. Senator Miller.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 13, 1992, 10:12 a.m.

Members Present: Riordan, Chair; Kramer and Lloyd-Jones.

Members Absent: Boswell, Vice Chair and Borlaug, Ranking Member (both excused).

Committee Business: Congressman Neal Smith appeared before the committee.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 13, 1992, 10:55 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Members Absent: none.

Committee Business: Congressman Neal Smith appeared before the committee; presentations by United Students of Iowa and students from three universities.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 13, 1992, 9:55 a.m.

Members Present: Gettings, Chair and Doyle, Vice Chair.

Members Absent: Kersten, Ranking Member; Connolly and Jensen.

Committee Business: Reviewed RISE and fund balances and DOT fuel management plan; update of federal funding and distribution formula.

Adjourned: 11:35 a.m.

EDUCATION

Convened: February 13, 1992, 3:05 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Approved SSBs 2116 and 2040 as committee bills; amended Senate File 2020 and ordered redrafted for final approval as a committee bill.

Adjourned: 4:00 p.m.

JUDICIARY

Convened: February 13, 1992, 4:12 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn.

Members Absent: Murphy.

Committee Business: Recommended passage of Senate File 2059 as amended; recommended confirmation of governor's appointees.

Adjourned: 4:32 p.m.

RULES AND ADMINISTRATION

Convened: February 13, 1992, 8:40 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Jensen and Kinley.

Members Absent: Husak, Lloyd-Jones and Soorholtz.

Committee Business: Assigned a bill to subcommittee; approved proposed committee resolution relating to governor's appointees.

Adjourned: 8:55 a.m.

STATE GOVERNMENT

Convened: February 13, 1992, 1:32 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Pate.

Committee Business: Assigned bills to subcommittees; approved SSB 2007 as a committee bill; amended and approved SSB 2061 as a committee bill; recommended passage of House Joint Resolution 4.

Adjourned: 2:40 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2116, the following corrections were made:

1. Page 2, line 1, the word and number "section 101" were changed to the word and number "section 1".

2. Page 3, line 6, the word and number "section 3" were changed to the word and number "section 5".

3. Page 11, line 1, the word and number "section 101" were changed to the word and number "section 1".

4. Page 11, line 5, the word and number "section 102" were changed to the word and number "section 2".

5. Page 11, line 8, the word and number "Section 15" were changed to the word and number "Section 21".

6. Page 11, line 10, the word and number "Section 16" were changed to the word and number "Section 22".

JOHN F. DWYER
Secretary of the Senate

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 14th day of February, 1992:

Senate File 2032.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

JUDICIARY

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following Governor's appointments, completed its investigations on February 13, 1992, and recommended the appointees be confirmed:

Betty Jean Clark as a member of the Criminal and Juvenile Justice Planning Advisory Council.

David J. Blair, Perry K. Hummel and Richard P. Tekippe as members of the Indigent Defense Advisory Commission.

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointments, completed its investigations on February 13, 1992, and recommended the appointees be confirmed:

Donna Brosdahl as a member of the Accountancy Examining Board.

Gary T. Gee as a member of the Campaign Finance Disclosure Commission.

Laura J. Stensrud as a member of the Medical Examining Board.

John E. Knapp as a member of the Real Estate Commission.

COMMITTEE REPORTS

EDUCATION

Final Bill Action: *SENATE FILE 2142 (SSB 2040), a bill for an act to establish a comprehensive school transformation program, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2142 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2143 (SSB 2116), a bill for an act relating to the hours of employment of persons under the age of eighteen, restricting the hours of employment during the time when school is in session, restricting the hours that a person can be employed during a day, and providing an exemption from the hourly restriction for certain persons from a public school superintendent or the authorities in charge of a nonpublic school.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Deluhery, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Taylor, Tieden, Tinsman and Varn. Nays, 1: Dieleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2059, a bill for an act relating to the theft of milk containers and the applicability of a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5071.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2144	Appropriations
H.F.	2165	Business and Labor Relations
H.F.	2172	Judiciary

STUDY BILLS RECEIVED

SSB 2171 Agriculture

Relating to the capital access program.

SSB 2172 Agriculture

Relating to the production of ethanol, providing for the appropriation and allocation of moneys, and providing applicability dates.

SSB 2173 Small Business & Economic Development

Relating to the transfer of rural retail businesses, by creating an assistance program and providing for the deposit of state moneys.

SSB 2174 Small Business & Economic Development

Relating to distribution of funds within, payments made by, and payments made to the department of economic development and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2139

LOCAL GOVERNMENT: Miller, Chair; Fraise and Rittmer

SSB 2171

AGRICULTURE: Priebe, Chair; Boswell and McLaren

SSB 2172

AGRICULTURE: Husak, Chair; Boswell, McLaren, Priebe and Soorholtz

SSB 2173

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Hannon, Chair; Borlaug, Kibbie, Rittmer and Sorensen

SSB 2174

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Miller, Chair; Pate and Peterson

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent on February 7, 1992.

Had I been present, I would have voted "nay" on House File 2086 and "aye" on Senate File 2011.

RICHARD VANDE HOEF

AMENDMENTS FILED

S—5062	S.F.	316	Larry Murphy Elaine Szymoniak Mary Kramer
S—5063	S.F.	2136	George R. Kinley
S—5064	S.F.	2136	Larry Murphy
S—5065	S.F.	316	Elaine Szymoniak Mary E. Kramer
S—5066	S.F.	2136	Larry Murphy Wally Horn Joe Welsh
S—5067	S.F.	2136	Jim Kersten Derryl McLaren Allen Borlaug Dale Tieden Ray Taylor John Soorholtz

			Jim Lind
			Richard Vande Hoef
			Mary Kramer
S—5068	S.F.	2010	Mike Connolly
S—5069	S.F.	2010	Mike Connolly
S—5070	S.F.	2136	Larry Murphy
			Beverly Hannon
S—5071	S.F.	2059	Judiciary
S—5072	S.F.	2136	Linn Fuhrman
			Ray Taylor
			Maggie Tinsman
			Paul Pate
			Jim Kersten
			Derryl McLaren

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 12:12 p.m., until 10:00 a.m., Monday, February 17, 1992.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 17, 1992

The Senate met in regular session at 10:09 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Reverend Neil Cross, pastor of the United Methodist Church, Pella, Iowa.

The Journal of Friday, February 14, 1992, was approved.

INTRODUCTION OF BILLS

Senate File 2145, by Running, a bill for an act relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and licensing agencies, and providing penalties.

Read first time and **passed on file.**

Senate File 2146, by Vande Hoef, a bill for an act relating to educational standards, providing for an exception to the physical education requirements, separation of instructional time for certain aspects of the human growth and development curriculum, and providing for an alternative method of accreditation for public and nonpublic schools.

Read first time and **passed on file.**

Senate File 2147, by Peterson, a bill for an act relating to funeral escorts and creating a penalty.

Read first time and **passed on file.**

Senate File 2148, by committee on State Government, a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the morning on request of Senator Rife.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2108

On motion of Senator Kibbie, Senate File 2108, a bill for an act relating to the registration and use of boats and motorboats, was taken up for consideration.

Senator Kibbie 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. 2108) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Deluhery	Hester	Soorholtz

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soorholtz until he arrives on request of Senator Rife.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2112

On motion of Senator Horn, Senate File 2112, a bill for an act relating to the sale of beer and alcoholic liquor by a native wine manufacturer, was taken up for consideration.

Senator Kibbie offered amendment S—5050 filed by Senators Kibbie and Horn on February 12, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5050 was adopted by a voice vote.

Senator Horn 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. 2112) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg

Running	Slife	Sturgeon	Szymoniak
Tieden	Tinsman	Varn	Welsh

Nays, 7:

Dieleman	Hedge	Jensen	Rensink
Sorensen	Taylor	Vande Hoef	

Absent or not voting, 3:

Deluhery	Hester	Soorholtz

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

UNFINISHED BUSINESS
(Deferred February 14, 1992)

Senate File 2136

The Senate resumed consideration of Senate File 2136, a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax on solid waste collection and disposal services and consulting services, and providing an effective date, deferred on February 14, 1992.

Senator Murphy offered amendment S—5070 filed by Senators Murphy and Hannon on February 14, 1992, to page 1 and the title page of the bill.

Senator Lind raised the point of order that amendment S—5070 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5070 in order.

Senator Murphy moved the adoption of amendment S—5070 and requested a record roll call.

On the question "Shall amendment S—5070 be adopted?" (S.F. 2136) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 12:

Gronstal	Hannon	Hutchins	Jensen
Kramer	Lloyd-Jones	Priebe	Rosenberg
Sturgeon	Tinsman	Vande Hoef	Varn

Nays, 36:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hedge	Horn	Husak	Kersten
Kibbie	Kinley	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Rensink	Rife	Riordan
Rittmer	Running	Slife	Sorensen
Szymoniak	Taylor	Tieden	Welsh

Absent or not voting, 2:

Hester	Soorholtz

Amendment S—5070 lost.

Senator Murphy offered amendment S—5064 filed by him on February 14, 1992, to pages 2-4 and the title page of the bill.

President Gronstal took the chair at 11:20 a.m.

Senator Murphy moved the adoption of amendment S—5064 and requested a record roll call.

On the question "Shall amendment S—5064 be adopted?" (S.F. 2136) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 29:

Boswell	Connolly	Deluhery	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hedge	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	McLaren	Murphy
Pate	Rife	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef			

Nays, 18:

Buhr	Dieleman	Gronstal	Horn
Jensen	Lloyd-Jones	Miller	Palmer
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Tieden
Varn	Welsh		

Absent or not voting, 3:

Borlaug	Hester	Soorholtz

Amendment S—5064 was adopted.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2136** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2067

On motion of Senator Priebe, Senate File 2067, a bill for an act to require the treasurer of state to advertise for and take bids for the services of persons to conduct public auctions for the disposition of unclaimed property, with report of committee recommending passage, was taken up for consideration.

Senator Priebe 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. 2067) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon

Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hester	Husak	Soorholtz

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

Senate File 325

On motion of Senator Doyle, Senate File 325, a bill for an act relating to the administration of care provided and drugs administered to horses engaged in racing, was taken up for consideration.

Senator Doyle 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. 325) the vote was:

Ayes, 35:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fuhrman
Gronstal	Hannon	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Rife	Riordan	Rittmer
Running	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Welsh	

Nays, 9:

Dieleman	Fraise	Hagerla	Hedge
Rensink	Rosenberg	Taylor	Vande Hoef
Varn			

Voting present, 1:

Priebe

Absent or not voting, 5:

Gettings	Hester	Lloyd-Jones	Slife
Soorholtz			

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:45 a.m., until 4:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2175 Transportation

Designating state highway 3 as "Veterans Memorial Highway".

SSB 2176 State Government

Relating to benefits under the Iowa public employees' retirement system for certain veterans of the armed forces.

SSB 2177 State Government

Relating to the sale of alcoholic beverages by a native wine manufacturer and to transactions between wholesalers and retailers of alcoholic beverages.

SSB 2178 State Government

Relating to authorization of state departments' acceptance of payments by credit card.

SSB 2179 State Government

Relating to cosmetology arts and sciences and imposing fees and penalties.

SSB 2180 State Government

Authorizing the licensing of video lottery games in a county after a favorable referendum.

SSB 2181 Business & Labor Relations

Relating to the qualification for unemployment compensation of certain employees of educational institutions.

SSB 2182 Business & Labor Relations

Relating to benefits provided to permanent part-time employees.

SSB 2183 Business & Labor Relations

Relating to drug testing of employees and applicants for employment.

SSB 2184 Human Resources

Relating to community mental health centers.

SSB 2185 Human Resources

Relating to the availability of adoption records for the purpose of research or treatment of a patient in a medical facility.

PETITIONS

The following petitions were presented and placed on file by:

Senator Dieleman from 83 residents of Polk County opposing legislation increasing the excise tax on cigarettes.

Senator Dieleman from 1,922 residents of Marion County opposing legislation removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices.

Senator Tieden from 21 residents of Winneshiek County opposing legislation restricting snowmobiling across C.R.P. acres.

The following petitions supporting the continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Fraise from 262 residents of Van Buren County.
Senator Gronstal from 19 residents of Pottawattamie County.
Senator Hester from 127 residents of Harrison County.
Senator Husak from 129 residents of Tama County.
Senator Hutchins from 698 residents of Iowa.
Senator Kibbie from 1,656 residents of Iowa.
Senator Taylor from 237 residents of Hardin County.
Senator Vande Hoef from 1,957 residents of Osceola, O'Brien, Cherokee and Lyon Counties.

The following petitions opposing legislation removing drivers license stations from the jurisidiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices were presented and placed on file by:

Senator Buhr from 554 residents of Polk County.
Senator Fraise from 2,100 residents of Polk County.
Senator Hannon from 875 residents of Jones County.

Senator Husak from 594 residents of Black Hawk County.
Senator Husak from 652 residents of Iowa.
Senator Jensen from 978 residents of Iowa.
Senator Jensen from 478 residents of Bremer County.
Senator Kinley from 500 residents of Iowa.
Senator Kinley from 554 residents of Polk County.
Senator Kramer from 554 residents of Polk County.
Senator Palmer from 554 residents of Polk County.
Senator Taylor from 22 residents of Hardin County.

NOTICE OF HEARING

Jim R. Schwiesow, appointed by the Governor to the Board of Corrections, will appear before the Senate Judiciary investigating committee on February 20, 1992, at 8:00 a.m., Room 24, State Capitol Building.

LARRY MURPHY, Chair
SENATE INVESTIGATING COMMITTEE

COMMUNICATION FROM THE GOVERNOR

The following communication was placed on file in the office of the Secretary of the Senate:

February 14, 1992

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
L O C A L

Dear Mr. Dwyer:

Due to the resignation of Steve Churchill from the Iowa State Civil Rights Commission, I am withdrawing his name for consideration by the Senate for this appointment.

Sincerely,
TERRY E. BRANSTAD
Governor

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 14, 1992, when the vote was taken on amendment S—5022 to Senate File 2010.

Had I been present, I would have voted "aye".

EUGENE FRAISE

SUBCOMMITTEE ASSIGNMENTS

Senate File 2125

HUMAN RESOURCES: Szymoniak, Chair; Sturgeon and Taylor

Senate File 2126

HUMAN RESOURCES: Buhr, Chair; Hannon and Taylor

Senate File 2127

TRANSPORTATION: Kinley, Chair; Lloyd-Jones and Slife

Senate File 2130

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Boswell, Chair; Miller and Pate

Senate File 2137

TRANSPORTATION: Jensen, Chair; Fraise and Gettings

Senate File 2140

HUMAN RESOURCES: Riordan, Chair; Buhr and Rittmer

SSB 2175

TRANSPORTATION: Welsh, Chair; Connolly and Kersten

SSB 2176

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Murphy and Rife

SSB 2177

STATE GOVERNMENT: Horn, Chair; Doyle, Lind, Soorholtz and Welsh

SSB 2178

STATE GOVERNMENT: Sorensen, Chair; Buhr, Doyle, Lind and Soorholtz

SSB 2179

STATE GOVERNMENT: Running, Chair; Buhr, Soorholtz, Vande Hoef and Welsh

SSB 2180

STATE GOVERNMENT: Kibbie, Chair; Doyle, Priebe, Soorholtz and Vande Hoef

SSB 2185

HUMAN RESOURCES: Szymoniak, Chair; Horn and Kramer

COMMITTEE REPORTS

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2148 (SSB 2061), a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2136, a bill for an act relating to the designated route of interstate 80.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, and Welsh. Nays, 4: Kinley, Lloyd-Jones, Pate and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:02 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2149, by Connolly, a bill for an act relating to the licensing of boiler service technicians by the labor commissioner.

Read first time and **passed on file.**

Senate File 2150, by Running, a bill for an act to authorize the establishment of quality management or improvement programs at community colleges, and qualifying the offering of those programs by a community college for receipt of moneys as a quality instructional center.

Read first time and **passed on file.**

Senate File 2151, by Lind and Kersten, a bill for an act exempting certain public utilities conducting energy efficiency projects or programs from access and audit requirements.

Read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the remainder of the day on request of Senator Rife.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2049

On motion of Senator Sorensen, Senate File 2049, a bill for an

act relating to the establishment of a registration program for certified backflow assembly testers, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen 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. 2049) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hester

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

Senate File 2110

On motion of Senator Tinsman, Senate File 2110, a bill for an act exempting twelfth grade students from physical education requirements under certain conditions, was taken up for consideration.

Senator Tinsman asked and received unanimous consent that action on **Senate File 2110** be **deferred.**

Senate File 2134

On motion of Senator Buhr, Senate File 2134, a bill for an act relating to a city officer's or employee's permissible interest in a franchise agreement, was taken up for consideration.

Senator Buhr 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. 2134) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hester	Sturgeon

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

BUSINESS PENDING

Senate File 2110

The Senate resumed consideration of Senate File 2110, a bill for an act exempting twelfth grade students from physical education requirements under certain conditions, previously deferred.

Senator Lind offered amendment S—5074 filed by Senators Lind, Murphy and Kibbie from the floor to page 1 and the title page of the bill.

Senator Tinsman raised the point of order that amendment S—5074 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5074 in order.

Senator Lind moved the adoption of amendment S—5074.

A record roll call was requested.

On the question "Shall amendment S—5074 be adopted?" (S.F. 2110) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 5:

Hannon	Lind	Murphy	Riordan
Sturgeon			

Nays, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lloyd-Jones	McLaren
Miller	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Absent or not voting, 1:

Hester

Amendment S—5074 lost.

Senator Tinsman 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. 2110) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lloyd-Jones	McLaren
Miller	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 7:

Hutchins	Lind	Murphy	Peterson
Riordan	Sorensen	Sturgeon	

Absent or not voting, 1:

Hester

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2132

On motion of Senator Doyle, Senate File 2132, a bill for an act relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with a declaratory ruling of the administrator, was taken up for consideration.

Senator Doyle 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. 2132) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hester

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

Senate File 2094

On motion of Senator Gettings, Senate File 2094, a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records, was taken up for consideration.

Senator Rittmer offered amendment S—5076 filed by Senators Rittmer, et al., from the floor to pages 1 and 2 of the bill.

Senator Hutchins raised the point of order that amendment S—5076 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5076 out of order.

Senator Gettings offered amendment S—5038 filed by him on February 7, 1992, to page 2 of the bill.

Senator Drake raised the point of order that amendment S—5038 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5038 out of order.

Senator Gettings 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. 2094) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hester

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

INTRODUCTION OF BILLS

Senate File 2152, by Connolly, a bill for an act relating to the reimbursement of rent constituting property taxes paid on certain homesteads and providing for an applicability date.

Read first time and **passed on file.**

Senate File 2153, by committee on State Government, a bill for an act relating to the establishment of a gamblers assistance program, creating an advisory committee, and specifying the powers and duties of the director of human services and the advisory committee.

Read first time and **placed on calendar.**

Senate File 2154, by committee on State Government, a bill for an act providing for certain state employees who are not members of the general assembly to continue to participate in certain health or medical insurance programs upon retiring between the ages of fifty-five and sixty-five, requiring school districts to extend certain benefits as an early retirement incentive, and providing an effective date.

Read first time and **placed on calendar.**

APPENDIX

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

JUDICIARY

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following governor's appointments, completed its investigations on February 17, 1992, and recommended the appointees be confirmed:

Mary Ann Brown, Carolyn D. Grupp and Gopal T.K. Krishna as members of the Indigent Defense Advisory Commission.

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on February 17, 1992, and recommended the appointees be confirmed:

Sylvester Grady as a member of the Commission on the Status of African-Americans.

Linda Hanson as Director of the Department of Personnel.

Susan S. Baska as a member of the Iowa Emergency Response Commission.

James D. Collins, Jr., M.D. and Johanna B. Walen, M.D. as members of the Medical Examining Board.

Jill M. Miller as a member of the Speech Pathology & Audiology Examining Board.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2049 passed the Senate on February 17, 1992.

RICHARD VANDE HOEF

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2094 passed the Senate on February 17, 1992.

WILMER RENSINK

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 17, 1992, when the vote was taken on Senate File 2134.

Had I been present, I would have voted "aye".

AL STURGEON

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2145	Business & Labor Relations
S.F.	2146	Education
S.F.	2147	Transportation
S.F.	2149	Business & Labor Relations
S.F.	2150	Education
S.F.	2151	Environment & Energy Utilities

COMMITTEE REPORTS

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2153 (SSB 2062), a bill for an act relating to the establishment of a gamblers assistance program, creating an advisory committee, and specifying the powers and duties of the director of human services and the advisory committee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 2: Doyle and Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2154 (Formerly Senate File 2016), a bill for an act providing for certain state employees who are not members of the general assembly to participate in state health or medical insurance programs upon retiring between the ages of fifty-five and sixty-five, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kibbie, Lloyd-Jones, Buhr, Dieleman, Horn, Murphy, Priebe, Running, Soorholtz, Sorensen and Welsh. Nays, 6: Lind, Drake, McLaren, Pate, Rife and Vande Hoef. Pass, 1: Kramer. Absent, 2: Doyle and Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5073	S.F.	2136	George Kinley
S—5074	S.F.	2110	Jim Lind
			Larry Murphy
			John Kibbie
S—5075	S.F.	2142	Jim Lind
S—5076	S.F.	2094	Sheldon Rittmer
			Richard Drake
			Jim Lind
			John Kibbie
			Wally Horn
			Mike Connolly
			Richard Running
			Emil Husak
			Paul Pate
			Berl Priebe
			George Kinley
			John Soorholtz

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Tuesday, February 18, 1992.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 18, 1992

The Senate met in regular session at 9:05 a.m., President Gronstal presiding.

Prayer was offered by the Honorable John P. Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

The Journal of Monday, February 17, 1992, was approved.

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 February 13, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2008, a bill for an act amending and repealing obsolete provisions of the Iowa employment security law.

This bill was read first time and **passed on file.**

House File 2166, a bill for an act relating to implements of husbandry, by providing certain regulatory exemptions for machinery used to mix and dispense nutrients to bovine animals.

This bill was read first time and **passed on file.**

ALSO: That the House has on February 13, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 260, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date (S—5078).

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:28 a.m., until 4:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2186 State Government

Relating to the use of tax credits on pari-mutuel wagers on horse races.

SSB 2187 State Government

Relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

SSB 2188 Appropriations

Relating to the construction of a state correctional facility financed by the sale of general obligation bonds and a real property tax levy, providing for the submission of the issue to the people to be voted upon at the general election held in 1992, and providing effective dates.

SSB 2189 Natural Resources

To prohibit the snagging of paddlefish in the Big Sioux river.

SSB 2190 Ways & Means

Disallowing for individual and corporate income tax purposes expenses incurred in performing or furnishing lobbying services by or on behalf of the taxpayer and providing effective and applicability dates.

SSB 2191 Judiciary

Relating to grandparent visitation rights.

SSB 2192 Judiciary

Relating to sexual abuse or sexual exploitation by a counselor or therapist.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 17, 1992, 2:20 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; discussed and deferred action on SSB 2015; approved SSB 2147 as a committee bill.

Adjourned: 3:10 p.m.

JUDICIARY

Convened: February 17, 1992, 1:38 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Hester (excused).

Committee Business: Recommended confirmation of governor's appointees; amended and approved SSB 2114 as a committee bill.

Adjourned: 2:14 p.m.

STATE GOVERNMENT

Convened: February 17, 1992, 3:04 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Gronstal (excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2145 and 2062 and Senate File 2016 as committee bills.

Adjourned: 3:27 p.m.

TRANSPORTATION

Convened: February 17, 1992, 2:25 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate, Slife and Welsh.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of House File 2136.

Adjourned: 2:45 p.m.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 14, 1992. Had I been present, I would have voted as follows:

"Aye" on House File 695; "nay" on the motion to reconsider amendment S—5022 to amendment S—5007 to Senate File 2010; "aye" on amendment S—5022 to amendment S—5007 to Senate File 2010; and "nay" on amendment S—5069 to Senate File 2010.

LEONARD L. BOSWELL

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2108 passed the Senate on February 17, 1992.

EMIL J. HUSAK

REPORT OF STANDING COMMITTEE
(Place nominee on En Bloc Confirmation Calendar)

AGRICULTURE

Pursuant to Senate Rule 59, the committee on Agriculture assigned to investigate the following Governor's appointment, completed its investigation on February 18, 1992, and recommended the appointee be confirmed:

Mary Ann B. Drish as a member of the State Soil Conservation Committee.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 18, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2032 — Relating to the manufacture and disposition of beer by special class "A" permittees.

CERTIFICATE OF RECOGNITION

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

Nancy Mounts, Sioux City — For being named as the 1992 Iowa Teacher of the Year. Senator Sturgeon (2-14-92).

SUBCOMMITTEE ASSIGNMENTS

Senate File 2036

COMMERCE: Varn, Chair; Deluhery and Jensen

Senate File 2093

AGRICULTURE: Peterson, Chair; Fraise and Rittmer

Senate File 2124

JUDICIARY: Rosenberg, Chair; Drake and Murphy

Senate File 2147

TRANSPORTATION: Kinley, Chair; Drake and Lloyd-Jones.

House File 2165

BUSINESS AND LABOR RELATIONS: Peterson, Chair; Buhr and Fuhrman

House File 2172

JUDICIARY: Varn, Chair; Deluhery and Fuhrman

SSB 2181

BUSINESS AND LABOR RELATIONS: Running, Chair; Sturgeon and Taylor

SSB 2182

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Running and Slife

SSB 2183

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Buhr and Rensink

SSB 2184

HUMAN RESOURCES: Murphy, Chair; Riordan and Rittmer

SSB 2186

STATE GOVERNMENT: Kibbie, Chair; Buhr, Lind, Soorholtz and Welsh

SSB 2187

STATE GOVERNMENT: Kibbie, Chair; Buhr, Lind, Soorholtz and Welsh

SSB 2191

JUDICIARY: Sturgeon, Chair; Hester and Horn

SSB 2192

JUDICIARY: Rosenberg, Chair; Pate and Varn

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2158 (formerly Senate File 2020), a bill for an act relating to the definition of children requiring special education.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2155 (SSB 2145), a bill for an act providing for registration and title protection of interior designers, providing fees and penalties, and providing applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Drake, Horn, Kramer, McLaren, Murphy, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, 3: Buhr, Dieleman and Pate. Absent or not voting, 2: Doyle and Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5077	S.F.	2154	John Kibbie Wally Horn
S—5078	S.F.	260	House amendment
S—5079	S.F.	2133	John Jensen

AFTERNOON SESSION

The Senate reconvened at 4:05 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2155, by committee on State Government, a bill for an act providing for registration and title protection of interior designers, providing fees and penalties, and providing applicability dates.

Read first time and **placed on calendar.**

Senate File 2156, by Sorensen, a bill for an act relating to requirements for the annual financial reports of counties.

Read first time and **passed on file.**

Senate File 2157, by Taylor, a bill for an act relating to drug testing of employees and applicants for employment.

Read first time and **passed on file.**

Senate File 2158, by committee on Education, a bill for an act relating to the definition of children requiring special education.

Read first time and **placed on calendar.**

Senate File 2159, by committee on Agriculture, a bill for an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, and providing applicability dates.

Read first time and **placed on calendar.**

COMMUNICATION FROM THE GOVERNOR

The following communication was presented and placed on file:

November 1, 1992

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
L O C A L

Dear Mr. Dwyer,

It is my pleasure to submit to the Senate for their consideration, the name of Verlon L. Britt, Elgin, Fayette County, for appointment to the Environmental Protection Commission pursuant to Iowa Code Section 455A.6 (1991), to fulfill an unexpired term beginning immediately and ending April 30, 1993.

Sincerely,
TERRY E. BRANSTAD
Governor

Communication was read and referred to the committee on **Rules and Administration.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2143** be referred from the Regular Calendar to the committee on **Business and Labor Relations.**

UNFINISHED BUSINESS
(Deferred February 14, 1992)

Senate File 2010

The Senate resumed consideration of Senate File 2010, a bill for an act relating to the classification of certain types of

ammunition as offensive weapons and making a penalty applicable, deferred February 14, 1992.

Senator Connolly 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. 2010) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 316

On motion of Senator Welsh, Senate File 316, a bill for an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—5033 filed by the committee on State Government on February 7, 1992, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5033 be adopted?" (S.F. 316) the vote was:

Ayes, 27:

Boswell	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hagerla
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lind	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Varn	Welsh	

Nays, 23:

Borlaug	Buhr	Dieleman	Drake
Fuhrman	Hedge	Hester	Jensen
Kersten	Kramer	Lloyd-Jones	McLaren
Palmer	Pate	Rensink	Rife
Rittmer	Slife	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	

Amendment S—5033 was adopted.

Senator Murphy offered amendment S—5044 filed by Senators Murphy, Szymoniak and Kramer from the floor on February 11, 1992, to pages 1 and 2 of the bill.

Senator Murphy offered amendment S—5062 filed by Senators Murphy, Szymoniak and Kramer on February 14, 1992, to amendment S—5044 and moved its adoption.

Amendment S—5062 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5065 filed by Senators Szymoniak and Kramer on February 14, 1992, to amendment S—5044 and moved its adoption.

Amendment S—5065 was adopted by a voice vote.

Senator Szymoniak filed the following motion to reconsider from the floor and moved its adoption.:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—5065 to amendment S—5044 to Senate File 316 was adopted by the Senate on February 18, 1992.

The motion prevailed by a voice vote and amendment S—5065 by Senators Szymoniak and Kramer to amendment S—5044 was taken up for reconsideration.

With the adoption of amendment S—5062 to amendment S—5044, the Chair ruled amendment S—5065 out of order.

Senator Murphy moved the adoption of amendment S—5044 as amended, which motion prevailed by voice vote.

Senator Welsh offered amendment S—5039 filed by him on February 7, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5039 was adopted by a voice vote.

Senator Hannon withdrew the following motion to reconsider filed by her from the floor.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5033 to Senate File 316 was adopted by the Senate on February 18, 1992.

Senator Welsh 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. 316) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Priebe

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the remainder of the day on request of Senator Hutchins.

MOTION TO RECONSIDER ADOPTED

Senator Szymoniak filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT, I move to reconsider the vote by which Senate File 316 passed the Senate on February 18, 1992.

On the question "Shall the motion to reconsider be adopted?" (S.F. 316) the vote was:

Ayes, 42:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 7:

Borlaug	Hester	Jensen	Running
Taylor	Tieden	Vande Hoef	

Absent or not voting, 1:

Priebe

The motion prevailed.

Senator Szymoniak moved to reconsider the vote by which Senate File 316 went to its last reading, which motion prevailed by a voice vote.

Senate File 316

On motion of Senator Welsh, Senate File 316, a bill for an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution, was taken up for reconsideration.

Senator Szymoniak offered amendment S—5080 filed by Senators Szymoniak and Kramer from the floor to page 2 of the bill and moved its adoption.

Amendment S—5080 was adopted by a voice vote.

Senator Welsh 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. 316) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Fuhrman

Absent or not voting, 1:

Priebe

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

Senator Hutchins asked and received unanimous consent that **Senate Files 2010 and 316** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2160, by Tinsman, a bill for an act relating to the establishment of elder group homes.

Read first time and **passed on file.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2152	Ways and Means
S.F.	2156	Local Government
S.F.	2157	Business & Labor Relations
H.F.	2008	Business & Labor Relations
H.F.	2166	Agriculture

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: *SENATE FILE 2159 (SSB 2172), a bill for an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, and providing applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 1: Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2159 and they were attached to the committee report.

EDUCATION

Final Bill Action: SENATE FILE 2161 (SSB 2095), a bill for an act to change the name of the vocational services area contained in the minimum education standards from consumer and family sciences to family and consumer sciences.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2162 (SSB 2024), a bill for an act transferring approval authority over certain land acquisitions by community colleges to the director of the department of education.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2163 (SSB 2022), a bill for an act relating to the nonvoting membership of the community college council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Rensink, Running, Szymoniak, Tieden and Tinsman. Nays, none. Absent or not voting, 2: Murphy and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2117, a bill for an act relating to implementation of a statewide system utilizing a smartcard.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kibbie, Lloyd-Jones, Lind, Dieleman, Doyle, Drake, Gronstal, Murphy, Pate, Running, Sorensen and Welsh. Nays, 8: Buhr, Horn, Kramer, McLaren, Priebe, Rife, Soorholtz and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2161, by committee on Education, a bill for an act to change the name of the vocational services area contained in the minimum education standards from consumer and family sciences to family and consumer sciences.

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

Senate File 2162, by committee on Education, a bill for an act transferring approval authority over certain land acquisitions by community colleges to the director of the department of education.

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

Senate File 2163, by committee on Education, a bill for an act relating to the nonvoting membership of the community college council.

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

AMENDMENT FILED

S—5080	S.F.	316	Elaine Szymoniak Mary Kramer

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:58 p.m., until 9:00 a.m., Wednesday, February 19, 1992.

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 19, 1992

The Senate met in regular session at 9:05 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Honorable Jack W. Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa.

The Journal of Tuesday, February 18, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal until he arrives on request of Senator Hutchins.

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 February 17, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2204, a bill for an act relating to dissemination of annual reports of county conservation boards.

This bill was read first time and **passed on file.**

House File 2207, a bill for an act conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care law and providing an effective date.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2164, by Kinley, a bill for an act relating to gambling games at a pari-mutuel horse racetrack, providing for the disposition of taxes, and providing an effective date.

Read first time and **passed on file.**

Senate File 2165, by committee on State Government, a bill for an act relating to the standards of conduct for professional engineers and land surveyors.

Read first time and **placed on calendar.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:10 a.m., until 4:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2193 Business & Labor Relations

Relating to the regulation of impairment testing and establishing a pilot project.

SSB 2194 Small Business & Economic Development

Disqualifying certain persons from serving as public board or commission members on the basis of public compensation received.

SSB 2195 Commerce

Relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

SSB 2196 Environment & Energy Utilities

Relating to the establishment and administration of watershed areas, and providing tax levy powers.

SSB 2197 Environment & Energy Utilities

Relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties.

SSB 2198 Small Business & Economic Development

Authorizing a city or county to impose an economic development property tax levy.

COMMUNICATIONS

The following communications were received in the office of the Secretary of the Senate:

January 22, 1992

Mr. John F. Dwyer
Secretary of the Senate
Statehouse
LOCAL

Dear Mr. Dwyer:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the Senate.

These include 121 claims of general nature that were denied by the State Appeal Board during April 1991, through January, 1992.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
Michael L. Fitzgerald
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOHN F. DWYER
Secretary of the Senate

January 22, 1992

Mr. John F. Dwyer
Secretary of the Senate
Statehouse
LOCAL

Dear Mr. Dwyer:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims, and Settlements & Judgements (general torts and highway) paid during 1991 under Chapter 25A.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,
Gretchen Tegeler
Acting Director
DEPARTMENT OF MANAGEMENT

Receipt of the above is hereby acknowledged.

JOHN F. DWYER
Secretary of the Senate

The foregoing items have been filed with the Senate Appropriations Subcommittee on Claims.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 18, 1992, 9:40 a.m.

Members Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member; Hester and Kibbie.

Members Absent: none.

Committee Business: Presentation by the Secretary of Agriculture on international trade bureau.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 18, 1992, 9:45 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member and Tieden.

Members Absent: Murphy.

Committee Business: Presidents from three universities made presentations on their economic development and technological transfer efforts.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 18, 1992, 9:45 a.m.

Members Present: Buhr, Chair; Tinsman, Ranking Member and Rittmer.

Members Absent: Miller, Vice Chair and Hannon (both excused).

Committee Business: Informational meeting regarding grant money for the Bureau of Maternal and Child Health followed by a discussion of performance-based budgeting.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 18, 1992, 9:50 a.m.

Members Present: Szymoniak, Chair; Deluhery, Vice Chair; Hagerla, Ranking Member and Sturgeon.

Members Absent: Fuhrman.

Committee Business: Discussion on child support, X-PERT, medical assistance, SSA, enhanced MH/MR/DD, child welfare and children and family services.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 18, 1992, 9:45 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Gronstal and Taylor.

Members Absent: none.

Committee Business: Action on amendments to shell bill.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 18, 1992, 9:47 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Reviewed governor's proposed budget recommendations for FY'93.

Adjourned: 11:19 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 18, 1992, 9:45 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: Discussed appropriations bill.

Adjourned: 11:00 a.m.

AGRICULTURE

Convened: February 18, 1992, 8:03 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Rittmer and Vande Hoef.

Members Absent: Riordan.

Committee Business: Assigned bills to subcommittees; recommended confirmation of governor's appointee; amended and approved SSB 2172 as a committee bill; presentation on CRP and disaster assistance program by Bob Furleigh.

Adjourned: 8:52 a.m.

EDUCATION

Convened: February 18, 1992, 1:34 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Approved Senate File 2020 as amended as a committee bill; approved SSBs 2022, 2024, 2095 and 2039 as committee bills; assigned bills to subcommittees.

Adjourned: 2:17 p.m.

STATE GOVERNMENT

Convened: February 18, 1992, 3:02 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of Senate File 2104 as amended; recommended passage of Senate File 2117; approved SSBs 2010, 2115 and 2029 as committee bills.

Adjourned: 3:58 p.m.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following governor's appointment to a state commission to a Senate standing committee as indicated for investigation on February 19, 1992:

ENVIRONMENT & ENERGY UTILITIES

Verlon L. Britt — Environmental Protection Commission

BILL HUTCHINS, Chair

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 107

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Hannon and Hedge

Senate File 2081

HUMAN RESOURCES: Riordan, Chair; Kramer and Murphy

Senate File 2089

HUMAN RESOURCES: Riordan, Chair; Rittmer and Sturgeon

Senate File 2091

HUMAN RESOURCES: Riordan, Chair; Kramer and Murphy

Senate File 2095

HUMAN RESOURCES: Horn, Chair; Buhr and Hagerla

Senate File 2122

APPROPRIATIONS: Varn, Chair; Pate and Welsh

Senate File 2143

BUSINESS & LABOR RELATIONS: Palmer, Chair; Slife and Sturgeon

Senate File 2144

APPROPRIATIONS: Varn, Chair; Pate and Welsh

Senate File 2145

BUSINESS & LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

Senate File 2146

EDUCATION: Horn, Chair; Kramer and Murphy

Senate File 2149

BUSINESS & LABOR RELATIONS: Kinley, Chair; Peterson and Rensink

Senate File 2150

EDUCATION: Running, Chair; Kibbie and Lind

Senate File 2151

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Kersten and Rosenberg

Senate File 2156

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Rittmer

Senate File 2157

BUSINESS & LABOR RELATIONS: Sturgeon, Chair; Buhr and Taylor

House File 2008

BUSINESS AND LABOR RELATIONS: Buhr, Chair; Kinley and Slife

SSB 2188

APPROPRIATIONS: Rosenberg, Chair; Kersten and Welsh

SSB 2189

NATURAL RESOURCES: Sturgeon, Chair; Kibbie and Rensink

SSB 2193

BUSINESS & LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

SSB 2194

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Kibbie, Chair; Sorensen and Vande Hoef

SSB 2196

ENVIRONMENT & ENERGY UTILITIES: Miller, Chair; Fraise and Hedge

SSB 2197

ENVIRONMENT & ENERGY UTILITIES: Varn, Chair; Fraise and Kersten

SUBCOMMITTEE ASSIGNMENTS
(Reassigned)

Senate File 44

APPROPRIATIONS: Welsh, Chair; Gettings and Hagerla

Senate File 236

APPROPRIATIONS: Rosenberg, Chair; Buhr and Lind

Senate File 335

APPROPRIATIONS: Gettings, Chair; Pate and Rosenberg

Senate File 367

APPROPRIATIONS: Lloyd-Jones, Chair; Rosenberg and Tinsman

Senate File 2019

APPROPRIATIONS: Welsh, Chair; Lloyd-Jones and Pate

Senate File 2025

APPROPRIATIONS: Boswell, Chair; Gettings and Kersten

COMMITTEE REPORTS

EDUCATION

Final Bill Action: *SENATE FILE 2167 (SSB 2039), a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, providing for a tax, making an appropriation, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Connolly, Horn, Deluhery, Kibbie, Murphy, Running, Szymoniak and Varn. Nays, 7: Taylor, Dieleman, Kramer, Lind, Rensink, Tieden and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2167 and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2168 (SSB 2147), a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2165 (SSB 2010), a bill for an act relating to the standards of conduct for professional engineers and land surveyors.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 1: Running.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2166 (SSB 2029), a bill for an act relating to the regulation of the practice of accountancy by limiting the acts which an accounting practitioner may engage in and amending provisions relating to hearings of the accountancy examining boarrd.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2169 (SSB 2115), a bill for an act relating to rules adopted by the alcoholic beverages division of the department of commerce governing transactions between wholesalers and retailers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S—5081 S.F. 2141 John Kibbie

AFTERNOON SESSION

The Senate reconvened at 4:08 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2166, by committee on State Government, a bill for an act relating to the regulation of the practice of accountancy by limiting the acts which an accounting practitioner may engage in and amending provisions relating to hearings of the accountancy examining board.

Read first time and **placed on calendar.**

Senate File 2167, by committee on Education, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, providing for a tax, making an appropriation, and providing effective dates.

Read first time and **placed on calendar.**

Senate File 2168, by committee on Human Resources, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Read first time and **placed on calendar.**

Senate File 2169, by committee on State Government, a bill for an act relating to rules adopted by the alcoholic beverages division of the department of commerce governing transactions between wholesalers and retailers.

Read first time and **placed on calendar.**

Senate File 2170, by Taylor, Borlaug, and Fuhrman, a bill for an act to permit children to transfer from an accredited school located in the child's district of residence to another accredited school and providing for payment of educational expenses and appeals.

Read first time and **passed on file.**

Senate File 2171, by committee on Local Government, a bill for an act relating to the appeal of local government budgets.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2160	Human Resources
S.F.	2164	State Government
S.F.	2170	Education
H.F.	2204	Natural Resources
H.F.	2207	Judiciary

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

LOCAL GOVERNMENT

Pursuant to Senate Rule 59, the committee on Local Government assigned to investigate the following Governor's appointment, completed its investigation on February 19, 1992, and recommended the appointee be confirmed:

Harley Hiemstra as a member of the City Development Board.

RULES AND ADMINISTRATION

Pursuant to Senate Rule 59, the committee on Rules and Administration assigned to investigate the following Governor's appointments, completed its investigations on February 19, 1992, and recommended the appointees be confirmed:

Claudia J. Niles as Co-Chairperson and Robert D. Ray as Chairperson — Iowa Statehood Sesquicentennial Commission.

COMMITTEE REPORTS

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2101, a bill for an act relating to procedures for the provision of water services within two miles of a city.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Miller, Rittmer, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Szymoniak, Borlaug and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2171 (SSB 2025), a bill for an act relating to the appeal of local government budgets.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Miller, Rittmer, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Szymoniak, Borlaug and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

5082 S.F. 2142 Mike Connolly

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:20 p.m., until 9:00 a.m., Thursday, February 20, 1992.

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 20, 1992

The Senate met in regular session at 9:08 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Reverend Ron Pfluger, pastor of the Bethany Lutheran Church, Cedar Rapids, Iowa.

The Journal of Wednesday, February 19, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Riordan for the remainder of the week on request of Senator Hutchins and Senator Soorholtz for the day on request of Senator Kersten.

INTRODUCTION OF BILLS

Senate Joint Resolution 2003, by Pate, a joint resolution proposing an amendment to the Constitution of the State of Iowa providing for the appointment of the Secretary of State by the Governor.

Read first time and **passed on file.**

Senate File 2172, by Pate, a bill for an act relating to the appointment to office of the secretary of state and providing a conditional effective date.

Read first time and **passed on file.**

Senate File 2173, by Kinley, a bill for an act to prohibit certain state officials and employees, legislative employees, and members of the general assembly from serving as paid registered lobbyists for another person, firm, corporation, or association during a period of two years after termination of service or employment.

Read first time and **passed on file.**

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2135	Appropriations
S.F.	2128	Ways and Means

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:17 a.m., until 4:15 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: February 19, 1992, 9:45 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair; Pate, Ranking Member; Slife and Welsh.

Members Absent: none.

Committee Business: Discussed proposed appropriations bill.

Adjourned: 12:16 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 19, 1992, 9:43 a.m.

Members Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member; Hester and Kibbie.

Members Absent: none.

Committee Business: Budget recommendations.

Adjourned: 11:12 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 19, 1992, 9:45 a.m.

Members Present: Riordan, Chair; Kramer, Ranking Member; Borlaug and Lloyd-Jones.

Members Absent: Boswell, Vice Chair (excused).

Committee Business: Presentations by the Director of Matric Des Moines and the Cedar Rapids Area Chamber of Commerce.

Adjourned: 10:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 19, 1992, 9:46 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Discussed '93 budget bill.

Adjourned: 11:02 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY.

Convened: February 19, 1992, 9:47 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: Discussed appropriations bill.

Adjourned: 11:50 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 19, 1992, 1:45 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer and Peterson.

Members Absent: Rensink, Slife and Taylor.

Committee Business: Assigned bills to subcommittees.

Adjourned: 1:55 p.m.

COMMERCE

Convened: February 19, 1992, 3:10 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Sturgeon, Tieden and Varn.

Members Absent: Palmer and Priebe (both excused).

Committee Business: Approved SSBs 2084, 2151, 2153 and 2195 as committee bills.

Adjourned: 4:00 p.m.

LOCAL GOVERNMENT

Convened: February 19, 1992, 2:18 p.m.

Members Present: Miller, Chair; Rittmer, Ranking Member; Buhr, Fraise, Hannon, Sorensen and Vande Hoef.

Members Absent: Szymoniak, Vice Chair; Borlaug and Jensen (all excused).

Committee Business: Assigned bills to subcommittees; approved SSB 2025 as a committee bill; recommended confirmation of governor's appointee; recommended passage of Senate File 2101; presentation by the Iowa League of Municipalities.

Adjourned: 2:35 p.m.

RULES AND ADMINISTRATION

Convened: February 13, 1992, 5:45 p.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Approved a $17,779 cut in the current year Senate budget.

Adjourned: 5:49 p.m.

RULES AND ADMINISTRATION

Convened: February 19, 1992, 9:15 a.m.

Members Present: Hutchins, Chair; Rife, Ranking Member; Gettings, Jensen, Kinley and Lloyd-Jones.

Members Absent: Gronstal, Vice Chair (excused); Husak and Soorholtz.

Committee Business: Approved C. Robert Langbehn as a session-only doorkeeper; assigned governor's appointee to a standing committee; recommended confirmation of governor's appointees.

Adjourned: 9:20 a.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: February 19, 1992, 3:05 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended confirmation of governor's appointees; discussed SSB 2173.

Adjourned: 3:40 p.m.

SUBCOMMITTEE ASSIGNMENT FOR APPOINTMENT TO A COMMISSION

In accordance with Senate Rule 59, the following senator was appointed to a subcommittee of a standing committee on February 20, 1992, to investigate the appointment of the following Governor's appointee:

ENVIRONMENT AND ENERGY UTILITIES

As a member of the Environmental Protection Commission:

VERLON L. BRITT: Rosenberg, Chair; Deluhery and Jensen

STUDY BILLS RECEIVED

SSB 2199 State Government

Relating to financial responsibility for establishments selling or serving beer for off-premises consumption.

SSB 2200 Appropriations

Requiring sale of the state aircraft pool and providing an effective date.

SSB 2201 Judiciary

Relating to invention development services, and making penalties applicable.

SSB 2202 Environment & Energy Utilities

Relating to the establishment of an environmental trust fund and providing for the imposition and deposit of fees.

SSB 2203 Judiciary

Relating to the residency requirement for clerks of the district court.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2164

STATE GOVERNMENT: Kibbie, Chair; Buhr, Lind, Soorholtz and Welsh

Senate File 2170

EDUCATION: Horn, Chair; Murphy and Tieden

House File 2207

JUDICIARY: Fuhrman, Chair; Peterson and Sturgeon

SSB 2195

COMMERCE: Sturgeon, Chair; Gronstal and Jensen

SSB 2198

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Riordan, Chair; Kibbie and Vande Hoef

SSB 2199

STATE GOVERNMENT: Welsh, Chair; Horn, Kibbie, McLaren and Vande Hoef

SSB 2200

APPROPRIATIONS: Boswell, Chair; Gettings and Tieden

SSB 2201

JUDICIARY: Varn, Chair; Deluhery and Slife

SSB 2202

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Jensen and Rosenberg

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following Governor's appointment, completed its investigation on February 20, 1992, and recommended the appointee be confirmed:

Rita M. Busch as a member of the Board of Educational Examiners.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Pursuant to Senate Rule 59, the committee on Small Business and Economic Development assigned to investigate the following Governor's appointments, completed its investigations on February 19, 1992, and recommended the appointees be confirmed:

Frederick Hagemann and William C. Metz as members of the Iowa Economic Development Board.

Richard S. Burchett, Doris A. Hansen, Janice M. Johnson, Robert M. Kreamer, Eugene H. Philiph, Eugene W. Pierce III and Patrick A. Ricks as members of the Small Business Advisory Council.

Perry J. Chapin and Wayne T. Newton as members of the Wallace Technology Transfer Foundation of Iowa.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2063, a bill for an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Boswell, Welsh, Tieden, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Rosenberg, Running, Szymoniak, Tinsman and Varn. Nays, 1: Buhr. Absent or not voting, 3: Husak, McLaren and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2174 (SSB 2151), a bill for an act relating to unclaimed property, and providing an effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 2: Palmer and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2176 (SSB 2195), a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Deluhery, Kinley, Doyle, Gettings, Gronstal, Jensen, Kersten, Sturgeon, Tieden and Varn. Nays, 3: Slife, Fuhrman and Lind. Absent or not voting, 2: Palmer and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2179 (SSB 2153), a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 2: Palmer and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2180 (SSB 2084), a bill for an act relating to the regulation of credit unions by granting the superintendent certain additional enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 2: Palmer and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2175 (formerly Senate File 2104), a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 1: Running.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S—5083 S.F. 2167 Elaine Szymoniak

AFTERNOON SESSION

The Senate reconvened at 4:22 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2174, by committee on Commerce, a bill for an act relating to unclaimed property, and providing an effective date and applicability provisions.

Read first time and **placed on calendar.**

Senate File 2175, by committee on State Government, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable.

Read first time and **placed on calendar.**

Senate File 2176, by committee on Commerce, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

Read first time and **placed on calendar.**

Senate File 2177, by Pate, a bill for an act relating to the time of retention of trust records.

Read first time and **passed on file.**

Senate File 2178, by Pate, a bill for an act relating to the establishment of an income tax credit for capital expenditures in connection with the manufacture of products composed of postconsumer waste.

Read first time and **passed on file.**

Senate File 2179, by committee on Commerce, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral

services and merchandise, and cemetery merchandise, and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2180, by committee on Commerce, a bill for an act relating to the regulation of credit unions by granting the superintendent certain additional enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights.

Read first time and **placed on calendar.**

Senate File 2181, by Taylor, a bill for an act directing the department of human services to apply for a federal waiver to permit payment of aid to dependent children under certain circumstances involving an employed parent.

Read first time and **passed on file.**

Senate File 2182, by Tinsman, Vande Hoef, Sorensen, Rittmer, Miller, Szymoniak, Slife, Kersten, Lind, and Fraise, a bill for an act relating to the certification date for budgets and for levying taxes of tax levying and tax certifying bodies and to the notice and termination dates for teacher contracts.

Read first time and **passed on file.**

Senate File 2183, by Running, Kibbie, Vande Hoef, Dieleman, and Rensink, a bill for an act relating to the prevention of the assisting of suicide and providing criminal penalties.

Read first time and **passed on file.**

MOTION TO RECONSIDER WITHDRAWN

Senate File 2049

Senator Vande Hoef withdrew the motion to reconsider Senate File 2049, a bill for an act relating to the establishment of a registration program for certified backflow assembly testers, and providing penalties, filed by him on February 17, 1992, and found on page 369 of the Senate Journal.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Pate for the remainder of the day on request of Senator Slife.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2129

On motion of Senator Priebe, Senate File 2129, a bill for an act relating to the labeling of containers containing agricultural seeds, was taken up for consideration.

Senator Priebe 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. 2129) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Rittmer
Rosenberg	Running	Slife	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Lloyd-Jones	McLaren	Pate	Rife
Riordan	Soorholtz	Sturgeon	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rife for the afternoon on request of Senator Tinsman.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2133

On motion of Senator Jensen, Senate File 2133, a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, was taken up for consideration.

Senator Jensen offered amendment S—5079 filed by him on February 18, 1992, to pages 3-5, 7 and the title page of the bill and moved its adoption.

Amendment S—5079 was adopted by a voice vote.

Senator Jensen 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. 2133) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Rittmer

Rosenberg	Running	Slife	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Lloyd-Jones	McLaren	Pate	Rife
Riordan	Soorholtz	Sturgeon	

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

UNFINISHED BUSINESS
(Deferred February 17, 1992)

Senate File 2136

The Senate resumed consideration of Senate File 2136, a bill for an act relating to redefining wine and beer for the applicability of certain taxes, and imposing the sales, services, and use tax on solid waste collection and disposal services and consulting services, and providing an effective date, deferred February 17, 1992.

Senator Murphy offered amendment S—5066 filed by Senators Murphy, Horn and Welsh on February 14, 1992, to page 1 and the title page of the bill, moved the adoption and requested a record roll call.

On the question "Shall amendment S—5066 be adopted?" (S.F. 2136) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 31:

Borlaug	Boswell	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gronstal	Hagerla	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Miller	Murphy

Palmer	Peterson	Priebe	Running
Slife	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Welsh	

Nays, 13:

Buhr	Dieleman	Gettings	Hannon
Hedge	Hester	Jensen	Lloyd-Jones
Rensink	Rittmer	Rosenberg	Vande Hoef
Varn			

Absent or not voting, 6:

McLaren	Pate	Rife	Riordan
Soorholtz	Sturgeon		

Amendment S—5066 was adopted.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2136** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren for the day on request of Senator Hagerla.

MOTION TO RECONSIDER ADOPTED

Senator Running called up the motion to reconsider House File 2061 filed by him on January 30, 1992, found on page 185 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2061) the vote was:

Ayes, 33:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hedge	Horn	Husak	Hutchins
Kibbie	Kinley	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rittmer	Rosenberg	Running	Slife
Sorensen	Szymoniak	Tinsman	Varn
Welsh			

Nays, 9:

Hagerla	Hester	Jensen	Kersten
Kramer	Lind	Taylor	Tieden
Vande Hoef			

Absent or not voting, 8:

Drake	Lloyd-Jones	McLaren	Pate
Rife	Riordan	Soorholtz	Sturgeon

The motion prevailed.

Senator Running moved to reconsider the vote by which House File 2061 went to its last reading, which motion prevailed by a voice vote.

House File 2061

On motion of Senator Kibbie, House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, was taken up for reconsideration.

Senator Doyle offered amendment S—5049 filed by Senators Doyle and Kibbie on February 11, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5049 was adopted by a voice vote.

Senator Kibbie 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. 2061) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rittmer	Rosenberg	Running	Slife

Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

McLaren	Pate	Rife	Riordan
Soorholtz	Sturgeon		

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

Senator Kibbie asked and received unanimous consent that **Senate File 2060** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2050

On motion of Senator Murphy, Senate File 2050, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision, was taken up for consideration.

Senator Murphy 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. 2050) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hedge
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rosenberg	Running	Sorensen
Szymoniak	Varn	Welsh	

Nays, 13:

Borlaug	Drake	Fuhrman	Hester
Jensen	Kersten	Kramer	Rittmer
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 6:

McLaren	Pate	Rife	Riordan
Soorholtz	Sturgeon		

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

INTRODUCTION OF BILLS

Senate File 2184, by Varn, a bill for an act relating to state communications involving the state communications network and telephone rates for governmental entities.

Read first time and **passed on file.**

Senate File 2185, by Taylor, a bill for an act relating to eligibility of certain minors for aid to dependent children.

Read first time and **passed on file.**

Senate File 2186, by committee on Education, a bill for an act relating to the time by which community colleges must meet new accreditation standards established by the state board of education and providing for continuation of previous accreditation standards.

Read first time and **placed on calendar.**

Senate File 2187, by committee on Judiciary, a bill for an act relating to the distribution and announcement of information pertaining to the average length of actual incarceration of persons convicted of committing aggravated misdemeanors and felonies.

Read first time and **placed on calendar.**

Senate Joint Resolution 2004, by committee on Education, a joint resolution to nullify administrative rules of the college student aid commission giving priority under the Iowa nursing loan repayment program to nurses based on an assessment of nursing

shortage areas, as well as the applicant's level of education debt, and providing an effective date.

Read first time and **placed on calendar.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.J.R.	2003	State Government
S.F.	2172	State Government
S.F.	2173	Rules & Administration
S.F.	2177	Commerce
S.F.	2178	Ways and Means
S.F.	2181	Appropriations

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5085.

Final Vote: Ayes, 11: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Palmer, Priebe, and Varn. Nays, 2: Lind and Tieden. Pass, 1: Kersten. Absent, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE JOINT RESOLUTION 2004 (formerly Senate Joint Resolution 2001), a joint resolution to nullify administrative rules of the college student aid commission giving priority under the Iowa nursing loan repayment program to nurses based on an assessment of nursing shortage areas, as well as the applicant's level of education debt, and providing an effective date.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 14: Connolly, Horn, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2186 (formerly SSB 2021), a bill for an act relating to the time by which community colleges must meet new accrediation standards established by the state board of education and providing for continuation of previous accreditation standards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Deluhery, Dieleman, Kibbie, Kramer, Murphy, Rensink, Running, Szymoniak, Tieden and Tinsman. Nays, none. Absent or not voting, 3: Taylor, Lind and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2052, a bill for an act to legalize the proceedings taken by the board of directors of the Mid-Prairie Community School District concerning the imposition of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, Peterson and Slife. Nays, none. Absent or not voting, 3: Hagerla, Pate and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2054, a bill for an act extending the period during which a person is exempted from juror service due to previous service.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, and Slife. Nays, 1: Peterson. Absent or not voting, 3: Hagerla, Pate and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2187 (SSB 2114), a bill for an act relating to the publication, distribution, and annoucement of information pertianing to the average length of actual incarceration of persons convicted of committing aggravated misdemeanors and felonies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, Peterson and Slife. Nays, none. Absent or not voting, 3: Hagerla, Pate and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5084	S.F.	2143	Mike Connolly
S—5085	S.F.	2036	Commerce

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:32 p.m., until 10:00 a.m., Monday, February 24, 1992.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 24, 1992

The Senate met in regular session at 10:13 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Ron Baker, pastor of the Ocheyedan Christian Reformed Church, Ocheyedan, Iowa.

The Journal of Thursday, February 20, 1992, was approved.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2094

Senator Rensink withdrew the motion to reconsider Senate File 2094, a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records, filed by him on February 17, 1992, and found on page 369 of the Senate Journal.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2097

On motion of Senator Varn, Senate File 2097, 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, with report of committee recommending amendments and passage, was taken up for consideration.

Senator Varn offered amendment S—5024 filed by the committee on Judiciary on February 5, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5024 was adopted by a voice vote.

Senator Varn offered amendment S—5025 filed by the committee on Judiciary on February 5, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5025 was adopted by a voice vote.

Senator Varn offered amendment S—5026 filed by the committee on Judiciary on February 5, 1992, to pages 3, 5 and the title page of the bill and moved its adoption.

Amendment S—5026 was adopted by a voice vote.

Senator Varn offered amendment S—5027 filed by the committee on Judiciary on February 5, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5027 was adopted by a voice vote.

Senator Varn offered amendment S—5028 filed by the committee on Judiciary on February 5, 1992, to pages 4, 5 and the title page of the bill and moved its adoption.

Amendment S—5028 was adopted by a voice vote.

Senator Varn 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. 2097) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 1:

Welsh

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

Senate File 2138

On motion of Senator Fraise, Senate File 2138, a bill for an act relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities, was taken up for consideration.

Senator Fraise 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. 2138) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 2:

Jensen	Welsh

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

Senate File 2148

On motion of Senator Lloyd-Jones, Senate File 2148, a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date, was taken up for consideration.

Senator Lloyd-Jones 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. 2148) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 1:

Priebe

Absent or not voting, 1:

Welsh

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

Senate File 2153

On motion of Senator Buhr, Senate File 2153, a bill for an act relating to the establishment of a gamblers assistance program, creating an advisory committee, and specifying the powers and duties of the director of human services and the advisory committee, was taken up for consideration.

Senator Buhr 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. 2153) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn

Nays, 1:

Tieden

Absent or not voting, 1:

Welsh

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

Senate File 2158

On motion of Senator Szymoniak, Senate File 2158, a bill for an act relating to the definition of children requiring special education, was taken up for consideration.

Senator Szymoniak 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. 2158) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 1:

Welsh

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

Senate File 2162

On motion of Senator Kibbie, Senate File 2162, a bill for an act transferring approval authority over certain land acquisitions by community colleges to the director of the department of education, was taken up for consideration.

Senator Kibbie 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. 2162) the vote was:

Ayes, 46:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise

Gettings	Gronstal	Hagerla	Hannon
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 3:

Borlaug	Fuhrman	Hedge

Absent or not voting, 1:

Welsh

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

Senate File 2163

On motion of Senator Kibbie, Senate File 2163, a bill for an act relating to the nonvoting membership of the community college council, was taken up for consideration.

Senator Kibbie 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. 2163) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn		

Nays, 2:

Rife Tieden

Absent or not voting, 2:

Priebe Welsh

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

INTRODUCTION OF BILLS

Senate File 2188, by Varn, a bill for an act relating to the establishment of an Iowa statewide health insurance plan.

Read first time and **passed on file.**

Senate File 2189, by committee on Commerce, a bill for an act relating to invention development services, and making penalties applicable.

Read first time and **placed on calendar.**

Senate File 2190, by committee on Education, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

Read first time and **placed on calendar.**

Senate File 2191, by Connolly, a bill for an act relating to hunting with firearms in certain state recreation areas.

Read first time and **passed on file.**

Senate File 2192, by Horn, a bill for an act relating to school district reorganization, providing for the setting of district boundaries, providing for subdistrict advisory boards, prescribing the governance of school districts, providing effective dates, and providing for repeals.

Read first time and **passed on file.**

Senate File 2193, by Jensen, a bill for an act relating to recreational trails by increasing the sales tax on bicycles and allocating the additional revenue to a recreational trail fund.

Read first time and **passed on file.**

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 February 20, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date (S—5087).

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:30 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: February 20, 1992, 9:57 a.m.

Members Present: Peterson, Chair; Dieleman, Vice Chair; Pate, Ranking Member; Slife and Welsh.

Members Absent: none.

Committee Business: Subcommittee approved and submitted LSB 5208 to the full Appropriations Committee.

Adjourned: 10:39 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 20, 1992, 9:56 a.m.

Members Present: Husak, Chair; Priebe, Vice Chair; Hester and Kibbie.

Members Absent: McLaren, Ranking Member (excused).

Committee Business: Budget decisions.

Adjourned: 11:46 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 20, 1992, 9:48 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Members Absent: none.

Committee Business: Discussed FY '93 budget.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 20, 1992, 9:45 a.m.

Members Present: Rosenberg, Chair; Fraise, Vice Chair; Vande Hoef, Ranking Member; Gronstal and Taylor.

Members Absent: none.

Committee Business: Subcommittee approved and submitted LSB 5204 to the full Appropriations Committee.

Adjourned: 10:12 a.m.

APPROPRIATIONS SUBCOMMITTEE ON REGULATION

Convened: February 20, 1992, 10:48 a.m.

Members Present: Running, Chair; Rensink, Ranking Member; Hedge and Sorensen.

Members Absent: Palmer, Vice Chair.

Committee Business: Subcommittee finalized '93 budget bill.

Adjourned: 11:59 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY

Convened: February 20, 1992, 10:00 a.m.

Members Present: Gettings, Chair; Doyle, Vice Chair; Kersten, Ranking Member; Connolly and Jensen.

Members Absent: none.

Committee Business: Subcommittee approved and submitted the proposed appropriations bill to the full Appropriations Committee.

Adjourned: 10:45 a.m.

APPROPRIATIONS

Convened: February 20, 1992, 9:30 a.m.

Members Present: Boswell, Chair; Welsh, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Rosenberg, Running, Szymoniak, Tinsman and Varn.

Members Absent: Husak, McLaren and Riordan (all excused).

Committee Business: Recommended passage of Senate File 2063; assigned a bill to subcommittee.

Adjourned: 9:42 a.m.

COMMERCE

Convened: February 20, 1992, 3:52 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Tieden and Varn.

Members Absent: Sturgeon.

Committee Business: Approved SSB 2154 as a committee bill; recommended passage of Senate File 2036.

Adjourned: 4:05 p.m.

EDUCATION

Convened: February 20, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Taylor, Ranking Member (excused).

Committee Business: Assigned a bill to subcommittee; recommended confirmation of governor's appointee; approved SSBs 2021 and 2117 as committee bills and SJR 2001 as a committee resolution.

Adjourned: 2:10 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: February 20, 1992, 3:07 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hedge, Kersten, Miller, Sorensen and Varn.

Members Absent: Hannon and Soorholtz (both excused).

Committee Business: Recommended confirmation of governor's appointees; amended SSB 2097 and ordered redrafted for final approval as a committee bill.

Adjourned: 3:50 p.m.

ETHICS COMMITTEE I

Convened: February 19, 1992, 1:10 p.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member, recused).

Committee Business: Committee I voted unanimously to deny Senator Welsh's motions to dismiss the complaint and to accept Senator Welsh's answer to the complaint. Senators Lloyd-Jones and Drake refused to recuse themselves as members of the committee as set forth in Senator Welsh's motions; a public hearing of the committee was scheduled for March 4, 1992, at 10:00 a.m.; the committee voted unanimously to provide all committee documentation which has been made available to the public regarding the investigation of Senator Welsh to the federal government in compliance with its subpoena.

Adjourned: 1:58 p.m.

ETHICS COMMITTEE II

Convened: February 19, 1992, 1:58 p.m.

Members Present: Gettings, Chair; Rosenberg, Vice Chair; Slife, Ranking Member; Hedge, Husak and citizen members DeKoster and Knutson.

Members Absent: none.

Committee Business: Senators Slife and Rosenberg were present as members replacing Senators Lloyd-Jones and Drake on Committee II; the committee reviewed the six ethics complaints filed by Senator Welsh against Senators Lloyd-Jones, Drake, Kinley, Kramer, Tinsman and Priebe and voted unanimously to require Senator Welsh to provide more specific information on each of the complaints by March 2, 1992; a motion was adopted to retain Richard Calkins as independent legal counsel to investigate the six ethics complaints filed by Senator Welsh, with unlimited time for completion of the investigation.

Adjourned: 2:28 p.m.

JUDICIARY

Convened: February 20, 1992, 2:28 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, Peterson and Slife.

Members Absent: Hagerla, Pate and Varn (all excused).

Committee Business: Recommended confirmation of governor's appointees; approved SSB 2114 as amended as a committee bill; recommended passage of Senate Files 2040, 2054 and 2052.

Adjourned: 3:01 p.m.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Laura J. Stensrud be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BEVERLY A. HANNON

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 20, 1992, when the votes were taken on the following bills.

Had I been present, I would have voted "aye" on Senate Files 2129 and 2133 and House File 2061. I would have voted "nay" on Senate File 2050.

PAUL PATE

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Leslie Norris, Independence — For calling 911 and helping save the life of her friend, Shasta Last, who had fallen through the ice on November 8, 1991. Senator Murphy (2/22/92).

PETITIONS

The following petitions opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices were presented and placed on file by:

Senator Buhr from 81 residents of Polk County.
Senator Dieleman from 145 residents of Marion County.
Senator Fraise from 837 residents of Iowa.
Senator Hagerla from 816 residents of Lee County.
Senator Hedge from 87 residents of Keokuk County.
Senator Hedge from 285 residents of Mahaska County.
Senator Husak from 165 residents of Black Hawk County.
Senator Husak from 300 residents of Iowa.
Senator Kinley from 250 residents of Iowa.
Senator Taylor from 33 residents of Hardin County.

The following petitions supporting the continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Gronstal from 148 residents of Pottawattamie County.
Senator Hutchins from 555 residents of west central Iowa.
Senator McLaren from 169 residents of Mills County.
Senator McLaren from 45 residents of Mills and Montgomery Counties.
Senator McLaren from 166 residents of Page County.
Senator McLaren from 78 residents of Fremont and Page Counties.
Senator Miller from 302 residents of Cerro Gordo County.
Senator Priebe from 181 residents of Kossuth County.
Senator Priebe from 209 residents of Palo Alto County.
Senator Taylor from 633 residents of Franklin County.

The following petitions were presented and placed on file by:

Senator Hutchins from 18 residents of Audubon and Carroll Counties favoring Senate File 2026, transferring driver's license renewals to county treasurers.

Senator Hutchins from 803 residents of west central Iowa favoring continuation of motor vehicle registrations in the county treasurer's office.

Senator Kibbie from 47 residents of Dickinson County opposing legislation providing for a tax on health care providers.

Senator Kinley from 83 residents of Iowa opposing legislation increasing the excise tax on cigarettes.

Senator Pate from the Marion City Council of Linn County opposing legislation to transfer $50 million from the road use fund to the state's general fund.

Senator Rensink from 38 residents of Woodbury County opposing legislation reducing funds for the care review committee of the long term care ombudsman program.

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar on 2/20/92)

ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following Governor's appointments, completed its investigations on February 20, 1992, and recommended the appointees be confirmed:

A.H. Junior Cooper, Tyrone Evans, William J. Horan and Ramona M. Paulin as members of the Renewable Fuel Advisory Committee.

JUDICIARY

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following Governor's appointments, completed its investigations on February 20, 1992, and recommended the appointees be confirmed:

A. Patricia Houlihan as a member of the Indigent Defense Advisory Commission.

Jim R. Schwiesow as a member of the Board of Corrections.

STUDY BILLS RECEIVED

SSB 2204 State Government

Relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

SSB 2205 State Government

Relating to the procedures of the department of personnel regarding grievance and discipline resolution, departmental records, and the deferred compensation program for governmental employees.

SSB 2206 State Government

Providing for the composition of the renewable fuel advisory committee.

SSB 2207 Human Resources

Authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

SSB 2208 Human Resources

Relating to the prohibition of the use of corporal punishment by foster parents and allowing the use of reasonable physical force to control foster children in certain circumstances.

SSB 2209 Human Resources

Establishing a department of human services' field services organizational structure and providing an effective date.

SSB 2210 Local Government

Relating to the certification date for budgets and for levying taxes of tax levying and tax certifying bodies and to the notice and termination dates for teacher contracts.

SSB 2211 Education

To require senate confirmation of the appointment of the members of the college student aid commission who are appointed by the governor.

SSB 2212 Education

To repeal the prohibition against school directors, officers, area education directors, or teachers acting as agents for school textbooks or school supplies.

SSB 2213 Education

To exempt nonpublic schools from the vocational education requirement for grades seven through twelve.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2177

COMMERCE: Kinley, Chair; Deluhery and Lind

House File 2166

AGRICULTURE: Peterson, Chair; Boswell and McLaren

SSB 2203

JUDICIARY: Sturgeon, Chair; Deluhery and Fuhrman

SSB 2204

STATE GOVERNMENT: Dieleman, Chair; Drake, Gronstal, Horn and Lind

SSB 2205

STATE GOVERNMENT: Running, Chair; Buhr, Dieleman, Kramer and Rife

SSB 2206

STATE GOVERNMENT: Sorensen, Chair; McLaren, Murphy, Priebe and Vande Hoef

SSB 2207

HUMAN RESOURCES: Szymoniak, Chair; Hagerla and Sturgeon

SSB 2208

HUMAN RESOURCES: Hannon, Chair; Riordan and Rittmer

SSB 2210

LOCAL GOVERNMENT: Fraise, Chair; Rittmer and Szymoniak

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2189 (SSB 2154), a bill for an act relating to invention development services, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Tieden and Varn. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: *SENATE FILE 2190 (SSB 2117), a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Connolly, Horn, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2190 and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2014, a bill for an act relating to the provision of emergency medical care by physician assistants and the civil and criminal liability of such physician assistants.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 2: Drake and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2040, a bill for an act relating to the appointment of associate juvenile judges and eliminating the juvenile referee system.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5091.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, Peterson and Slife. Nays, none. Absent or not voting, 3: Hagerla, Pate and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2195 (SSB 2043), a bill for an act relating to provisions and definitions within the juvenile justice code, and increasing the age of persons eligible to be represented by a guardian ad litem when acting as a prosecuting witness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Fuhrman, Deluhery, Hester, Miller, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 5: Connolly, Drake, Hagerla, Horn and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5086	S.F.	2103	Elaine Szymoniak
S—5087	S.F.	2116	House amendment
S—5088	S.F.	2103	Elaine Szymoniak
S—5089	S.F.	2186	Richard Varn
S—5090	S.F.	2005	Richard Varn
S—5091	S.F.	2040	Judiciary
S—5092	S.F.	2175	Joe Welsh

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2194, by Rittmer, Sorensen, and Borlaug, a bill for an act relating to limiting the appropriations which are subject to the governor's across-the-board reductions because of insufficient general fund revenues and providing an applicability date.

Read first time and **passed on file.**

Senate File 2195, by committee on Judiciary, a bill for an act relating to provisions within the juvenile justice code, and increasing the age of persons eligible to be represented by a guardian ad litem when acting as a prosecuting witness.

Read first time and **placed on calendar.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 110, by Szymoniak, Lind, Kersten, McLaren, Rittmer, Tinsman, Deluhery, Fuhrman, Gettings, Peterson, Murphy, Rosenberg, Kibbie, Gronstal, Dieleman, Lloyd-Jones, Hedge, Slife, Connolly, Hannon, Buhr, Riordan, Horn, Husak, and Kinley, a concurrent resolution to support efforts to promote early detection of and effective treatment modalities for breast cancer and to urge the Congress of the United States to enact legislation to ensure adequate funds to find a cure and effective preventive measures for breast cancer.

Read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2182	Local Government
S.F.	2184	Appropriations
S.F.	2185	Human Resources
S.F.	2188	Commerce
S.F.	2191	Natural Resources
S.F.	2192	Education
S.F.	2193	Ways and Means
S.F.	2194	Appropriations

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2097 passed the Senate on February 24, 1992.

WALLY E. HORN

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2196 (SSB 2200), a bill for an act requiring sale of the state aircraft pool and providing an appropriation and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: Boswell, Tieden, Buhr, Connolly, Gettings, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn. Nays, none. Pass, 1: Rosenberg. Absent, 1: Welsh.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2196 and they were attached to the committee report.

TRANSPORTATION

Final Bill Action: SENATE FILE 2137, a bill for an act relating to motor vehicle certificates of title, by eliminating component part reviews and rebuilt designations, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, and creating a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Fraise, Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones and Welsh. Nays, 2: Drake and Slife. Pass, 1: Connolly. Absent, 2: Kersten and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2196, by committee on Appropriations, a bill for an act requiring sale of the state aircraft pool and providing an appropriation and an effective date.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENT FILED

S—5093 S.F. 2108 Emil J. Husak

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:40 p.m., until 9:00 a.m., Tuesday, February 25, 1992.

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 25, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Mark Tuttle, pastor of the First United Methodist Church, Marion, Iowa.

The Journal of Monday, February 24, 1992, was approved.

INTRODUCTION OF BILLS

Senate Joint Resolution 2005, by Taylor, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to propose and enact statutes by initiative petition and to reject statutes of the General Assembly by referendum.

Read first time and **passed on file.**

Senate File 2197, by committee on State Government, a bill for an act relating to state and local foster care review boards.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murphy until he arrives on request of Senator Horn.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2101

On motion of Senator Vande Hoef, Senate File 2101, a bill for an act relating to procedures for the provision of water services within two miles of a city, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef 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. 2101) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Hutchins	Murphy	Running	Sturgeon
Welsh			

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

Senate File 2165

On motion of Senator Doyle, Senate File 2165, a bill for an act relating to the standards of conduct for professional engineers and land surveyors, was taken up for consideration.

Senator Doyle 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. 2165) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Hutchins	Running	Welsh

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

Senate File 2168

On motion of Senator Hannon, Senate File 2168, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department, was taken up for consideration.

Senator Hannon 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. 2168) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Hutchins	Running	Welsh

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

Senate File 2054

On motion of Senator Rosenberg, Senate File 2054, a bill for an act extending the period during which a person is exempted from juror service due to previous service, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg 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. 2054) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Hutchins	Running	Welsh

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

Senate File 2059

On motion of Senator Deluhery, Senate File 2059, a bill for an act relating to the theft of milk containers and the applicability of a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—5071 filed by the committee on Judiciary on February 14, 1992, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5071 was adopted by a voice vote.

Senator Deluhery 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. 2059) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Hutchins	Lloyd-Jones	Running	Welsh

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

Senate File 2155

On motion of Senator Drake, Senate File 2155, a bill for an act providing for registration and title protection of interior designers, providing fees and penalties, and providing applicability dates, was taken up for consideration.

Senator Drake 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. 2155) the vote was:

Ayes, 34:

Boswell	Connolly	Deluhery	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Horn
Husak	Jensen	Kibbie	Kramer
Lind	McLaren	Miller	Murphy
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Vande Hoef	Varn		

Nays, 12:

Borlaug	Buhr	Hagerla	Hedge
Hester	Kersten	Kinley	Palmer
Pate	Rensink	Taylor	Tieden

Absent or not voting, 4:

Hutchins	Lloyd-Jones	Running	Welsh

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boswell until he returns on request of Senator Varn.

Senate File 2166

On motion of Senator Murphy, Senate File 2166, a bill for an act relating to the regulation of the practice of accountancy by limiting the acts which an accounting practitioner may engage in and amending provisions relating to hearings of the accountancy examining board, was taken up for consideration.

Senator Murphy 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. 2166) the vote was:

Ayes, 45:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Boswell	Hutchins	Palmer	Running
Welsh			

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

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 17** be referred from the Unfinished Business Calendar to the committee on **Agriculture.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 111, by Tinsman, Drake, Rife, and Deluhery, a concurrent resolution opposing the redesignation of Interstate 80.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2198, by committee on State Government, a bill for an act relating to authorization of state departments' acceptance of payments by credit card.

Read first time and **placed on calendar.**

Senate File 2199, by Varn, a bill for an act requiring the testing of newborns and pregnant women for group B streptococcus.

Read first time and **passed on file.**

Senate File 2200, by Connolly, a bill for an act relating to the regulation of wholesale motor vehicle fuel distribution and providing penalties and a remedy.

Read first time and **passed on file.**

Senate File 2201, by Szymoniak, Lloyd-Jones, Rosenberg, Lind, Tinsman, Fuhrman, Horn, and Varn, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

Read first time and **passed on file.**

RECESS

On motion of Senator Horn, the Senate recessed at 10:10 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 24, 1992, 11:40 a.m.

Members Present: Boswell, Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Husak, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn.

Members Absent: Welsh, Vice Chair (excused).

Committee Business: Approved SSB 2200 as a committee bill.

Adjourned: 12:05 p.m.

HUMAN RESOURCES

Convened: February 24, 1992, 2:30 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak and Tinsman.

Members Absent: Taylor (excused).

Committee Business: Recommended confirmation of governor's appointees; approved SSBs 2015, 2064, 2185 and 2130 as committee bills; recommended passage of Senate File 2095.

Adjourned: 3:10 p.m.

JUDICIARY

Convened: February 24, 1992, 1:42 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Approved SSB 2043 as amended as a committee bill; recommended passage of Senate File 2014.

Adjourned: 2:17 p.m.

STATE GOVERNMENT

Convened: February 24, 1992, 3:40 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved SSBs 2028 and 2178 as committee bills; recommended passage of Senate Files 2114 and 84.

Adjourned: 4:26 p.m.

TRANSPORTATION

Convened: February 24, 1992, 2:35 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones, Slife and Welsh.

Members Absent: Kersten (excused) and Pate.

Committee Business: Recommended passage of Senate File 2137; presentation by the director of the DOT regarding inter-mode and global transportation.

Adjourned: 3:35 p.m.

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

AGRICULTURE

Pursuant to Senate Rule 59, the committee on Agriculture assigned to investigate the following Governor's appointment, completed its investigation on February 25, 1992, and recommended the appointee be confirmed:

Terry Evans as a member of the Iowa Grain Indemnity Fund Board.

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments, completed its investigations on February 24, 1992, and recommended the appointees be confirmed:

Karen L. Bossard, Robert T. Buckley, Janelle Cowles, Thomas J. Henrich, Dominick D. Pellegreno and Barbara A. Walters as members of the Board of Behavorial Science Examiners.

Mary Frances Winegardner as a member of the Board of Physician Assistant Examiners.

Allan L. Axeen for reappointment and Merl L. McFarlane for appointment as members of the Commission on Community Action Agencies.

Billy S. Cox, Mary L. Ellis, Diane E. Glass, Alfred Healy, M.D., David A. Olson, Jerry D. Stilwell, Carol A. Watson, Verna L. Welte and Frank J. Zlatnik as members of the Prevention of Disabilities Policy Council.

LOCAL GOVERNMENT

Pursuant to Senate Rule 59, the committee on Local Government assigned to investigate the following Governor's appointment, completed its investigation on February 25, 1992, and recommended the appointee be confirmed:

Eric D. Kelly as a member of the City Development Board.

NATURAL RESOURCES

Pursuant to Senate Rule 59, the committee on Natural Resources assigned to investigate the following Governor's appointments, completed its investigations on February 25, 1992, and recommended the appointees be confirmed:

Judith E. Harrison, Stan N. Nilles, Hillary B. Maurer and Gary R. Shawver as members of the Well Contractors' Council.

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointment, completed its investigation on February 24, 1992, and recommended the appointee be confirmed:

Celso L. Ramirez as Administrator of the Division of Latino Affairs.

REPORTS OF STANDING COMMITTEES
(Place nominees on Individual Confirmation Calendar)

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointment, completed its investigation on February 24, 1992, and recommended the appointee be confirmed:

Diana Lynn Stewart as a member of the Commission on the Status of Women.

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointment, completed its investigation on February 24, 1992, and recommended the appointee be confirmed:

Gerald R. Anderson as Director of the Department of General Services.

STUDY BILLS RECEIVED

SSB 2214 Judiciary

Relating to violations of individual rights and establishing penalties.

SSB 2215 Judiciary

Establishing a structured fines pilot program and providing an effective date.

SSB 2216 Judiciary

Relating to tail lamps and other equipment on a vehicle.

SSB 2217 Judiciary

Relating to the inclusion of criminal fines and surcharges in the collection of restitution.

SSB 2218 Business & Labor Relations

Relating to unfair and discriminatory practices in employment of persons with disabilities.

SSB 2219 Business & Labor Relations

Relating to the wrongful discharge of an employee and providing remedies.

SSB 2220 Commerce

Relating to health insurance availability to employees of small employers and providing for certain assessments.

SSB 2221 Commerce

Relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the

commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date.

SSB 2222 Education

Expanding the definition of children requiring special education to include children who are functionally blind, and providing for teacher licensure to teach braille to functionally blind students, and providing for related matters.

SSB 2223 Ways & Means

Relating to a limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies and providing an effective date.

SSB 2224 State Government

Providing for the appointment of the lieutenant governor to fill vacancies occurring in certain statewide elective offices.

SSB 2225 Education

Relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the transportation and athletic participation provisions under open enrollment; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the weightings, reporting requirements, and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; making other related changes; and providing an effective date.

SSB 2226 Transportation

Relating to motor vehicle laws, including multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, creating a

penalty for violating a license restriction, and making other technical changes.

SSB 2227 Education

To permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

SSB 2228 Small Business & Economic Development

Providing for the optional participation of community colleges in the state communications network and providing an effective date.

SSB 2229 Transportation

Relating to escorts for the movement of mobile homes and other factory-built structures.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2128

WAYS AND MEANS: Hedge, Chair; Fraise and Husak

Senate File 2152

WAYS AND MEANS: Dieleman, Chair; Hedge and Husak

Senate File 2160

HUMAN RESOURCES: Murphy, Chair; Riordan and Tinsman

Senate File 2178

WAYS AND MEANS: Husak, Chair; Deluhery and Taylor

Senate File 2182

LOCAL GOVERNMENT: Fraise, Chair; Rittmer and Szymoniak

Senate File 2188

COMMERCE: Palmer, Chair; Doyle, Jensen, Slife and Varn

Senate File 2191

NATURAL RESOURCES: Rosenberg, Chair; Hester and Kibbie

Senate File 2192

EDUCATION: Horn, Chair; Connolly and Tieden

Senate File 2193

WAYS AND MEANS: Fraise, Chair; McLaren and Murphy

House File 2204

NATURAL RESOURCES: Priebe, Chair; Dieleman and Hester

SSB 2190

WAYS AND MEANS: Dieleman, Chair; Szymoniak and Taylor

SSB 2209

HUMAN RESOURCES: Rittmer, Chair; Hannon and Tinsman

SSB 2211

EDUCATION: Murphy, Chair; Szymoniak and Taylor

SSB 2212

EDUCATION: Horn, Chair; Deluhery and Tieden

SSB 2213

EDUCATION: Running, Chair; Kibbie and Rensink

SSB 2214

JUDICIARY: Rosenberg, Chair; Horn and Slife

SSB 2215

JUDICIARY: Varn, Chair; Hagerla and Murphy

SSB 2216

JUDICIARY: Peterson, Chair; Deluhery and Hester

SSB 2217

JUDICIARY: Rosenberg, Chair; Fuhrman and Peterson

SSB 2218

BUSINESS AND LABOR RELATIONS: Buhr, Chair; Slife and Sturgeon

SSB 2219

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Fuhrman and Running

SSB 2220

COMMERCE: Varn, Chair; Doyle, Jensen, Palmer and Slife

SSB 2221

COMMERCE: Varn, Chair; Doyle, Jensen, Palmer and Slife

SSB 2222

EDUCATION: Szymoniak, Chair; Deluhery and Taylor

SSB 2223

WAYS AND MEANS: Deluhery, Chair; Fuhrman and Husak

SSB 2224

STATE GOVERNMENT: Murphy, Chair; Buhr, Lind, Priebe and Soorholtz

SSB 2225

EDUCATION: Horn, Chair; Murphy and Tieden

SSB 2226

TRANSPORTATION: Gettings, Chair; Fraise and Jensen

SSB 2227

EDUCATION: Kibbie, Chair; Connolly and Rensink

SSB 2228

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Riordan, Chair; Boswell, Kibbie, Kramer and Vande Hoef

SSB 2229

TRANSPORTATION: Dieleman, Chair; Fraise and Gettings

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2166, a bill for an act relating to implements of husbandry, by providing certain regulatory exemptions for machinery used to mix and dispense nutrients to bovine animals.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Priebe, Peterson, Fraise, Hedge, Hester, Husak, McLaren, Miller, and Vande Hoef. Nays, none. Absent or not voting, 6: Soorholtz, Boswell, Doyle, Palmer, Riordan and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 580, a bill for an act to permit a person who has been issued a coaching authorization to be employed by a school district as head coach.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Dieleman, Kibbie, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 2: Deluhery and Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2202 (SSB 2015), a bill for an act relating to the solicitation of public donations from elders and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hannon, Hagerla, Horn, Murphy, Riordan, Rittmer and Szymoniak. Nays, 3: Buhr, Sturgeon and Tinsman. Absent or not voting, 2: Kramer and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2203 (SSB 2185), a bill for an act relating to the availability of adoption records for the purpose of research or treatment of a patient in a medical facility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak and Tinsman. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2204 (SSB 2064), a bill for an act relating to adoption procedures including the information to be gained from a preplacement investigation and the provision of information to assist a natural parent in filing an affidavit requested the court to reveal or not reveal the natural parent's name.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Hannon, Buhr, Hagerla, Horn, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak and Tinsman. Nays, none. Absent or not voting, 2: Kramer and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2139, a bill for an act relating to bond issuance elections and authorizing a political subdivison to impose a local income surtax to partially fund the issuance of certain bonds.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Miller, Szymoniak, Rittmer, Buhr, Fraise, Hannon and Jensen. Nays, 3: Borlaug, Sorensen and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 84, a bill for an act relating to the purchase of recycled paper by state agencies.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2114, a bill for an act relating to procedures upon the closing of pools using electronic voting or tabulating systems.

Recommendation: DO PASS.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 2: Gronstal and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2197 (SSB 2028), a bill for an act relating to state and local foster care review boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Horn, Kramer, McLaren, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 2: Gronstal and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2198 (SSB 2178), a bill for an act relating to authorization of state departments' acceptance of payments by credit card.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen and Welsh. Nays, 1: Vande Hoef. Pass, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5094 S.F. 2006 William W. Dieleman

S—5095	S. F.	84	Larry Murphy Ralph Rosenberg

AFTERNOON SESSION

The Senate resumed session at 4:42 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2202, by committee on Human Resources, a bill for an act relating to the solicitation of public donations and providing a penalty.

Read first time and **placed on calendar.**

Senate File 2203, by committee on Human Resources, a bill for an act relating to the availability of adoption records for the purpose of research or treatment of a patient in a medical facility.

Read first time and **placed on calendar.**

Senate File 2204, by committee on Human Resources, a bill for an act relating to adoption procedures including the information to be gained from a preplacement investigation and the provision of information to assist a natural parent in filing an affidavit requesting the court to reveal or not reveal the natural parent's name.

Read first time and **placed on calendar.**

Senate File 2205, by Vande Hoef and Kramer, a bill for an act relating to reducing motor vehicle thefts in this state by providing certain incentives to owners who take preventive measures, establishing an assessment against certain insurance carriers, and making an appropriation.

Read first time and **passed on file.**

Senate File 2206, by committee on Natural Resources, a bill for an act to prohibit the snagging of fish in the Big Sioux river.

Read first time and **placed on calendar.**

Senate File 2207, by committee on Natural Resources, a bill for an act relating to the protection of endangered species by the department of natural resources.

Read first time and **placed on calendar.**

Senate File 2208, by committee on Local Government, a bill for an act relating to the disposition of fines and forfeited bail collected for violation of a county ordinance.

Read first time and **placed on calendar.**

Senate File 2209, by committee on Environment and Energy Utilities, a bill for an act relating to viable water systems.

Read first time and **placed on calendar.**

Senate File 2210, by Rosenberg, a bill for an act regulating the sale of motor vehicle fuel and creating penalties.

Read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Varn requested and was granted a leave of absence until he returns on February 26, 1992.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2116

Senator Boswell called up for consideration Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5087 filed February 24, 1992, which motion lost by a voice vote.

Senator Hutchins asked and received unanimous consent that **Senate File 2116** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2211, by committee on Natural Resources, a bill for an act relating to the operation of watercraft, snowmobiles, and all-terrain vehicles while intoxicated, establishing implied consent for chemical testing, and providing penalties.

Read first time and **placed on calendar.**

Senate File 2212, by Tinsman and Kersten, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments.

Read first time and **passed on file.**

APPENDIX

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

COMMERCE

Pursuant to Senate Rule 59, the committee on Commerce assigned to investigate the following Governor's appointment, completed its investigation on February 25, 1992, and recommended the appointee be confirmed:

Richard H. Buenneke as Superintendent of Banking.

ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following Governor's appointment, completed its investigation on February 25, 1992, and recommended the appointee be confirmed:

Rita Ann Venner as a member of the Renewable Fuel Advisory Committee.

REPORT OF STANDING COMMITTEE
(Place nominee on Individual Confirmation Calendar)

COMMERCE

Pursuant to Senate Rule 59, the committee on Commerce assigned to investigate the following Governor's appointment, completed its investigation on February 25, 1992, and recommended the appointee be confirmed:

Jack Nystrom as Director of the Department of Commerce.

REPORT OF ETHICS I COMMITTEE MEETING
(Corrected from February 24, 1992)

Convened: February 19, 1992, 1:10 p.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member, recused).

Committee Business: Committee I voted unanimously to deny Senator Welsh's motions to dismiss the complaint and to accept Senator Welsh's answer to the complaint. Senator Lloyd-Jones and Mr. DeKoster refused to recuse themselves as members of the committee as set forth in Senator Welsh's motions; a public hearing of the committee was scheduled for March 4, 1992, at 10:00 a.m.; the

committee voted unanimously to provide all committee documentation which has been made available to the public regarding the investigation of Senator Welsh to the federal government in compliance with its subpoena.

Adjourned: 1:58 p.m.

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2145, a bill for an act relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and licensing agencies, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5096.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2165, a bill for an act relating to disputes regarding health service charges in workers' compensation cases.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2209 (SSB 2097), a bill for an act relating to viable water systems.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hedge, Kersten, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 2: Hannon and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2095, a bill for an act relating to health data reporting requirements by exempting certain third-party health care payers from the requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2208 (SSB 2125), a bill for an act relating to the disposition of fines and forfeited bail collected for violation of a county ordinance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: *SENATE FILE 2206 (SSB 2189), a bill for an act to prohibit the snagging of fish in the Big Sioux River.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources Committee on Senate File 2206 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2207 (SSB 2128), a bill for an act relating to the protection of endangered species by the department of natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2211 (SSB 2165), a bill for an act relating to the operation opf watercraft, snowmobiles, and all-terrain vehicles while intoxicated, establishing implied consent for chemical testing, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg and Sturgeon. Nays, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	110	Human Resources
S.C.R.	111	Transportation
S.J.R.	2005	State Government
S.F.	2183	Judiciary
S.F.	2199	Human Resources
S.F.	2200	Commerce
S.F.	2201	Judiciary

AMENDMENTS FILED

S–5096	S.F.	2145	Business & Labor Relations

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Wednesday, February 26, 1992.

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 26, 1992

The Senate met in regular session at 9:12 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Finis Easter, State President of the Reorganized Church of the Latter Day Saints, Lamoni, Iowa.

The Journal of Tuesday, February 25, 1992, was approved.

PRESENTATION OF DISTINGUISHED VISITORS

Senators Riordan and McLaren appeared in the well of the Senate and presented the following People's Deputies of the Russian Federation in Moscow:

Chairman Agafonov, chairman of the committee on social development of villages, agriculture, and problems of food supply; Stanislav Osminin, member of the subcommittee on machinery and engineering; Michail Varshavsky, People's Deputy; and Vladimir Molochkov, member of the subcommittee on scientific research and extension work. Also presented was Boris Chernyakov, Senior Research Fellow, Food and Agriculture Department, Institute of the USA and Canada Acadamy of Sciences of the U.S.S.R., from Moscow.

Chairman Agafonov addressed the Senate and was interpreted by Valentina Fominykh from Des Moines, Iowa.

A transcript of Mr. Agafonov's speech will appear in the February 27, 1992, Senate Journal.

INTRODUCTION OF BILL

Senate File 2213, by committee on Small Business and

Economic Development, a bill for an act providing for a rural small business transfer linked investment loan program administered by the treasurer of state, and providing for the deposit of state moneys in financial institutions.

Read first time and **placed on calendar.**

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 February 7, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2089, a bill for an act relating to motor vehicle speed limits and making penalties applicable.

This bill was read first time and **passed on file.**

ALSO: That the House has on February 24, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2010, a bill for an act relating to the classification of certain types of ammunition as offensive weapons, prohibiting possession, and making a penalty applicable, and providing an effective date.

ALSO: That the House has on February 24, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 695, a bill for an act relating to the imposition of an excise tax on certain rentals of motor vehicles and providing a use tax exemption for certain motor vehicles used for rental purposes and providing retroactive applicability and effective dates.

ALSO: That the House has on February 24, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2097, a bill for an act to legalize the proceedings taken by the board of directors of the Mid-Prairie Community School District concerning the imposition of a physical plant and

equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date.

This bill was read first time and **passed on file.**

House File 2203, a bill for an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation.

This bill was read first time and **passed on file.**

House File 2235, a bill for an act changing the date by which the board of directors of a school corporation must determine whether to continue or terminate a teaching contract and providing an effective date.

This bill was read first time and **passed on file.**

House File 2245, a bill for an act relating to notification and determination dates for the discontinuance of a school district administrator contract and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on February 25, 1992, passed the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2009, a joint resolution to nullify an administrative rule of the department of human services relating to mandated reductions in the entitlement programs administered by the department of human services and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on February 25, 1992, **insisted** on its amendment to **Senate File 2116** a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, and that the members of the **Conference Committee** on part of the House are: The Representative from Dubuque, Representative Jochum, Chair; the Representative from Ida, Representative Bennett; the Representative from Cerro Gordo, Representative Groninga; the Representative from Clayton, Representative Halvorson; the Representative from Clinton, Representative Ollie.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2116** on the part of the Senate: Senators Boswell, Chair; Dieleman, Connolly, Tieden, and Lind.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2047	Judiciary
S.F.	2169	State Government

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:50 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 25, 1992, 8:14 a.m.

Members Present: Riordan, Chair; Boswell, Vice Chair and Lloyd-Jones.

Members Absent: Kramer, Ranking Member and Borlaug (both excused).

Committee Business: Subcommittee approved and submitted LSB 5202 to the full Appropriations Committee.

Adjourned: 9:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 25, 1992, 7:45 a.m.

Members Present: Szymoniak, Chair; Deluhery, Vice Chair and Hagerla, Ranking Member and Sturgeon.

Members Absent: Fuhrman.

Committee Business: Subcommittee approved proposed appropriations bill and submitted it to the full Appropriations Committee.

Adjourned: 8:59 a.m.

AGRICULTURE

Convened: February 25, 1992, 8:07 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller and Vande Hoef.

Members Absent: Boswell (excused), Palmer, Riordan (excused) and Rittmer.

Committee Business: Recommended passage of House File 2166; recommended confirmation of governor's appointee; presentations by the Iowa Turkey Federation and the Iowa Poultry Association.

Adjourned: 8:56 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 25, 1992, 2:40 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; amended and approved SSB 2143 as committee bills; recommended passage of Senate File 2145 as amended; recommended passage of House File 2165.

Adjourned: 3:10 p.m.

COMMERCE

Convened: February 25, 1992, 3:36 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn.

Members Absent: Gronstal (excused).

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 3:47 p.m.

EDUCATION

Convened: February 25, 1992, 1:32 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Dieleman, Kibbie, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Deluhery and Kramer (both excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 580.

Adjourned: 1:52 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: February 25, 1992, 2:40 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn.

Members Absent: none.

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 3:32 p.m.

LOCAL GOVERNMENT

Convened: February 25, 1992, 10:20 a.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended confirmation of governor's appointee; recommended passage of Senate File 2139; deferred action on Senate File 2103; approved SSB 2125 as a committee bill.

Adjourned: 10:53 a.m.

NATURAL RESOURCES

Convened: February 25, 1992, 10:10 a.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden.

Members Absent: none.

Committee Business: Recommended confirmation of governor's appointees; approved SSBs 2165 and 2128 as committee bills; amended and approved SSB 2189 as a committee bill.

Adjourned: 11:00 a.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: February 25, 1992, 3:40 p.m.

Members Present: Riordan, Chair; Borlaug, Ranking Member; Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Hannon, Vice Chair and Boswell (both excused).

Committee Business: Amended and approved SSBs 2174 and 2173 as committee bills; recommended confirmation of governor's appointees; assigned SSB 2228 to a subcommittee.

Adjourned: 4:05 p.m.

WAYS AND MEANS

Convened: February 25, 1992, 11:08 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, .Fraise, Fuhrman, Hester, McLaren, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: Murphy.

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:25 a.m.

REPORT OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Pursuant to Senate Rule 59, the committee on Small Business and Economic Development assigned to investigate the following Governor's appointments, completed its investigations on February 25, 1992, and recommended the appointees be confirmed:

John B. Parks as a member of the Iowa Product Development Corporation.

Sarah A. Falb and Leona E. Westphal as members of the Small Business Advisory Council.

STUDY BILLS RECEIVED

SSB 2230 Local Government

Relating to prohibiting fire fighters and emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment.

SSB 2231 Transportation

Relating to highway, bridge, and culvert construction contracts.

SSB 2232 Human Resources

Relating to the establishment of a child support amnesty program.

SSB 2233 Small Business & Economic Development

Relating to the Iowa economic development network by eliminating the regional development centers and providing for contracts to be entered into with each community college to employ a business and industry outreach specialist.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 17

AGRICULTURE: Riordan, Chair; Boswell and Soorholtz

Senate Concurrent Resolution 111

TRANSPORTATION: Welsh, Chair; Dieleman and Drake

Senate File 2185

HUMAN RESOURCES: Szymoniak, Chair; Murphy and Taylor

SSB 2230

LOCAL GOVERNMENT: Rittmer, Chair; Hannon and Sorensen

SSB 2231

TRANSPORTATION: Welsh, Chair; Gettings and Pate

SSB 2232

HUMAN RESOURCES: Hannon, Chair; Kramer, Rittmer, Sturgeon and Szymoniak

SSB 2233

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Running, Chair; Kibbie, Pate, Riordan and Vande Hoef

SUBCOMMITTEE ASSIGNMENTS
(Reassignments)

Senate File 2188

COMMERCE: Doyle, Chair; Gettings, Jensen, Slife and Varn

SSB 2220

COMMERCE: Varn, Chair; Doyle, Gettings, Jensen and Slife

SSB 2221

COMMERCE: Varn, Chair; Doyle, Gettings, Jensen and Slife

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2216 (SSB 2143), a bill for an act relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE FILE 2213 (SSB 2173), a bill for an act relating to the transfer of rural retail businesses, by creating an assistance program and providing for the deposit of state moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Riordan, Borlaug, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 2: Hannon and Boswell.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2217 (SSB 2174), a bill for an act relating to payments made by and to the department of economic development, allowing for carry-over of certain department funds between fiscal years, modifying the operation of the federal home investment partnerships program, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Riordan, Borlaug, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 2: Hannon and Boswell.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:37 p.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF BILLS

Senate File 2214, by Lind, a bill for an act relating to residency requirements for hunting and fishing licenses.

Read first time and **passed on file.**

Senate File 2215, by Rife, a bill for an act relating to the introduction of legislative bills and resolutions in the general assembly.

Read first time and **passed on file.**

Senate File 2216, by committee on Business and Labor Relations, a bill for an act relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2217, by committee on Small Business and Economic Development, a bill for an act relating to distribution of funds within, payments made by, and payments made to the department of economic development.

Read first time and **placed on calendar.**

Senate File 2218, by committee on State Government, a bill for an act relating to the regulation of swimming pools and spas regulated by the Iowa department of public health.

Read first time and **placed on calendar.**

Senate File 2219, by committee on Judiciary, a bill for an act relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies.

Read first time and **placed on calendar.**

Senate File 2220, by Kinley, a bill for an act expanding the definition of children requiring special education to include children who are functionally blind, and providing for teacher licensure to teach braille to functionally blind students, and providing for related matters.

Read first time and **passed on file.**

APPENDIX

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2101 passed the Senate on February 25, 1992.

MICHAEL E. GRONSTAL

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: SENATE FILE 2072, a bill for an act relating to drug-free and weapons-free zones near schools and parks and other locations, and establishing criminal offenses and penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Fuhrman, Deluhery, Drake, Hagerla, Hester, Miller, Murphy, Pate, Slife and Varn. Nays, 3: Rosenberg, Horn and Peterson. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2219 (SSB 2045), a bill for an act relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: HOUSE FILE 2204, a bill for an act relating to dissemination of annual reports of county conservation boards.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Palmer, Kibbie, Hester, Hagerla, Hedge, Priebe, Rensink, Riordan and Rosenberg. Nays, none. Absent or not voting, 3: Dieleman, Sturgeon and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2218 (SSB 2157), a bill for an act relating to the size of swimming pools and wading pools regulated by the Iowa department of public health.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kibbie, Lind, Buhr, Doyle, Gronstal, Horn, McLaren, Priebe, Rife, Soorholtz, Sorensen and Welsh. Nays, none. Absent or not voting, 8: Lloyd-Jones, Dieleman, Drake, Kramer, Murphy, Pate, Running and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2221 (SSB 2206), a bill for an act providing for the composition of the renewable fuel advisory committee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kibbie, Lind, Buhr, Doyle, Gronstal, Horn, McLaren, Priebe, Soorholtz, Sorensen and Welsh. Nays, none. Absent or not voting, 8: Lloyd-Jones, Dieleman, Drake, Kramer, Murphy, Pate, Running and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2222 (SSB 2180), a bill for an act authorizing the licensing of video lottery games in a county after a favorable referendum.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Kibbie, Lind, Buhr, Doyle, Gronstal, Horn, Murphy, Pate, Running, Soorholtz and Welsh. Nays, 3: McLaren, Priebe and Sorensen. Pass, 1: Rife. Absent, 5: Lloyd-Jones, Dieleman, Drake, Kramer and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2221, by committee on State Government, a bill for an act providing for the composition of the renewable fuel advisory committee.

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

Senate File 2222, by committee on State Government, a bill for an act authorizing the licensing of video lottery games in a county after a favorable referendum.

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

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2205	State Government
S.F.	2210	Transporation
S.F.	2212	Commerce
S.F.	2214	Natural Resources
S.F.	2215	Rules and Administration
S.F.	2220	Education
H.J.R.	2009	Human Resources
H.F.	2089	Transportation
H.F.	2203	Natural Resources
H.F.	2235	Education
H.F.	2245	Education

AMENDMENTS FILED

S–5097	S.F.	2207	Berl E. Priebe
S–5098	S.F.	2143	Mike Connolly
S–5099	S.F.	2154	Donald Doyle

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:40 p.m., until 9:00 a.m., Thursday, February 27, 1992.

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 27, 1992

The Senate met in regular session at 9:02 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Reverend Keith Korver, associate pastor of the Trinity Reformed Church, Pella, Iowa.

The Journal of Wednesday, February 26, 1992, was approved.

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 February 25, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 39, a bill for an act relating to fees charged by the county recorder and exempting the county from the payment of fees.

ALSO: That the House has on February 25, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2262, a bill for an act relating to the organization of cooperative associations.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2223, by Vande Hoef, a bill for an act defining public road rights-of-way.

Read first time and **passed on file.**

Senate File 2224, by Tinsman, a bill for an act relating to licensure by counties of ambulance services.

Read first time and **passed on file.**

Senate File 2225, by Szymoniak, Dieleman, Hannon, Lloyd-Jones, Running, Riordan, and Gronstal, a bill for an act relating to smoking in a public place, imposing court costs, and allowing cities to impose civil and criminal penalties.

Read first time and **passed on file.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lind until he arrives on request of Senator Rife and Senator Sorensen until he arrives on request of Senator Hutchins.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2159** be referred from the Regular Calendar to the committee on **Ways and Means** and returned to the Senate Calendar by 5:00 p.m., March 5, 1992.

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Linda Hanson be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

BILL HUTCHINS

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Donna Brosdahl as a member of the Accountancy Examining Board.

Sylvester Grady as a member of the Commission on the Status of African-Americans.

Richard H. Buenneke as Superintendent of Banking.

Karen L. Bossard, Janelle Cowles and Dominick D. Pellegreno as members of the Board of Behavioral Science Examiners.

Gary T. Gee as a member of the Campaign Finance Disclosure Commission.

Harley Hiemstra and Eric D. Kelly as members of the City Development Board.

Merl L. McFarlane as a member of the Commission on Community Action Agencies.

Jim R. Schwiesow as a member of the Board of Corrections.

Frederick Hagemann and William C. Metz as members of the Iowa Economic Development Board.

Rita M. Busch as a member of the Board of Educational Examiners.

Susan S. Baska as a member of the Iowa Emergency Response Commission.

Terry Evans as a member of the Iowa Grain Indemnity Fund Board.

Byron K. Orton as Industrial Commissioner.

Mary Ann Brown, Perry K. Hummel, T.K. Krishna Gopal and Richard P. Tekippe as members of the Indigent Defense Advisory Commission.

James D. Collins, Jr., M.D. as a member of the Medical Examining Board.

Mary Frances Winegardner as a member of the Board of Physician Assistant Examiners.

Billy S. Cox, Mary L. Ellis, Diane E. Glass, Alfred Healy, M.D., Jerry D. Stilwell, Carol A. Watson, Verna L. Welte and Frank J. Zlatnik as members of the Prevention of Disabilities Policy Council.

John E. Knapp as a member of the Real Estate Commission.

A.H. Junior Cooper and Ramona M. Paulin as members of the Renewable Fuel Advisory Committee.

Richard S. Burchett, Doris A. Hansen, Janice M. Johnson, Robert M. Kreamer, Eugene H. Philiph and Patrick A. Ricks as members of the Small Business Advisory Council.

Jill M. Miller as a member of the Speech Pathology and Audiology Examining Board.

Perry J. Chapin and Wayne T. Newton as members of the Wallace Technology Transfer Foundation of Iowa.

Judith E. Harrison, Hillary B. Maurer, Stan N. Nilles and Gary R. Shawver as members of the Well Contractors' Council.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lind	Sorensen

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2179

On motion of Senator Doyle, Senate File 2179, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date, was taken up for consideration.

Senator Doyle 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. 2179) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lind	Sorensen

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

Senate File 2195

On motion of Senator Rosenberg, Senate File 2195, a bill for an act relating to provisions within the juvenile justice code, and

increasing the age of persons eligible to be represented by a guardian ad litem when acting as a prosecuting witness, was taken up for consideration.

Senator Rosenberg 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. 2195) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lind Sorensen

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

PROOF OF PUBLICATION

Verified proof of publication of Senate File 2052 (companion bill House File 2097) in accordance with Section 585.1 of the Code was filed with the Secretary of the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2052

On motion of Senator Varn, Senate File 2052, a bill for an act to legalize the proceedings taken by the board of directors of the

Mid-Prairie Community School District concerning the imposition of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that **House File 2097** be **substituted** for Senate File 2052.

House File 2097

On motion of Senator Varn, House File 2097, a bill for an act to legalize the proceedings taken by the board of directors of the Mid-Prairie Community School District concerning the imposition of a physical plant and equipment tax and the inclusion of funds raised through the levy in the district's budget, and providing an effective date, was taken up for consideration.

Senator Varn 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. 2097) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Lind	Priebe	Sorensen	Szymoniak

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

Senator Varn asked and received unanimous consent that **Senate File 2052** be **withdrawn** from further consideration of the Senate.

Senate File 2175

On motion of Senator Welsh, Senate File 2175, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable, was taken up for consideration.

Senator Welsh offered amendment S—5092 filed by him on February 24, 1992, to page 5 of the bill and moved its adoption.

Amendment S—5092 was adopted by a voice vote.

Senator Drake asked and received unanimous consent that action on **Senate File 2175** be **deferred.**

Senate File 2040

On motion of Senator Rosenberg, Senate File 2040, a bill for an act relating to the appointment of associate juvenile judges and eliminating the juvenile referee system, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5091 filed by the committee on Judiciary on February 24, 1992, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5091 was adopted by a voice vote.

Senator Rosenberg 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. 2040) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen

Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Lind	Sorensen	Tieden

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

Senate File 84

On motion of Senator Murphy, Senate File 84, a bill for an act relating to the purchase of recycled paper by state agencies, with report of committee recommending passage, was taken up for consideration.

Senator Murphy offered amendment S—3215 filed by him on March 28, 1991, to page 1 of the bill and moved its adoption.

Amendment S—3215 was adopted by a voice vote.

Senator Murphy offered amendment S—3353 filed by Senators Murphy and Rosenberg on April 9, 1991, to page 1 and the title page of the bill.

Senator Murphy offered amendment S—5095 filed by Senators Murphy and Rosenberg on February 25, 1992, to amendment S—3353.

Senator Murphy asked and received unanimous consent that action on amendment S—5095 to amendment S—3353, amendment S—3353 and **Senate File 84** be **deferred.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Boswell, Connolly, Gronstal and Dieleman until they return on request of Senator Murphy.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2189

On motion of Senator Doyle, Senate File 2189, a bill for an act relating to invention development services, and making penalties applicable, was taken up for consideration.

Senator Doyle 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. 2189) the vote was:

Ayes, 43:

Borlaug	Buhr	Deluhery	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Boswell	Connolly	Dieleman	Gronstal
Hutchins	Lind	Tieden	

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

Senate File 2186

On motion of Senator Running, Senate File 2186, a bill for an act relating to the time by which community colleges must meet new accreditation standards established by the state board of

education and providing for continuation of previous accreditation standards, was taken up for consideration.

Senator Varn offered amendment S—5089 filed by him on February 24, 1992, to page 1 and the title page of the bill.

Senator Varn asked and received unanimous consent that action on amendment S—5089 and **Senate File 2186** be **deferred.**

Senate File 2095

On motion of Senator Horn, Senate File 2095, a bill for an act relating to health data reporting requirements by exempting certain third-party health care payers from the requirements, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2095) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

House Joint Resolution 4

On motion of Senator Priebe, House Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the State

of Iowa removing the disqualification from office for parties to a duel, with report of committee recommending passage, was taken up for consideration.

Senator Priebe moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

House Joint Resolution 4, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 5 of Article I of the Constitution of the State of Iowa is repealed.

Sec. 2. The foregoing proposed amendment, having been adopted and agreed to by the Seventy-third General Assembly, 1989 Session, thereafter duly published, and now adopted and agreed to by the Seventy-fourth General Assembly in this joint resolution, shall be submitted to the people of the State of Iowa at the general election in November of the year nineteen hundred ninety-two in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question "Shall the resolution pass?" (H.J.R. 4) the vote was:

Yeas, 32:

Borlaug	Boswell	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Hagerla	Hannon	Hester
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	McLaren	Miller
Murphy	Palmer	Priebe	Rensink
Riordan	Rosenberg	Running	Slife
Sorensen	Sturgeon	Tieden	Varn

Nays, 18:

Buhr	Dieleman	Gronstal	Hedge
Horn	Kersten	Kramer	Lloyd-Jones

Pate	Peterson	Rife	Rittmer
Soorholtz	Szymoniak	Taylor	Tinsman
Vande Hoef	Welsh		

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2114

On motion of Senator Sorensen, Senate File 2114, a bill for an act relating to procedures upon the closing of polls using electronic voting or tabulating systems, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen 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. 2114) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

INTRODUCTION OF BILLS

Senate File 2226, by Szymoniak, a bill for an act relating to

the use of protective headgear when operating or riding certain motor vehicles and the sale of such headgear and providing penalties.

Read first time and **passed on file.**

Senate File 2227, by committee on Transportation, a bill for an act relating to state department of transportation employees' interests in highway, bridge, and culvert construction contracts.

Read first time and **placed on calendar.**

Senate File 2228, by Tinsman, a bill for an act providing for the establishment of economic redevelopment corporations, the allocation of moneys, powers of eminent domain, and bonding authority.

Read first time and **passed on file.**

Senate File 2229, by committee on Environment and Energy Utilities, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties.

Read first time and **placed on calendar.**

Senate File 2230, by Hagerla, a bill for an act relating to the definition of a travel agency for registration purposes.

Read first time and **passed on file.**

RECESS

On motion of Senator Horn, the Senate recessed at 10:57 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 26, 1992, 1:12 p.m.

Members Present: Varn, Chair; Horn, Vice Chair; Lind, Ranking Member; Murphy and Tieden.

Members Absent: none.

Committee Business: Discussed 1993 appropriations bill.

Recessed: 1:35 p.m.

Reconvened: February 27, 1992, 7:40 a.m.

Members Present: Varn, Chair; Horn, Vice Chair; Murphy and Tieden.

Members Absent: Lind, Ranking Member (excused).

Committee Business: Subcommittee approved and submitted proposed appropriations bill to the full Appropriations Committee.

Adjourned: 8:55 a.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: February 26, 1992, 2:37 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn.

Members Absent: none.

Committee Business: Approved SSBs 2100, 2197 and 2098 as committee bills.

Adjourned: 3:25 p.m.

ETHICS COMMITTEE I

Convened: February 26, 1992, 1:25 p.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge and Husak.

Members Absent: DeKoster (citizen member, excused) and Knutson (citizen member, recused).

Committee Business: The committees moved to accept the form for the subpoena to testify before the committee and agreed that service of the subpoena could be made on: members of the committee, complainants, respondents and attornies for the aforementioned; the committees moved that service of the subpoena(s) could be performed first by the Secretary of the Senate, and secondly by a law enforcement official, if the Secretary is unable to perform said service; the committees agreed that if a member was served a subpoena and refused to recuse from the committee, the committee could vote his/her removal; the committee agreed that Leslie Workman will provide the Secretary of the Senate with forms for proper documentation of service.

Adjourned: 1:58 p.m.

ETHICS COMMITTEE II

Convened: February 26, 1992, 1:25 p.m.

Members Present: Gettings, Chair; Rosenberg, Vice Chair; Slife, Ranking Member; Hedge and Husak.

Members Absent: DeKoster and Knutson (citizen members, excused).

Committee Business: The committees moved to accept the form for the subpoena to testify before the committee and agreed that service of the subpoena could be made on: members of the committee, complainants, respondents and attornies for the aforementioned; the committees moved that service of the subpoena(s) could be performed first by the Secretary of the Senate, and secondly by a law enforcement official, if the Secretary is unable to perform said service; the committees agreed that if a member was served a subpoena and refused to recuse from the committee, the committee could vote his/her removal; the committee agreed that Leslie Workman will provide the Secretary of the Senate with forms for proper documentation of service.

Adjourned: 1:58 p.m.

HUMAN RESOURCES

Convened: February 26, 1992, 4:45 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman.

Members Absent: Sturgeon (excused).

Committee Business: Amended and approved SSBs 2208 and 2184 as committee bills.

Adjourned: 5:25 p.m.

JUDICIARY

Convened: February 26, 1992, 11:13 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Connolly (excused).

Committee Business: Recommended passage of Senate File 2072; approved SSB 2045 as a committee bill.

Adjourned: 12:01 p.m.

LOCAL GOVERNMENT

Convened: February 26, 1992, 3:40 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen and Sorensen.

Members Absent: Vande Hoef (excused).

Committee Business: Assigned a bill to subcommittee; Senate File 2103 failed recommendation for passage; deferred action on SSB 2210; amended SSB 2159 and ordered redrafted as a committee bill.

Adjourned: 4:19 p.m.

NATURAL RESOURCES

Convened: February 26, 1992, 3:40 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Hagerla, Hedge, Priebe, Rensink, Riordan and Rosenberg.

Members Absent: Dieleman and Sturgeon (both excused) and Tieden.

Committee Business: Recommended passage of House File 2204.

Adjourned: 4:20 p.m.

STATE GOVERNMENT

Convened: February 26, 1992, 1:47 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Doyle, Drake, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Welsh.

Members Absent: Dieleman, Kramer and Vande Hoef (all excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2157, 2206 and 2180 as committee bills.

Adjourned: 2:15 p.m.

TRANSPORTATION

Convened: February 26, 1992, 4:50 p.m.

Members Present: Fraise, Chair; Drake, Ranking Member; Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Slife and Welsh.

Members Absent: Connolly, Vice Chair (excused); Dieleman (excused) and Pate.

Committee Business: Assigned bills to subcommittees; approved SSB 2231 as a committee bill.

Adjourned: 5:00 p.m

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2101 passed the Senate on February 25, 1992.

RICHARD VANDE HOEF

EXPLANATIONS OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 27, 1992, when the vote was taken on Senate File 2189.

Had I been present, I would have voted "aye".

MIKE CONNOLLY

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on February 24 and 25, 1992. Had I been present, I would have voted as follows:

February 24: "aye" on Senate Files 2054, 2059, 2101, 2155, 2165, 2166 and 2168.

February 25: "aye" on Senate Files 2097, 2138, 2148, 2153, 2158, 2162 and 2163.

JOE J. WELSH

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments, completed its investigations on February 27, 1992, and recommended the appointees be confirmed:

Bonnie B. Dull for reappointment as a member of the Commission on Community Action Agencies.

Jill M. Robinson and Joan A. Wester-Vore as members of the Commission on the Deaf.

STUDY BILLS RECEIVED

SSB 2234 Judiciary

Relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the Act's applicability.

SSB 2235 Judiciary

Relating to victims of criminal acts, creating a crime victim assistance grant fund, creating criminal prohibitions, and establishing penalties.

SSB 2236 Judiciary

Relating to the receipt of gifts by public officials and employees and repealing certain reporting requirements.

SSB 2237 Judiciary

Relating to unfair and discriminatory practices in housing and subjecting violators to existing civil and criminal penalties.

SSB 2238 Commerce

Relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing certain fees, and establishing penalties.

SSB 2239 State Government

Relating to administration of the Iowa public employees' retirement system.

SSB 2240 Agriculture

Increasing certain fees charged by the department of agriculture and land stewardship.

SSB 2241 State Government

Relating to administration and benefits of the Iowa public employee's retirement system, including penalties.

SSB 2242 Human Resources

Providing for access to child abuse information for certain agencies placing individuals who provide care, supervision, or guidance of a child in the child's home.

SSB 2243 Small Business & Economic Development

Relating to the Iowa small business new jobs training program and the Iowa retraining program.

SSB 2244 Small Business & Economic Development

Relating to rural economic development and related taxation provisions.

SSB 2245 Small Business & Economic Development

Relating to extending the time that certificates of deposit may be placed in financial institutions under the linked investments for tomorrow Act.

SSB 2246 Local Government

Relating to the provision of solid waste collection services by a city.

SSB 2247 Education

Establishing the campus care program and the community youth resource program to organize student volunteers to aid the elderly and at-risk children, and providing for the establishment of funds and making of appropriations.

SSB 2248 State Government

Relating to state government and other properly related areas, providing penalties and fees, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2200

COMMERCE: Kinley, Chair; Palmer and Tieden

Senate File 2210

TRANSPORTATION: Connolly, Chair; Drake and Welsh

House File 2089

TRANSPORTATION: Kinley, Chair; Lloyd-Jones and Pate

SSB 2037

HUMAN RESOURCES: Buhr, Chair; Horn and Tinsman

SSB 2234

JUDICIARY: Varn, Chair; Peterson and Slife

SSB 2235

JUDICIARY: Rosenberg, Chair; Fuhrman and Horn

SSB 2236

JUDICIARY: Sturgeon, Chair; Pate and Varn

SSB 2237

JUDICIARY: Rosenberg, Chair; Hagerla and Murphy

SSB 2238

COMMERCE: Varn, Chair; Doyle, Gettings, Jensen and Slife

SSB 2239

STATE GOVERNMENT: Welsh, Chair; Dieleman, Drake, Kibbie and Lind

SSB 2240

AGRICULTURE: Husak, Chair; McLaren and Miller

SSB 2241

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Horn and Rife

SSB 2242

HUMAN RESOURCES: Szymoniak, Chair; Hannon and Kramer

SSB 2243

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Running, Chair; Kibbie and Kramer

SSB 2244

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Riordan, Chair; Borlaug, Kibbie, Kramer and Running

SSB 2245

SMALL BUSINESS & ECONOMIC DEVELOPMENT: Hannon, Chair; Rittmer and Running

SSB 2246

LOCAL GOVERNMENT: Miller, Chair; Sorensen and Vande Hoef

SSB 2248

STATE GOVERNMENT: Welsh, Chair; Buhr, Running, Soorholtz and Vande Hoef

SUBCOMMITTEE ASSIGNMENT
(Reassignment)

SSB 2229

TRANSPORTATION: Dieleman, Chair; Gettings and Jensen

PRESENTATION OF VISITORS

Senator Jensen presented Mirkka Sippola from Finland, exchange student attending Ackley-Geneva School and Kokua Rajchakit of Thailand, teacher at Ackley-Geneva School.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 517, a bill for an act providing for the rescue and maintenance of neglected animals, providing for penalties, and providing for the repeal of a provision.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5103.

Final Vote: Ayes, 11: Priebe, Peterson, Soorholtz, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Riordan and Vande Hoef. Nays, none. Absent or not voting, 4: Boswell, Miller, Palmer and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2229 (SSB 2197)), a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Rosenberg, Deluhery, Fraise, Hannon, Miller, Sorensen and Varn. Nays, 4: Borlaug, Hedge, Kersten and Soorholtz. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 103, a concurrent resolution calling upon the United States Congress to provide for the establishment of benefit levels for aid to families with dependent children.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2231 (SSB 2130), a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman. Nays, 1: Hagerla. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2227 (SSB 2231), a bill for an act relating to highway, bridge, and culvert construction contracts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Drake, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Slife and Welsh. Nays, none. Absent or not voting, 3: Connolly, Dieleman and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2227 and they were attached to the committee report.

AMENDMENTS FILED

S—5100	S.F.	2143	Larry Murphy Harry Slife
S—5101	S.F.	2175	Joe J. Welsh
S—5102	S.F.	2175	Joe J. Welsh
S—5103	S.F.	517	Agriculture

AFTERNOON SESSION

The Senate reconvened at 4:47 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

Senator Hannon took the chair at 4:50 p.m.

The vote revealed 43 present, 7 absent and a quorum present.

President Gronstal took the chair at 5:00 p.m.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hutchins for the remainder of the day on request of Senator Horn and Senator Tinsman for the remainder of the day on request of Senator Rife.

BUSINESS PENDING

Senate File 2186

The Senate resumed consideration of Senate File 2186, a bill for an act relating to the time by which community colleges must meet new accreditation standards established by the state board of education and providing for continuation of previous accreditation standards, and amendment S—5089 by Senator Varn to page 1 and to the title page of the bill, previously deferred.

Senator Varn moved the adoption of amendment S—5089, which motion prevailed by voice vote.

Senator Running 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. 2186) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Szymoniak	Tinsman

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2120

On motion of Senator Connolly, Senate File 2120, a bill for an act to establish a midwestern higher education compact, was taken up for consideration.

Senator Connolly offered amendment S—5105 filed by him from the floor to page 3 of the bill.

Senator Lind asked and received unanimous consent that action on amendment S—5105 and **Senate File 2120** be **deferred.**

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 112, by Running, a concurrent resolution requesting the Governor to annually issue a proclamation designating April 28 as Workers' Memorial Day.

Read first time and **passed on file.**

Senate Concurrent Resolution 113, by committee on Rules and Administration, a concurrent resolution to affirm the commitment of the Iowa General Assembly to continued cooperation and exchange of information between the Russian Parliament and the Iowa General Assembly.

Read first time and **placed on calendar.**

INTRODUCTION OF BILLS

Senate File 2231, by committee on Human Resources, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty.

Read first time and **placed on calendar.**

Senate File 2232, by Lind, a bill for an act requiring certain subcontractors to provide certain information when participating in public improvements and providing sanctions.

Read first time and **passed on file.**

Senate File 2233, by committee on Judiciary, a bill for an act relating to the residency requirement for clerks of the district court.

Read first time and **placed on calendar.**

Senate File 2234, by committee on Judiciary, a bill for an act relating to grandparent visitation rights.

Read first time and **placed on calendar.**

Senate File 2235, by committee on Commerce, a bill for an act relating to the requirements of an abstractor participating in the title guaranty program.

Read first time and **placed on calendar.**

BUSINESS PENDING

Senate File 2175

The Senate resumed consideration of Senate File 2175, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable, previously deferred.

Senator Welsh offered amendment S—5102 filed by him from the floor to pages 3 and 8 of the bill and moved its adoption.

Amendment S—5102 was adopted by a voice vote.

Senator Welsh offered amendment S—5101 filed by him from the floor to page 8 of the bill and moved its adoption.

Amendment S—5101 was adopted by a voice vote.

Senator Hannon asked and received unanimous consent that action on **Senate File 2175** be **deferred.**

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 113, a concurrent resolution to affirm the commitment of the General Assembly to continued cooperation and exchange of information between the Russian Parliament and the Iowa General Assembly.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 113.

Senate Concurrent Resolution 113

On motion of Senator Lloyd-Jones, Senate Concurrent Resolution 113, a concurrent resolution to affirm the commitment of the Iowa General Assembly to continued cooperation and exchange of information between the Russian Parliament and the Iowa General Assembly, was taken up for consideration.

Senator Lloyd-Jones moved the adoption of Senate Concurrent Resolution 113, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 113** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2175

The Senate resumed consideration of Senate File 2175, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable, previously deferred.

Senator Hannon offered amendment S—5106 filed by Senators Hannon, et al., from the floor to page 8 of the bill.

Senator Horn asked and received unanimous consent that action on amendment S—5106 and **Senate File 2175** be **deferred.**

INTRODUCTION OF BILL

Senate File 2236, by committee on Education, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve.

APPENDIX

TRANSLATION OF SPEECH BY CHAIRMAN AGAFONOV FROM RUSSIA TO THE IOWA SENATE ON FEBRUARY 26, 1992

Honorable Members of the Senate!

Ladies and Gentlemen!

On behalf of all the members of the Parliamentary delegation, I thank you for the opportunity to address you from this distinguished tribunal. We consider this to be a sign of respect toward the people of the Russian Federation, from whom I convey to you, the people of the United States and the state of Iowa, the best wishes for prosperity and peace.

We are grateful to all who have taken part in organizing our visit and who have accorded us a warm reception: the legislators of Iowa, the Governor, the administration of the Iowa International Development Foundation, as well as ordinary Iowans.

Our Parliament group consists of members of the agricultural committee of the Supreme Soviet of the Russian Federation.

In our view, this is one of the most important, vital, and, what is more important, peaceful directions in the legislative and executive policies of Russia.

And it is especially nice to know that from the very first days of the committee's creation, the first, and we hope longest business - and friendship-related contacts were established namely with the state of Iowa - which for years has been the leader in the U.S. in the area of agriculture.

Your successes in agriculture are the natural result of the cooperative efforts of farmers and dealers, scientists and numerous services available for farmers.

Not long ago I heard an expression which summed up the essence of your state in just a few words: "Iowa is the place where people and nature coexist in harmony."

We also think that this is the result of the fruitful work of legislators who constantly tend to the needs of the citizens of their state.

I'd like to sasy a few words about the sweeping changes that have occurred in the former USSR. No doubt you are aware that in a relatively short period of time, 15 former republics declared independence and became autonomous governments.

As a result of the democractic changes, Russia liquidated the majority of old administrative structures. In most areas, the command allocation system is being supplanted by a market-allocation system. Basic laws have been passed concerning privatization of enterprises in industry, agriculture, and the services sector. New

forms of ownership — including private ownership — are appearing in all areas of the economy.

However, it is not easy to bring about economic reforms when they are being carried out in the contest of an increasingly democratized society on the one hand and a shortage of essential goods, including food products, on the other.

Of course, you know that Russia has an abundance of natural resources. We rank in the top five countries in terms of reserves of oil, coal, gas, forests, and other natural resources. But democratic reforms for such a big country represent a genuine revolution.

The Russian Parliament is undertaking a whole package of measures, among which the most important is the construction of a lawful democratic government and democratic country and the demilitarization of the country. You are well aware of the many peaceful initiatives put forward by our country; you also know about the agreements between our nations in the area of disarmament.

All this will permit us to widen the sphere of mutual interests and the scale of interaction.

In Russia, we are currently experiencing shortages of everything, especially food products. No, this is not a famine, it is not a catastrophe. But it is an extreme situation in a country where democratic structures are only beginning to be built, where laws are still uncompleted — I am speaking about their correspondence to democratic demands — where old views are still strong, where the largest and best equipped army in the world is located. I am not speaking here about acts of mercy, one-time-only shipments to aid the starving, as was the case in the 20s.

This is considerably more serious. In the Russian federation a line has been clearly drawn for the creation of a democratic state. To create such a lawful society in the face of an extremely cruel economic crisis which has diverted the interests of all people — this is an undertaking fraught with social instability.

The choice made by the people in favor of democracy in the countries of the former USSR — this is the highest guarantee of peace on earth, for all practical purposes the liquidation of the threat of wars, a colossal savings of material and financial resources.

I am sure that both for Russians, and for the world as a whole, cooperation that is unconditional and without any prerequisites will give us a great chance to reolve the most complex of all world probems — the problem of hunger and malnutrition of a huge mass of the population. Russian and America must unite their efforts in this regard.

Our group has arrived here with concrete proposals which could permit us, without foregoing democratic principles, to find a quick resolution to the critical situation that has taken shape in Russia.

What, then, are the areas in which, in our view, we might successfully cooperate?

First we are young legislators, and your valuable experience, accumulated over two centuries, would be exceptionally beneficial to us. Regular meetings and exchange of information and delegations could become one of the forms of cooperation.

Second, we are engaged in serious reforms in agriculture. And we have great need to train our managers experts, and farmers. This is also an important area for cooperation.

In the area of economics:

1. Joint development of the first agribusiness center in our country — in the Stavropol' region, which shares many similarities with Iowa. Its main function will be the mastery on a practical level of state-of-the-art technologies.

2. Joint manufacture of equipment (metal grain bins, extruders, etc) — in Russian enterprises, but using American technology — for waste-free storage of grain and efficient processing of it for feed-grain purposes and the concurrent development on Russian farms of food additives.

3. Continuation and broadening of contacts with producers of hybrid seed and various forms of farm equipment and machinery.

4. Establishing business contacts with companies, cooperatives, and individual farmers to share experiences, creation of joint ventures, and exchanges of workers and specialist.

5. Renewal and broadening of applied scientific work with scholars and specialists at Iowa State University; here, needless to say, there are still many opportunities for joint efforts.

In conclusion, let me remind you of words from your own Declaration of Independence:

All men are created equal and endowed by the Creator with certain inalienable rights, including the right to life, liberty and the pursuit of happiness . . .

We are here to ensure the security and prosperity of our people, as well as all the peoples of the world, as quickly as possible. We will achieve this goal much sooner if we work together.

Thank you for your attention.

(Chairman Agafonov presented the Senate with a painting of the Russian White House).

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	112	Business & Labor Relations
S.F.	2223	Transportation
S.F.	2224	Local Government
S.F.	2225	Local Government
S.F.	2228	Small Business & Economic Development
S.F.	2230	Commerce
S.F.	2232	Business and Labor Relations

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber when the vote was taken on Senate File 2186.

Had I been present, I would have voted "aye".

ELAINE SZYMONIAK

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2235 (SSB 2133), a bill for an act relating to the requirements of an abstractor participating in the title guaranty program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Jensen, Palmer, Priebe and Tieden. Nays, none. Absent or not voting, 5: Gronstal, Kersten, Lind, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: *SENATE FILE 2236 (SSB 2213), a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, 1: Lind. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2236 and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2238 (SSB 2227), a bill for an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2238 and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2233 (SSB 2203), a bill for an act relating to the residency requirement for clerks of the district court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2234 (SSB 2191), a bill for an act relating to grandparent visitation rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE FILE 2237, a bill for an act relating to the sale of the WOI television station and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE FILE 2239 (SSB 2245), a bill for an act relating to extending the time that certificates of deposit may be placed in financial institutions under the linked investments for tomorrow Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Riordan, Hannon, Borlaug, Kibbie, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Boswell, Kramer and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2237, by committee on Rules and Administration, a bill for an act relating to the sale of the WOI television station and providing an effective date.

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

Senate File 2238, by committee on Education, a bill for an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

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

Senate File 2239, by committee on Small Business and Economic Development, a bill for an act relating to extending the time that certificates of deposit may be placed in financial institutions under the linked investments for tomorrow Act.

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

AMENDMENTS FILED

S—5104	S.F.	2005	Beverly Hannon
S—5105	S.F.	2120	Mike Connolly
S—5106	S.F.	2175	Beverly Hannon Jim Riordan Donald Doyle Berl E. Priebe Emil J. Husak Laorry Murphy Leonard Boswell
S—5107	S.F.	2204	Al Sturgeon

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:32 p.m., until 9:00 a.m., Friday, February 28, 1992.

JOURNAL OF THE SENATE

FORTY-SEVENTH CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, February 28, 1992

The Senate met in regular session at 9:05 a.m., Senator Hannon presiding.

Prayer was offered by the Honorable Maggie Tinsman, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Thursday, February 27, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Doyle for the day on request of Senator Horn.

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 February 26, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

This bill was read first time and **passed on file.**

House File 2085, a bill for an act relating to cooperative associations by providing for the release of membership lists and amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting shareholders, and the manner in which funds of the association can be used.

This bill was read first time and **passed on file.**

House File 2243, a bill for an act relating to the requirements for licensure as a certified public accountant.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2240, by committee on Judiciary, a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages.

Read first time and **placed on calendar.**

Senate File 2241, by committee on Judiciary, a bill for an act establishing a structured fines pilot program and providing an effective date.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred February 27, 1992)

Senate File 84

The Senate resumed consideration of Senate File 84, a bill for an act relating to the purchase of recycled paper by state agencies, amendment S—3353 by Senators Murphy and Rosenberg to page 1 and the title page of the bill and amendment S—5095 by Senators Murphy and Rosenberg to amendment S—3353, deferred February 27, 1992.

Senator Murphy moved the adoption of amendment S—5095 to amendment S—3353, which motion prevailed by voice vote.

Senator Murphy moved the adoption of amendment S—3353 as amended, which motion prevailed by voice vote.

Senator Varn offered amendment S—5108 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5108 was adopted by a voice vote.

Senator Murphy 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. 84) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Doyle

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

President pro tempore Lloyd-Jones took the chair at 9:32 a.m.

UNFINISHED BUSINESS
(Deferred February 27, 1992)

Senate File 2175

The Senate resumed consideration of Senate File 2175, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable,

and amendment S—5106 by Senators Hannon, et al., to page 8 of the bill, deferred on February 27, 1992.

Senator Welsh asked and received unanimous consent that action on amendment S—5106 and **Senate File 2175** be **deferred.**

MOTION TO RECONSIDER ADOPTED

Senator Husak called up the motion to reconsider Senate File 2108 filed by him on February 18, 1992, found on page 376 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2108) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 2:

Taylor	Tieden

Absent or not voting, 3:

Connolly	Doyle	Rife

The motion prevailed.

Senator Husak moved to reconsider the vote by which Senate File 2108 went to its last reading, which motion prevailed by a voice vote.

Senate File 2108

On motion of Senator Husak, Senate File 2108, a bill for an act relating to the registration and use of boats and motorboats, was taken up for reconsideration.

Senator Husak offered amendment S—5093 filed by him on February 24, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5093 was adopted by a voice vote.

Senator Husak 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. 2108) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Doyle Hester

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2036

On motion of Senator Deluhery, Senate File 2036, a bill for

an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date, with report of committee on State Government recommending amendment and passage on January 30, 1992; report of committee on Commerce without recommendation on February 5, 1992; and report of committee on Commerce recommending amendment and passage on February 20, 1992, was taken up for consideration.

Senator Deluhery offered amendment S—5085 filed by the committee on Commerce on February 20, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Hutchins asked and received unanimous consent that action on amendment S—5085 and **Senate File 2036** be **deferred.**

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2237.

Senate File 2237

On motion of Senator Hutchins, Senate File 2237, a bill for an act relating to the sale of the WOI television station and providing an effective date, was taken up for consideration.

Senator Hutchins 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. 2237) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 33:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan

Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Welsh			

Nays, 13:

Borlaug	Drake	Fuhrman	Hagerla
Kersten	Lind	McLaren	Pate
Rensink	Rife	Tieden	Tinsman
Varn			

Voting present, 2:

Kramer	Slife

Absent or not voting, 2:

Doyle	Vande Hoef

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

Senator Hutchins asked and received unanimous consent that **Senate File 2237** be **immediately messaged** to the House.

Senate File 2174

On motion of Senator Gettings, Senate File 2174, a bill for an act relating to unclaimed property, and providing an effective date and applicability provisions, was taken up for consideration.

Senator Gettings 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. 2174) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Doyle	Sturgeon

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

Senate File 2180

On motion of Senate Gettings, Senate File 2180, a bill for an act relating to the regulation of credit unions by granting the superintendent certain additional enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights, was taken up for consideration.

Senator Gettings offered amendment S—5110 filed by him from the floor to pages 2 and 6 of the bill and moved its adoption.

Amendment S—5110 was adopted by a voice vote.

Senator Gettings 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. 2180) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Doyle

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

Senate File 2206

On motion of Senator Sturgeon, Senate File 2206, a bill for an act to prohibit the snagging of fish in the Big Sioux river, was taken up for consideration.

Senator Sturgeon 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. 2206) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Doyle Vande Hoef

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2038

On motion of Senator Husak, Senate File 2038, a bill for an act making an appropriation to the department of human services for the Iowa veterans home for the fiscal year beginning July 1, 1991, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Husak offered amendment S—5109 filed by Senators Husak, et al., from the floor to strike everything after the enacting clause of the bill.

President Gronstal took the chair at 11:30 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink for the remainder of the day on request of Senator Jensen.

BUSINESS PENDING

Senate File 2038

The Senate resumed consideration of Senate File 2038, and amendment S—5109.

Senator Hutchins asked and received unanimous consent that action on amendment S—5109 and **Senate File 2038** be **deferred.**

The Senate stood at ease until the fall of the gavel.

The Senate resumed session; President Gronstal presiding.

BUSINESS PENDING

Senate File 2038

The Senate resumed consideration of Senate File 2038 and amendment S—5109, previously deferred.

Senator Husak moved the adoption of amendment S—5109 and requested a record roll call.

On the question "Shall amendment S—5109 be adopted?" (S.F. 2038) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Doyle	Rensink

Amendment S—5109 was adopted.

With the adoption of amendment S—5109, the Chair ruled amendment S—5114 filed by Senator Pate from the floor to page 1 and to the title page of the bill, out of order.

Senator Husak 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. 2038) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hedge	Hester	Horn	Husak

Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Taylor	Tieden
Vande Hoef	Varn	Welsh	

Nays, none.:

Voting present, 5:

Hannon	Kramer	Lloyd-Jones	Szymoniak
Tinsman			

Absent or not voting, 2:

Doyle	Rensink

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

Senator Hutchins asked and received unanimous consent that **Senate File 2038** be **immediately messaged** to the House.

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: HOUSE JOINT RESOLUTION 2009, a joint resolution to nullify an administrative rule of the department of human services relating to mandated reductions in the entitlement programs administered by the department of human services and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Joint Resolution 2009.

House Joint Resolution 2009

On motion of Senator Szymoniak, House Joint Resolution 2009, a joint resolution to nullify an administrative rule of the department of human services relating to mandated reductions in the entitlement programs administered by the department of human services and providing an effective date, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Gronstal presiding.

Senator Hutchins asked and received unanimous consent that action on **House Joint Resolution 2009** be **deferred.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 114, by Running, a concurrent resolution relating to the declaration of Iowa quality week.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2242, by Gronstal, a bill for an act establishing a layperson defibrillation program and appropriating funds.

Read first time and **passed on file.**

Senate File 2243, by Taylor, a bill for an act relating to the origin of campaign contributions.

Read first time and **passed on file.**

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 February 28, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 113, a concurrent resolution to affirm the commitment of the Iowa General Assembly to continued cooperation and exchange of information between the Russian Parliament and the Iowa General Assembly.

APPENDIX

STUDY BILL RECEIVED

SSB 2249 Agriculture

Relating to the care and feeding of swine by cooperative associations.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 1, the committee on Rules and Administration submits the following changes:

Executive Secretary to Leader to Caucus Staff Secretary	Marcella Jolly	23-4 to 21-6 Effective 2-7-92
Permanent Doorkeeper-SO	C. Robert Langbehn	11-1 Effective 2-14-92

BILL HUTCHINS

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 27, 1992, 1:15 p.m.

Members Present: Husak, Chair; Priebe, Vice Chair; McLaren, Ranking Member; Hester and Kibbie

Members Absent: none.

Committee Business: Subcommittee approved and submitted proposed appropriations bill to the full Appropriations Committee.

Adjourned: 1:30 p.m.

AGRICULTURE

Convened: February 27, 1992, 8:12 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Doyle, Fraise, Hedge, Hester, Husak, McLaren, Riordan and Vande Hoef.

Members Absent: Boswell, Miller (excused), Palmer and Rittmer.

Committee Business: Presentations by the Iowa Soybean Promotion Board and the Iowa Soybean Association; recommended passage of Senate File 517 as amended; amended SSB 2102 and ordered redrafted for final approval as a committee bill.

Adjourned: 8:54 a.m.

COMMERCE

Convened: February 27, 1992, 2:40 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Jensen, Lind, Palmer, Priebe and Tieden.

Members Absent: Gronstal (excused) Kersten, Sturgeon and Varn.

Committee Business: Approved SSB 2133 as a committee bill.

Adjourned: 2:45 p.m.

EDUCATION

Convened: February 27, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved SSBs 2213 and 2227 as committee bills.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: February 27, 1992, 11:08 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Approved SSBs 2191, 2203 and 2215 as committee bills; amended and approved SSB 90 as a committee bill.

Adjourned: 12:06 p.m.

RULES AND ADMINISTRATION

Convened: February 27, 1992, 4:50 p.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved committee resolution relating to continued cooperation and exchange between Russian Parliament and the Iowa General Assembly; approved committee bill relating to the sale of WOI television station.

Adjourned: 4:55 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: February 27, 1992, 2:38 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Kibbie, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Boswell, Kramer and Pate (all excused).

Committee Business: Approved SSB 2245 as a committee bill; assigned bills to subcommittees.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: February 27, 1992, 3:32 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: none.

Committee Business: Assigned bill to subcommittee; recommended confirmation of governor's appointee; amended SSBs 2224, 2187 and 2155 and ordered redrafted for final approval as committee bills.

Adjourned: 3:45 p.m.

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments, completed its investigations on February 28, 1992, and recommended the appointees be confirmed:

Mary M. Conway, Martin R. Edwards and Stanton L. Visser as members of the Board of Behavioral Science Examiners.

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointment, completed its investigation on February 27, 1992, and recommended the appointee be confirmed:

Ada E. Tredwell as a member of the Commission on the Status of African-Americans.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2135

APPROPRIATIONS: Husak, Chair; McLaren and Rosenberg

Senate File 2173

RULES AND ADMINISTRATION: Gettings, Chair; Jensen and Kinley

Senate File 2181

APPROPRIATIONS: Szymoniak, Chair; Hagerla and Lloyd-Jones.

Senate File 2184

APPROPRIATIONS: Husak, Chair; Gettings and Kersten

Senate File 2194

APPROPRIATIONS: Gettings, Chair; McLaren and Riordan

Senate File 2212

COMMERCE: Varn, Chair; Doyle, Gettings, Jensen and Slife

Senate File 2215

RULES AND ADMINISTRATION: Hutchins, Chair; Gronstal and Rife

Senate File 2220

EDUCATION: Szymoniak, Chair; Deluhery and Tieden

Senate File 2230

COMMERCE: Palmer, Chair; Kersten and Priebe

House Joint Resolution 2009

HUMAN RESOURCES: Szymoniak, Chair; Hagerla and Hannon

House File 2235

EDUCATION: Running, Chair; Murphy and Rensink

House File 2245

EDUCATION: Murphy, Chair; Rensink and Running

SSB 2247

EDUCATION: Connolly, Chair; Tieden and Varn

SSB 2249

AGRICULTURE: Priebe, Chair; Husak and Soorholtz

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2242	Human Resources
S.F.	2243	State Government
H.F.	2085	Agriculture
H.F.	2262	Agriculture

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2112, a bill for an act providing for the filing of soil and water resource conservation plans.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Priebe, Peterson, Soorholtz, Fraise, Hedge, Hester, Husak, Miller and Rittmer. Nays, none. Absent or not voting, 6: Boswell, Doyle, McLaren, Palmer, Riordan and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2244 (SSB 2249), a bill for an act relating to the care and feeding of swine by cooperative associations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Priebe, Peterson, Soorholtz, Fraise, Hedge, Hester, Husak, Miller and Rittmer. Nays, none. Absent or not voting, 6: Boswell, Doyle, McLaren, Palmer, Riordan and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: *SENATE FILE 2240 (SSB 90), a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages and by modifying the statute of limitations for certain malpractice actions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Sturgeon, Fuhrman, Deluhery, Drake, Hagerla, Hester, Miller, Murphy, Pate, Slife and Varn. Nays, 3: Rosenberg, Horn and Peterson. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2240 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2241 (SSB 2215), a bill for an act establishing a structured fines pilot program and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Sturgeon, Rosenberg, Deluhery, Drake, Hagerla, Murphy, Pate, Slife and Varn. Nays, 5: Fuhrman, Connolly, Horn, Miller and Peterson. Absent or not voting, 1: Hester.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2244, by committee on Agriculture, a bill for an act relating to the care and feeding of swine by cooperative associations.

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

AMENDMENTS FILED

S–5108	S.F.	84	Richard Varn
S–5109	S.F.	2038	Emil Husak
			John Soorholtz
			John Kibbie
			Bill Hutchins
			Leonard Boswell
			John Jensen
			Richard Vande Hoef
S–5110	S.F.	2180	Don Gettings
S–5111	S.F.	2120	Jim Lind
			Richard Varn
			Wally Horn
			Wilmer Rensink
S–5112	S.F.	2120	Jim Lind
			Richard Varn
			Wally Horn
			Wilmer Rensink
S–5113	S.F.	2120	Jim Lind
S–5114	S.F.	2038	Paul Pate
S–5115	S.F.	2120	Derryl McLaren
S–5116	S.F.	2072	Linn Fuhrman
S–5117	S.F.	2036	Richard Varn

S—5118 S.F. 2036 Richard Varn
William Palmer

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 12:50 p.m., until 10:00 a.m., Monday, March 2, 1992.

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 2, 1992

The Senate met in regular session at 10:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Gale Hawhee, pastor of the Salem United Methodist Church, Cedar Rapids, Iowa.

The Journal of Friday, February 28, 1992, was approved.

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 February 26, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2028, a bill for an act requiring institutions of higher education to establish policies relating to sexual abuse and providing for the Act's applicability.

This bill was read first time and **passed on file.**

ALSO: That the House has on February 27, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2080, a bill for an act to include bats as protected nongame species, and providing an exception.

This bill was read first time and **passed on file.**

House File 2274, a bill for an act relating to the protection of endangered species by the department of natural resources.

This bill was read first time and **passed on file.**

House File 2275, a bill for an act relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind.

This bill was read first time and **passed on file.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Soorholtz for the day on request of Senator Rife and Senator Rensink until he arrives on request of Senator Jensen.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2240** be referred from the Regular Calendar to the committee on **Judiciary.**

The Senate stood at ease at 10:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session, Senator Connolly presiding.

RECESS

On motion of Senator Murphy, the Senate recessed at 11:45 a.m., until 4:30 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2250 Judiciary

Relating to public programs involving juveniles and making appropriations.

SSB 2251 Human Resources

Relating to the use of protective headgear when operating or riding certain motor vehicles and the sale of such headgear and providing penalties.

SSB 2252 State Government

A joint resolution to nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date.

SSB 2253 Local Government

Relating to cities subject to civil service.

SSB 2254 Human Resources

Relating to the prevention of the transmission of HIV or the hepatitus B virus to patients, providing penalties, and providing for a repeal.

SSB 2255 Local Government

Relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding.

SSB 2256 Ways & Means

Redefining wine coolers and spirit coolers for purposes of the applicability of certain taxes, setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

SSB 2257 Ways & Means

Relating to the imposition of a health care provider assessment and providing penalties, repealing the date by which the state's

accounts and general fund must be kept according to generally accepted accounting principles, providing for the return of health and life insurance reserves to the trust accounts from which transferred, and making an appropriation for medical assistance payments, and providing effective dates and applicability provisions.

SSB 2258 Judiciary

Relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

SSB 2259 Judiciary

To permit payment of compensation to school board members under certain circumstances.

SSB 2260 Judiciary

Relating to criminal and juvenile justice and public programs involving juveniles, making appropriations, granting the juvenile court jurisdiction over chronic runaways, establishing a youthful offender program and a boot camp, establishing racketeer influenced corrupt organizations provisions including criminal and civil penalties, and increasing certain criminal penalties.

SSB 2261 Agriculture

Relating to the assessment of agricultural property for property tax purposes.

PETITIONS

The following petitions supporting continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Drake from 885 residents of Louisa, Washington, Muscatine and Linn Counties.

Senator Drake from 521 residents of Muscatine County.

Senator Fraise from 800 residents of Lee, Van Buren and Des Moines Counties.

Senator Gettings from 201 residents of Wapello and Appanoose Counties.

Senator Gettings from 101 residents of Jefferson and Van Buren Counties.

Senator Gronstal from 39 residents of Pottawattamie County.

Senator Hagerla from 1145 residents of Des Moines and Henry Counties.

Senator Hannon from 394 residents of Cedar County.

Senator Hannon from 508 residents of Jones County.

Senator Hannon from 300 residents of Linn County.

Senator Hedge from 1291 residents of Keokuk, Jefferson, Mahaska, Wapello and Washington Counties.

Senator Hester from 40 residents of Cass County.

Senator Hester from 45 residents of Harrison County.

Senator Hester from 217 residents of Pottawattamie County.

Senator Husak from 1238 residents of Benton County.

Senator Husak from 622 residents of Tama County.

Senator Hutchins from 557 residents of west central Iowa.

Senator Jensen from 1040 residents of Bremer County.

Senator Jensen from 1281 residents of Butler County.

Senator Jensen from 1009 residents of Grundy County.

Senator McLaren from 20 residents of Mills County.

Senator McLaren from 41 residents of Montgomery County.

Senator Palmer from 305 residents of Polk County.

Senator Priebe from 283 residents of Hancock County.

Senator Priebe from 141 residents of Humboldt County.

Senator Priebe from 440 residents of Kossuth County.

Senator Rife from 841 residents of Scott and Muscatine Counties.

Senator Running from 452 residents of Linn County.

Senator Taylor from 119 residents of Hamilton County.

Senator Tieden from 2362 residents of Allamakee, Clayton and Winneshiek Counties.

The following petitions were presented and placed on file by:

Senator Vande Hoef from county and city officials in Cherokee, Clay, O'Brien and Osceola Counties opposing reallocating $50,000,000 from motor vehicle use tax revenues to the state general fund.

Senator Vande Hoef from 64 residents of Lyon County requesting increased funding to expand case management services.

Senator Gettings from 463 residents of Davis County favoring legislation removing drivers license stations from the jurisidiction of the Iowa DOT to the county treasurer offices and retaining motor vehicle registrations at the county treasurer's office.

Senator Hedge from 31 residents of Mahaska County opposing raising the tax on cigarettes.

Senator Hester from 280 residents of Cass County opposing legislation that would increase the costs of medical care and prescriptions by providing for a tax on health care providers.

Senator Hutchins from 25 residents of Guthrie and Cass Counties favoring legislation naming the modern style western square dance as the State Dance of Iowa.

Senator Kibbie from 67 residents of northwest Iowa opposing legislation to eliminate the medically needy program and optional services provided under the Title XIX program.

REPORTS OF COMMITEE MEETINGS

AGRICULTURE

Convened: February 28, 1992, 8:45 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Fraise, Hedge, Hester, Husak, Miller and Rittmer.

Members Absent: Boswell, Doyle (excused), McLaren, Palmer, Riordan and Vande Hoef.

Committee Business: Recommended passage of House File 2112; approved SSB 2249 as a committee bill.

Adjourned: 8:47 a.m.

HUMAN RESOURCES

Convened: February 28, 1992, 12:10 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Recommended passage of House Joint Resolution 2009; recommended confirmation of governor's appointees.

Adjourned: 12:20 p.m.

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 2nd day of March, 1992:

Senate File 2010.

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 110

HUMAN RESOURCES: Szymoniak, Chair; Hannon and Kramer

Senate Concurrent Resolution 112

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

Senate File 2047

JUDICIARY: Deluhery, Chair; Drake and Peterson

Senate File 2183

JUDICIARY: Sturgeon, Chair; Hagerla and Horn

Senate File 2199

HUMAN RESOURCES: Horn, Chair; Hagerla and Hannon

Senate File 2201

JUDICIARY: Rosenberg, Chair; Murphy and Pate

Senate File 2205

STATE GOVERNMENT: Buhr, Chair; Doyle, Drake, Running and Soorholtz

Senate File 2232

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Running and Slife

Senate File 2240

JUDICIARY: Horn, Chair; Peterson and Slife

Senate File 2243

STATE GOVERNMENT: Buhr, Chair; Drake, Gronstal, Horn and Lind

House File 2085

AGRICULTURE: Fraise, Chair; Rittmer and Vande Hoef

House File 2262

AGRICULTURE: Fraise, Chair; Rittmer and Vande Hoef

SSB 2250

JUDICIARY: Rosenberg, Chair; Fuhrman, Slife, Sturgeon and Varn

SSB 2251

HUMAN RESOURCES: Szymoniak, Chair; Riordan and Tinsman

SSB 2252

STATE GOVERNMENT: Buhr, Chair; Doyle, Drake, Running and Soorholtz

SSB 2253

LOCAL GOVERNMENT: Miller, Chair; Rittmer and Sorensen

SSB 2255

LOCAL GOVERNMENT: Miller, Chair; Borlaug and Sorensen

SSB 2258

JUDICIARY: Connolly, Chair; Fuhrman and Horn

SSB 2259

JUDICIARY: Sturgeon, Chair; Horn and Slife

SSB 2260

JUDICIARY: Rosenberg, Chair; Fuhrman, Slife, Sturgeon and Varn

COMMITTEE REPORT

HUMAN RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 110, a concurrent resolution to support efforts to promote early detection of and effective treatment modalities for breast cancer and to urge the Congress of the United States to enact legislation to ensure adequate funds to find a cure and effective preventive measures for breast cancer.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S—5119 S.F. 2154 Donald Doyle

AFTERNOON SESSION

The Senate reconvened at 4:33 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred February 28, 1992)

Senate File 2036

The Senate resumed consideration of Senate File 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date, and amendment S—5085 by the committee on Commerce to strike everything after the enacting clause and to the title page of the bill, deferred February 28, 1992.

Senator Varn offered amendment S—5118 filed by Senators Varn and Palmer on February 28, 1992, to pages 1 and 3-8 of amendment S—5085.

Senator Hutchins asked and received unanimous consent that action on amendment S—5118 to amendment S—5085, amendment S—5085 and **Senate File 2036** be **deferred.**

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed March 2, 1992, on Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in

the state aid to school corporations, and providing an effective date:

On the Part of the Senate:	On the Part of the House:
LEONARD L. BOSWELL, Chair	THOMAS JOCHUM, Chair
MIKE CONNOLLY	JOHN GRONINGA
WILLIAM W. DIELEMAN	C. ARTHUR OLLIE

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2116

Senator Boswell called up the conference committee report on Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date, filed on March 2, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Boswell 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. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Connolly	Deluhery	Dieleman
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 22:

Borlaug	Buhr	Doyle	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Rensink	Rife
Rittmer	Slife	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 1:

Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 2116** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2245, by committee on Environment and Energy Utilities, a bill for an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders.

Read first time and **placed on calendar.**

Senate File 2246, by committee on Human Resources, a bill for an act relating to community mental health centers.

Read first time and **placed on calendar.**

Senate File 2247, by committee on Human Resources, a bill for an act relating to the prohibition of the use of corporal punishment by foster parents and allowing the use of reasonable physical force to control foster children in certain circumstances.

Read first time and **placed on calendar.**

Senate File 2248, by committee on Transportation, a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures.

Read first time and **placed on calendar.**

Senate File 2249, by committee on State Government, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

Read first time and **placed on calendar.**

Senate File 2250, by committee on State Government, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology.

Read first time and **placed on calendar.**

Senate File 2251, by committee on State Government, a bill for an act relating to the duties of the lieutenant governor.

Read first time and **placed on calendar.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	114	Business & Labor Relations
S.F.	2226	Transportation
H.F.	242	Human Resources
H.F.	2028	Education
H.F.	2080	Natural Resources

COMMITTEE REPORTS

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2245 (SSB 2100), a bill for an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2246 (SSB 2184), a bill for an act relating to community mental health centers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2247 (SSB 2208), a bill for an act relating to the prohibition of the use of corporal punishment by foster parents and allowing the use of reasonable physical force to control foster children in certain circumstances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak and Tinsman. Nays, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2249 (SSB 2187), a bill for an act relating to pari-mutuel racing and excursion boat gamlbing and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kibbie, Lind, Buhr, Drake, Horn, Kramer, McLaren, Murphy, Pate, Rife, Running and Welsh. Nays, 5: Lloyd-Jones, Dieleman, Gronstal, Sorensen and Vande Hoef. Pass, 2: Doyle and Priebe. Absent, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2250 (SSB 2155), a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen, Vande Hoef and Welsh. Nays, none. Pass, 1: Kramer. Absent, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2251 (SSB 2224), a bill for an act relating to the duties of the lieutenant governor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Kibbie, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen, Vande Hoef and Welsh. Nays, 1: Lloyd-Jones. Absent, 2: Horn and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 623, a bill for an act requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Fraise, Connolly, Drake, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 2: Dieleman and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2248 (SSB 2229), a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Dieleman, Gettings, Jensen, Lloyd-Jones, Pate and Slife. Nays, 2: Kersten and Kinley. Pass, 1: Drake. Absent, 2: Connolly and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5120	S.F.	2143	Ray Taylor
S—5121	S.F.	2036	Derryl McLaren Jim Kersten Harry Slife
S—5122	S.F.	2187	Ralph Rosenberg Linn Fuhrman
S—5123	S.F.	2036	Richard Varn Patrick Deluhery
S—5124	S.F.	2227	Joe Welsh
S—5125	S.F.	2175	Joe Welsh

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:58 p.m., until 9:00 a.m., Tuesday, March 3, 1992.

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 3, 1992

The Senate met in regular session at 9:08 a.m., President Gronstal presiding.

Prayer was offered by Rabbi Neil Sandler of the Tifereth Israel Synogogue, Des Moines, Iowa.

The Journal of Monday, March 2, 1992, was approved.

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 February 28, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2033, a bill for an act relating to all state-regulated third-party payors providing health care coverage or service by prohibiting an exception or exclusion of benefits solely based upon the diagnosis of a fibrocystic condition.

This bill was read first time and **passed on file.**

House File 2276, a bill for an act relating to burial expenses under the workers' compensation law.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2252, by Connolly, a bill for an act providing a multicultural, nonsexist program requirement for practitioner preparation programs and teacher licensing and providing an effective date.

Read first time and **passed on file.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

The Senate stood at ease at 9:25 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:32 a.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF BILLS

Senate File 2253, by committee on State Government, a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

Read first time and **placed on calendar.**

Senate File 2254, by Varn, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters.

Read first time and **passed on file.**

SPECIAL GUESTS

Senator Szymoniak presented 1992 winners of the essay contest sponsored by the Iowa Commission on the Status of Women, Iowa Department of Education and the Iowa State Historical Society to "Write Women Back Into History" in celebration of Women's History Month:

Sixth and Seventh Grade:

First Place: Alexis Fishbaugh (6th grade), Hoover Middle School, Sioux City

Second Place: Kathie Trede (6th grade), Underwood Middle School, Underwood

Third Place: Elly Schaffer (7th grade), Madrid Community School, Madrid

Eighth and Ninth Grade:

First Place: Lynne Petefish (9th grade), Charles City Junior High School, Charles City

Second Place: Jennifer Neisess (9th grade), Okoboji Community School, Milford

Third Place: Lindsey Reed (8th grade), Phillips Middle School, Fort Dodge

Edith Sackett Memorial Award:

Kyle Thomas (7th grade), North Scott Junior High, Eldridge

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:36 a.m., until 4:30 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2262 Local Government

Providing for the payment of traffic control devices through special assessments.

SSB 2263 Agriculture

Relating to information identifying ingredients in pesticides, and providing retroactive applicability and effective dates.

SSB 2264 Education

Relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

SSB 2265 Education

Relating to the providing of driver education by public schools, permitting the charging of fees, and relating to the use of funds saved.

SSB 2266 Appropriations

Relating to the litigation of property valuations of centrally assessed property by the department of revenue and finance and providing an appropriation and an effective date.

SSB 2267 State Government

Authorizing the sale or provision of beer or wine by the operator of a bed and breakfast home to guests, providing for other properly related matters, and subjecting violators to existing penalties.

SSB 2268 Commerce

Relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

SSB 2269 Commerce

Relating to franchise agreements by establishing registration and disclosure requirements, and establishing fees and penalties.

SSB 2270 Business & Labor Relations

Relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

SSB 2271 Business & Labor Relations

Relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision.

SSB 2272 Appropriations

Relating to the allocation of moneys by the Iowa finance authority.

SSB 2273 Business & Labor Relations

Establishing the Iowa wage assurance fund.

SSB 2274 Education

A Concurrent Resolution encouraging local schools, colleges, universities, businesses, and trade unions throughout Iowa to work together to improve the quality and accessibility of education and business in Iowa and increase expectations of and for Iowa's students.

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 2, 1992, 2:40 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink and Taylor.

Members Absent: Slife.

Committee Business: Assigned bills to subcommittees; amended and approved SSB 2120 as a committee bill; approved SSB 2060 as a committee bill; Senate File 2143 failed recommendation for passage; deferred action on SSB 2219.

Adjourned: 3:30 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: March 2, 1992, 2:47 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn.

Members Absent: Soorholtz (excused).

Committee Business: Recommended passage of House File 547; recommended confirmation of Verlon Britt to the individual confirmation calendar.

Adjourned: 3:15 p.m.

HUMAN RESOURCES

Convened: March 2, 1992, 1:40 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Deferred action on SSB 2207; approved SSBs 2208 and 2184 as committee bills; amended and approved SSBs 2037 and 2242 as committee bills; recommended passage of Senate Concurrent Resolution 110.

Adjourned: 2:27 p.m.

STATE GOVERNMENT

Convened: March 2, 1992, 3:35 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Sorensen, Vande Hoef and Welsh.

Members Absent: Soorholtz (excused).

Committee Business: Assigned bills to subcommitees; approved SSBs 2224, 2155, 2187, 2131 and 2094 as committee bills; amended and approved SSB 2088 and ordered redrafted for final approval as a committee bill.

Adjourned: 4:25 p.m.

TRANSPORTATION

Convened: March 2, 1992, 1:45 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate and Slife.

Members Absent: Welsh (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 623; approved SSB 2229 as a committee bill; amended and approved SSB 2226 as a committee bill; deferred action on Senate File 2046.

Adjourned: 2:40 p.m.

WAYS AND MEANS

Convened: March 2, 1992, 4:35 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Deluhery, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer and Rosenberg

Members Absent: Connolly, Drake, Szymoniak and Taylor.

Committee Business: Assigned bills to subcommittees.

Adjourned: 4:37 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 84, the following corrections were made:

Amendment S—3353:

1. Page 1, line 13, the word "purchase" was changed to the words "purchase of".

Amendment S—5108:

1. Page 1, line 11, the letter "c." was changed to the letter "g".

JOHN F. DWYER
Secretary of the Senate

REPORT OF STANDING COMMITTEE
(Place nominee on Individual Confirmation Calendar)

ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following Governor's appointment, completed its investigation on March 2, 1992, and recommended the appointee be confirmed:

Verlon L. Britt as a member of the Environmental Protection Commission.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 114

BUSINESS & LABOR RELATIONS: Running, Chair; Palmer and Slife

Senate File 2159

WAYS AND MEANS: Husak, Chair; Fraise and Hester

Senate File 2223

TRANSPORTATION: Welsh, Chair; Connolly and Jensen

Senate File 2224

LOCAL GOVERNMENT: Miller, Chair; Fraise and Jensen

Senate File 2225

LOCAL GOVERNMENT: Szymoniak, Chair; Buhr and Jensen

Senate File 2226

TRANSPORTATION: Gettings, Chair; Kinley and Slife

Senate File 2242

HUMAN RESOURCES: Riordan, Chair; Hannon and Rittmer

House File 2080

NATURAL RESOURCES: Riordan, Chair; Rensink and Sturgeon

SSB 2254

HUMAN RESOURCES: Sturgeon, Chair; Buhr, Hagerla, Hannon and Kramer

SSB 2256

WAYS AND MEANS: Fuhrman, Chair; Hedge and Murphy

SSB 2257

WAYS AND MEANS: McLaren, Chair; Connolly, Drake, Hester and Taylor

SSB 2261

AGRICULTURE: Doyle, Chair; Miller and Rittmer

SSB 2262

LOCAL GOVERNMENT: Sorensen, Chair; Miller and Rittmer

SSB 2263

AGRICULTURE: Riordan, Chair; Hester and Peterson

SSB 2266

APPROPRIATIONS: Boswell, Chair; Tieden and Welsh

SSB 2267

STATE GOVERNMENT: Horn, Chair; Lind, Lloyd-Jones, Running and Soorholtz

SSB 2268

COMMERCE: Kinley, Chair; Gettings and Lind

SSB 2269

COMMERCE: Sturgeon, Chair; Gronstal and Jensen

SSB 2270

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Fuhrman and Running

SSB 2271

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Fuhrman and Running

SSB 2272

APPROPRIATIONS: Riordan, Chair; Boswell and Tieden

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2255 (SSB 2102), a bill for an act relating to the terminiation of financing statements under the uniform commercial Code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Priebe, Peterson, Soorholtz, Boswell, Doyle, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2260 (SSB 2242), a bill for an act providing for access to child abuse information for certain agencies placing individuals who provide care, supervision, or guidance of a child in the child's home.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hannon, Buhr, Horn, Kramer, Riordan, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, 3: Hagerla, Murphy and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2258 (SSB 2159), a bill for an act relating to the minimum qualifications and experience for a chief of a civil service fire department.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: SENATE FILE 2257 (SSB 2161), a bill for an act relating to the regulation of hunting preserves and providing penalties for violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 616, a bill for an act relating to the protection of public land from discharges from concentrated commercial and agricultural facilities as provided by the natural resource commission.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg and Sturgeon. Nays, 1: Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2080, a bill for an act to include bats as protected nongame species, and providing an exception.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Palmer, Hester, Dieleman, Hedge, Rensink, Riordan, Rosenberg and Sturgeon. Nays, 4: Kibbie, Hagerla, Priebe and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2253 (SSB 2094), a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kibbie, Lind, Dieleman, Doyle, McLaren, Murphy, Pate, Priebe, Running, Sorensen, Vande Hoef and Welsh. Nays, 7: Lloyd-Jones, Buhr, Drake, Gronstal, Horn, Kramer and Rife. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2256 (SSB 2131), a bill for an act relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of

administrative law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Pate, Priebe, Rife, Running, Sorensen, Vande Hoef and Welsh. Nays, 2: Dieleman and Murphy. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2193, a bill for an act relating to recreational trails by increasing the sales tax on bicycles and allocating the additional revenue to a recreational trail fund.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dieleman, Husak, Connolly, Deluhery, Drake, Fraise, Hester, McLaren, Murphy and Taylor. Nays, 4: Hedge, Palmer, Rosenberg and Szymoniak. Absent or not voting, 1: Fuhrman.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ANNOUNCEMENT OF APPOINTMENT BY THE MINORITY LEADER

The Minority Leader announced the following appointment:

Senator James Kersten to the advisory committee of the Iowa Department of Economic Development and the Iowa Utilities Board to study the comprehensive assessment of the modernization of Iowa's telecommunications resources.

AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2255, by committee on Agriculture, a bill for an act relating to the fee charged for filing termination of financing statements under the uniform commercial Code.

Read first time and **placed on calendar.**

Senate File 2256, by committee on State Government, a bill for an act relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of administrative law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings.

Read first time and **placed on calendar.**

Senate File 2257, by committee on Natural Resources, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations.

Read first time and **placed on calendar.**

Senate File 2258, by committee on Local Government, a bill for an act relating to the minimum qualifications and experience for a chief of a civil service fire department.

Read first time and **placed on calendar.**

Senate File 2259, by Taylor, a bill for an act relating to excluding certain acoholic beverages violations by a minor from the jurisdiction of the juvenile court and establishing a penalty.

Read first time and **passed on file.**

Senate File 2260, by committee on Human Resources, a bill for an act providing for access to child abuse information for certain agencies placing individuals who provide care, supervision, or guidance of a child in the child's home.

Read first time and **placed on calendar.**

Senate File 2261, by Priebe, a bill for an act relating to the use of local hotel and motel tax revenues for purposes of paying the principal and interest on bonds issued for purposes of a pari-mutuel horse track.

Read first time and **passed on file.**

Senate File 2262, by Taylor, a bill for an act transferring the jurisdiction of seventeen-year-old delinquents from juvenile to adult court and providing for the detention of some runaways for a limited period.

Read first time and **passed on file.**

Senate File 2263, by committee on Agriculture, a bill for an act relating to information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Read first time and **placed on calendar.**

Senate File 2264, by committee on Judiciary, a bill for an act relating to the procedure for bringing appeals by parties in certain post-conviction actions.

Read first time and **placed on calendar.**

The Senate stood at ease at 4:46 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:50 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2265, by committee on Judiciary, a bill for an act

relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications.

Read first time and **placed on calendar.**

Senate File 2266, by committee on Judiciary, a bill for an act relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

Read first time and **placed on calendar.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2252	Education
S.F.	2254	Local Government
S.F.	2259	Judiciary
S.F.	2261	Ways and Means
S.F.	2262	Judiciary
H.F.	2033	Human Resources
H.F.	2275	Environment & Energy Utilities
H.F.	2276	Business & Labor Relations

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2263 (SSB 2263), a bill for an act relating to information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Priebe, Peterson, Soorholtz, Boswell, Doyle, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE CONCURRENT RESOLUTION 112, a concurrent resolution requesting the Governor to annually issue a proclamation designating April 28 as Workers' Memorial Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2232, a bill for an act requiring certain subcontractors to provide certain information when participating in public improvements and providing sanctions.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Running, Sturgeon, Kinley, Palmer, Slife and Taylor. Nays, 4; Fuhrman, Buhr, Peterson and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2008, a bill for an act amending and repealing obsolete provisions of the Iowa employment security law.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2062, a bill for an act relating to the elimination of the prohibition of polystyrene products.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5128.

Final Vote: Ayes, 10: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 2: Kersten and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 29, a bill for an act relating to juvenile justice expenses.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2264 (SSB 2073), a bill for an act relating to the procedure for bringing appeals by parties in certain post-conviction actions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2265 (SSB 2169), a bill for an act relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2266 (SSB 2053), a bill for an act relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5127.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Hester, McLaren, Palmer, Szymoniak and Taylor. Nays, none. Absent or not voting, 3: Fuhrman, Murphy and Rosenberg.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5126	S.F.	2231	Larry Murphy
S–5127	S.F.	531	Ways and Means
S–5128	S.F.	2062	Environment & Energy Utilities

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:51 p.m., until 9:00 a.m., Wednesday, March 4, 1992.

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 4, 1992

The Senate met in regular session at 9:08 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Eugene Fraise, member of the Senate from Lee County, Fort Madison, Iowa.

The Journal of Tuesday, March 3, 1992, was approved.

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 March 2, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

This bill was read first time and **passed on file.**

House File 2298, a bill for an act relating to school bus inspections and providing for repeal of the Act.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 3, 1992, adopted the conference committee report and passed **Senate File 2116,** a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, and providing an effective date.

INTRODUCTION OF BILL

Senate File 2267, by committee on Business and Labor Relations, a bill for an act relating to prohibited practices by private and public employers and making penalties applicable.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

The Senate stood at ease at 9:22 a.m. until the fall of the gavel.

The Senate resumed session at 9:30 a.m., President Gronstal presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:31 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 3, 1992, 8:03 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved SSBs 2263 and 2102 as committee bills; amended and approved SSB 2240 as a committee bill.

Adjourned: 8:57 a.m.

BUSINESS AND LABOR RELATIONS

Convened: March 3, 1992, 2:45 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House File 2008, Senate File 2232 and Senate Concurrent Resolution 112; deferred action on SSB 2219; approved SSB 2033 as amended.

Adjourned: 3:50 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: March 3, 1992, 2:40 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Miller, Sorensen and Varn.

Members Absent: Kersten and Soorholtz.

Committee Business: Approved SSBs 2202 and 2054 as committee bills; recommended passage of Senate File 2062 as amended.

Adjourned: 3:25 p.m.

JUDICIARY

Convened: March 3, 1992, 11:22 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Miller.

Committee Business: Approved SSBs 2073, 2169 and 2053 as committee bills; recommended passage of Senate File 29.

Adjourned: 12:06 p.m.

JUDICIARY

Convened: March 3, 1992, 4:57 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Approved SSBs 2192, 2050, 2112, 2234, 2258, 2074, 143 and 2259 as committee bills; recommended passage of Senate Files 2201, 27 and 483; recommended passage of Senate File 414 as amended; approved Senate File 2007 as a committee bill.

Adjourned: 6:13 p.m.

LOCAL GOVERNMENT

Convened: March 3, 1992, 10:44 a.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved SSB 2159 as amended; recommended passage of Senate File 2103 as amended; amended and approved SSB 2230 as a committee bill; Senate File 2156 failed recommendation for passage.

Adjourned: 11:16 a.m.

NATURAL RESOURCES

Convened: March 3, 1992, 10:40 a.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden.

Members Absent: none.

Committee Business: Approved SSBs 2160 and 2161 as committee bills; recommended passage of House Files 616 and 2080.

Adjourned: 11:10 a.m.

STATE GOVERNMENT

Convened: March 3, 1992, 3:39 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef.

Members Absent: Drake, Kramer (excused), Rife, Soorholtz and Welsh (excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2241 and 2252 as committee bills; amended and approved SSB 2144 as a committee bill.

Adjourned: 4:38 p.m.

WAYS AND MEANS

Convened: March 3, 1992, 1:35 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: Fuhrman.

Committee Business: Recommended passage of Senate File 531 as amended and recommended passage of Senate File 2193.

Adjourned: 2:00 p.m.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 4, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2010 — Relating to the classification of certain types of ammunition as offensive weapons, prohibiting possession, and making a penalty applicable, and providing an effective date.

STUDY BILLS RECEIVED

SSB 2275 State Government

Relating to the use of excess local sales and services tax moneys.

SSB 2276 Education

To provide funding under phase II for school districts and are education agencies to pay the costs of providing additional teaching contract work days.

SSB 2277 Business & Labor Relations

Relating to unfair and discriminatory practices in employment of persons with disabilities.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2076

JUDICIARY: Sturgeon, Chair; Pate and Varn

Senate File 2228

SMALL BUSINESS/ECONOMIC DEVELOPMENT: Miller Chair; Riordan and Rittmer

Senate File 2252

EDUCATION: Murphy, Chair; Kramer and Szymoniak

Senate File 2254

LOCAL GOVERNMENT: Miller, Chair; Fraise and Jensen

House File 2028

EDUCATION: Murphy Chair; Tieden and Varn

SSB 2264

EDUCATION: Running, Chair; Kramer and Murphy

SSB 2265

EDUCATION: Varn, Chair; Murphy and Tieden

SSB 2274

EDUCATION: Running, Chair; Horn and Tinsman

SSB 2275

STATE GOVERNMENT: Dieleman, Chair; Doyle, Drake, Sorensen and Vande Hoef

SSB 2276

EDUCATION: Connolly, Chair; Murphy and Rensink

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: *SENATE FILE 2270 (SSB 2240), a bill for an act increasing certain fees charged by the department of agriculture and land stewardship.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, 1: Hester.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2270 and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2267 (SSB 2033), a bill for an act relating to prohibited practices by private and public employers and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Running, Sturgeon, Buhr, Kinley, Palmer and Peterson. Nays, 4: Fuhrman, Rensink, Slife and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2271 (SSB 2120), a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures and a criminal penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Running, Sturgeon, Fuhrman, Buhr, Palmer, Peterson, Rensink and Taylor. Nays, none. Absent or not voting, 2: Kinley and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 646, a bill for an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak and Varn. Nays, 1: Tieden. Absent or not voting, 3: Kramer, Lind and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2235, a bill for an act changing the date by which the board of directors of a school corporation must determine whether to continue or terminate a teaching contract and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden and Varn. Nays, none. Absent or not voting, 3: Kramer, Lind and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2245, a bill for an act relating to notification and determination dates for the discontinuance of a school district administrator contract and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden and Varn. Nays, none. Absent or not voting, 3: Kramer, Lind and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2269 (SSB 2037), a bill for an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames for the filing of birth certificates and birth certificate fees, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2272 (SSB 2234), a bill for an act relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hester, Horn, Miller, Murphy, Peterson, Slife and Varn. Nays, none. Pass, 1: Drake. Absent or not voting, 2: Hagerla and Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2273 (SSB 143), a bill for an act relating to reprisals with respect to certain disclosures of information and other actions by employees, providing penalties, and providing civil remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Sturgeon, Connolly, Horn, Miller, Murphy, Pate, Peterson and Varn. Nays, 1: Rosenberg. Absent or not voting, 6: Fuhrman, Deluhery, Drake, Hagerla, Hester and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2274 (formerly Senate File 2007), a bill for an act relating to the confidentiality of the names of the siblings of an adoptee in adoption records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2275 (SSB 2258), a bill for an act relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Sturgeon, Rosenberg, Connolly, Horn, Miller, Murphy, Peterson and Varn. Nays, none. Pass, 1: Deluhery. Absent, 6: Fuhrman, Drake, Hagerla, Hester, Pate and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2276 (SSB 2074), a bill for an act relating to consumer fraud and providing penalties and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Sturgeon, Rosenberg, Connolly, Deluhery, Horn, Miller, Murphy and Varn. Nays, 1: Peterson. Absent or not voting, 6: Fuhrman, Drake, Hagerla, Hester, Pate and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2277 (SSB 2192), a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Connolly, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2278 (SSB 2259), a bill for an act to permit payment of compensation to school board members under certain circumstances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Sturgeon, Rosenberg, Connolly, Deluhery, Horn, Miller, Murphy and Varn. Nays, 1: Peterson. Pass, 1: Pate. Absent, 5: Fuhrman, Drake, Hagerla, Hester and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2279 (SSB 2112), a bill for an act relating to private industry employment of inmates of correctional institutions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 2: Hagerla and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2103, a bill for an act relating to the levy of a county transit tax.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5129.

Final Vote: Ayes, 6: Miller, Szymoniak, Buhr, Fraise, Hannon and Sorensen. Nays, 4: Rittmer, Borlaug, Jensen and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: SENATE FILE 2268 (SSB 2160), a bill for an act relating to soil and water conservation by providing for financial incentives.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT 115, a concurrent resolution to request the United States Congress and the Senate Finance Committee to refrain from preempting state laws relating to health insurance premium taxes.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Hutchins, Gronstal, Gettings, Husak, Jensen and Kinley. Nays, 1: Rife. Pass, 1: Lloyd-Jones. Absent, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE JOINT RESOLUTION 2006 (SSB 2252), a joint resolution to nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Drake, Kramer, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2280 (SSB 2241), a bill for an act relating to administration and benefits of the Iowa public employees' retirement system, including penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Drake, Kramer, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:32 p.m., President Gronstal presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 102, by Slife and Lind, a resolution to designate July 11-12, 1992, as Cedar River Awareness Weekend.

Read first time and **passed on file.**

Senate Concurrent Resolution 115, by committee on Rules and Administration, a concurrent resolution to request the United States Congress and the Senate Finance Committee to refrain from preempting state laws relating to health insurance premium taxes.

Read first time and **placed on calendar.**

INTRODUCTION OF BILLS

Senate Joint Resolution 2006, by committee on State Government, a joint resolution to nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2268, by committee on Natural Resources, a bill for an act relating to soil and water conservation by providing for financial incentives.

Read first time and **placed on calendar.**

Senate File 2269, by committee on Human Resources, a bill for an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames for the filing of birth certificates and birth certificate fees, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers.

Read first time and **placed on calendar.**

Senate File 2270, by committee on Agriculture, a bill for an act relating to the department of agriculture and land stewardship, by providing for administration and increasing certain fees charged by the department.

Read first time and **placed on calendar.**

Senate File 2271, by committee on Business and Labor Relations, a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures.

Read first time and **placed on calendar.**

Senate File 2272, by committee on Judiciary, a bill for an act relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the Act's applicability.

Read first time and **placed on calendar.**

Senate File 2273, by committee on Judiciary, a bill for an act relating to reprisals with respect to certain disclosures of information and other actions by employees, providing penalties, and providing civil remedies.

Read first time and **placed on calendar.**

Senate File 2274, by committee on Judiciary, a bill for an act relating to the confidentiality of the names of the siblings of an adoptee in adoption records.

Read first time and **placed on calendar.**

Senate File 2275, by committee on Judiciary, a bill for an act relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

Read first time and **placed on calendar.**

Senate File 2276, by committee on Judiciary, a bill for an act relating to consumer fraud and providing penalties and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2277, by committee on Judiciary, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist.

Read first time and **placed on calendar.**

Senate File 2278, by committee on Judiciary, a bill for an act to permit payment of compensation to school board members under certain circumstances.

Read first time and **placed on calendar.**

Senate File 2279, by committee on Judiciary, a bill for an act relating to private industry employment of inmates of correctional institutions.

Read first time and **placed on calendar.**

Senate File 2280, by committee on State Government, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, and providing effective and retroactive applicability dates.

Read first time and **placed on calendar.**

Senate File 2281, by committee on Education, a bill for an act to require senate confirmation of the appointment of the members of the college student aid commission who are appointed by the governor.

Read first time and **placed on calendar.**

Senate File 2282, by committee on Environment and Energy Utilities, a bill for an act defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation.

Read first time and **placed on calendar.**

Senate File 2283, by committee on Business and Labor Relations, a bill for an act requiring certain subcontractors to provide certain information when participating in public improvements and providing sanctions.

Read first time and **placed on calendar.**

Senate File 2284, by committee on Local Government, a bill for an act relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding.

Read first time and **placed on calendar.**

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2253** be referred from the Regular Calendar to the committee on **Human Resources.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.R.	102	Environment & Energy Utilities
H.F.	2292	State Government
H.F.	2298	Transportation

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2283 (formerly Senate File 2232), a bill for an act requiring certain subcontractors to provide certain information when participating in public improvements and providing sanctions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Running, Sturgeon, Kinley, Palmer, Slife and Taylor. Nays, 4: Fuhrman, Buhr, Peterson and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2281 (SSB 2211), a bill for an act to require senate confirmation of the appointment of the members of the college student aid commission who are appointed by the governor.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden and Varn. Nays, none. Absent or not voting, 3: Kramer, Lind and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: *SENATE FILE 2282 (SSB 2054), a bill for an act defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 2: Kersten and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Environment and Energy Utilities Committee on Senate File 2282 and they were attached to the committee report.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5131.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 414, a bill for an act relating to landlords and tenants.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5130.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Connolly, Deluhery, Horn, Miller, Murphy, Pate, Peterson and Varn. Nays, none. Absent or not voting, 5: Fuhrman, Drake, Hagerla, Hester and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 483, a bill for an act relating to providing interpreters for hearing impaired persons impaneled as jurors.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Sturgeon, Rosenberg, Connolly, Deluhery, Horn, Miller, Murphy, Peterson and Varn. Nays, none. Absent or not voting, 6: Fuhrman, Drake, Hagerla, Hester, Pate and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2201, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Horn, Miller, Peterson, Slife and Varn. Nays, 1: Pate. Absent or not voting, 2: Hagerla and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2119, a bill for an act relating to essential county purposes and the use of general obligation bonds for funding of local water services.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5134.

Final Vote: Ayes, 7: Miller, Rittmer, Borlaug, Buhr, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Szymoniak, Fraise and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2225, a bill for an act relating to smoking in a public place, imposing court costs, and allowing cities to impose civil and criminal penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5132.

Final Vote: Ayes, 6: Miller, Szymoniak, Fraise, Hannon, Jensen and Sorensen. Nays, 4: Rittmer, Borlaug, Buhr and Vande Hoef.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2284 (SSB 2255), a bill for an act relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Miller, Szymoniak, Rittmer, Buhr, Jensen, Sorensen and Vande Hoef. Nays, 2: Borlaug and Fraise. Absent or not voting, 1: Hannon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: SENATE FILE 2214, a bill for an act relating to residency requirements for hunting and fishing licenses.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5133.

Final Vote: Ayes, 9: Palmer, Kibbie, Hester, Dieleman, Hagerla, Priebe, Rensink, Riordan and Tieden. Nays, none. Absent or not voting, 3: Hedge, Rosenberg and Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5129	S.F.	2103	Local Government
S—5130	S.F.	414	Judiciary
S—5131	H.F.	547	Environment & Energy Utilities
S—5132	S.F.	2225	Local Government
S—5133	S.F.	2214	Natural Resources
S—5134	S.F.	2119	Local Government
S—5135	S.F.	2036	Richard Varn

			Patrick Deluhery
S—5136	S.F.	2036	Richard Varn
			Patrick Deluhery

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:36 p.m., until 9:00 a.m., Thursday, March 5, 1992.

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 5, 1992

The Senate met in regular session at 9:08 a.m., Senator Connolly presiding.

Prayer was offered by the Reverend Vicki Watkins, intern pastor of the St. Johns Luthern Church, Des Moines, Iowa.

The Journal of Wednesday, March 4, 1992, was approved.

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 March 3, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2209, a bill for an act relating to agricultural land tenure studies.

This bill was read first time and **passed on file.**

House File 2277, a bill for an act relating to motorcycle trailer registration plates and providing for the Act's applicability.

This bill was read first time and **passed on file.**

House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

This bill was read first time and **passed on file.**

House File 2308, a bill for an act relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2285, by committee on Transportation, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes.

Read first time and **placed on calendar.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 9:20 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 4, 1992, 2:40 p.m.

Members Present: Deluhery, Chair; Slife, Ranking Member; Doyle, Fuhrman, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn.

Members Absent: Kinley, Vice Chair and Gettings (both excused).

Committee Business: Approved SSBs 2086 and 2221 as committee bills; SSB 2132 failed committee approval.

Adjourned: 3:50 p.m.

EDUCATION

Convened: March 4, 1992, 10:10 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden and Varn.

Members Absent: Kramer, Lind and Tinsman (all excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2211 and 2212; recommended passage of House Files 2235, 2245 and 646.

Adjourned: 10:41 a.m.

HUMAN RESOURCES

Convened: March 4, 1992, 3:45 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: Hagerla, Ranking Member.

Committee Business: Amended and approved SSB 2090 as a committee bill; approved SSBs 2232, 2254 and 2089 as committee bills; recommended passage of Senate Files 2091, 2242, 2160, 395, 2055 and 469.

Adjourned: 5:10 p.m.

LOCAL GOVERNMENT

Convened: March 4, 1992, 1:41 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bill to subcommittee; recommended passage of Senate Files 2119 and 2225 as amended; approved SSB 2255 as a committee bill; amended and approved SSBs 2253 and 2246 as committee bills; recommended passage of Senate File 2254; Senate File 2224 failed recommendation for passage.

Adjourned: 2:40 p.m.

NATURAL RESOURCES

Convened: March 4, 1992, 1:35 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Priebe, Rensink, Riordan, and Tieden.

Members Absent: Hedge (excused), Rosenberg and Sturgeon.

Committee Business: Senate File 2086 failed recommendation for passage; recommended passage of Senate File 2214 as amended.

Adjourned: 1:55 p.m.

RULES AND ADMINISTRATION

Convened: March 4, 1992, 9:20 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley and Lloyd-Jones.

Members Absent: Soorholtz.

Committee Business: Approved a committee resolution requesting the US Congress and the Senate Finance Committee to refrain from preempting state laws relating to health insurance premium taxes.

Adjourned: 9:25 a.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: March 4, 1992, 2:45 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Amended SSBs 2243 and 2198 and Senate File 2130 and ordered redrafted for final approval as committee bills.

Adjourned: 3:50 p.m.

TRANSPORTATION

Convened: March 4, 1992, 4:05 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Dieleman, Jensen, Kersten, Pate and Slife (all excused).

Members Absent: Drake, Ranking Member; Gettings, Kinley, Lloyd-Jones and Welsh.

Committee Business: Assigned bills to subcommittees; amended and approved SSBs 2226 and 149 as committee bills.

Adjourned: 4:20 p.m.

STUDY BILLS RECEIVED

SSB 2278 Commerce

Regulating telephone solicitation, providing for civil remedies, and imposing penalties.

SSB 2279 State Government

Relating to campaign finance disclosure regarding the definition of "commissioner", the contents of the statement of organization, and the date for filing disclosure reports.

SSB 2280 Education

Relating to educational finance matters.

SSB 2281 Education

Relating to state aid to school corporations and providing effective dates and applicability provisions.

SSB 2281.1 Education

Relating to state aid to school corporations and providing effective dates and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2253

HUMAN RESOURCES: Szymoniak, Chair; Buhr and Kramer

House File 2276

BUSINESS AND LABOR RELATIONS: Peterson, Chair; Running and Taylor

SSB 2277

BUSINESS AND LABOR RELATIONS: Buhr, Chair; Slife and Sturgeon

SSB 2278

COMMERCE: Sturgeon, Chair; Jensen and Varn

SSB 2279

STATE GOVERNMENT: Kibbie, Chair; Drake, Gronstal, Horn and Lind

LSB 6237

AGRICULTURE: Vande Hoef, Chair

LSB 6248

AGRICULTURE: McLaren, Chair

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2286 (SSB 2221), a bill for an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national

association of insurance commissioners, and providing penalties and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Deluhery, Slife, Doyle, Fuhrman, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 2: Kinley and Gettings.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2288 (SSB 2212), a bill for an act to repeal the prohibition against school directors, officers, area education directors, or teachers acting as agents for school textbooks or school supplies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Connolly, Horn, Taylor, Deluhery, Kibbie, Murphy, Rensink, Running, Tieden and Varn. Nays, 2: Dieleman and Szymoniak. Absent or not voting, 3: Kramer, Lind and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 469, a bill for an act relating to the types of child abuse cases included in the central registry.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Tinsman and Taylor. Nays, none. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2055, a bill for an act requiring availability of maternity leave and family leave for use by public and private employees.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Sturgeon, Szymoniak and Tinsman. Nays, 2: Rittmer and Taylor. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2091, a bill for an act relating to hospital privileges provided a physician assistant.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5140.

Final Vote: Ayes, 10: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak and Taylor. Nays, 1: Tinsman. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2160, a bill for an act relating to the establishment of elder group homes.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5139.

Final Vote: Ayes, 11: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Tinsman and Taylor. Nays, none. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2242, a bill for an act establishing a payperson defibrillation program and appropriating funds.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Sturgeon and Szymoniak. Nays, 3: Rittmer, Taylor and Tinsman. Absent or not voting, 1: Hagerla.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2294 (SSB 2207), a bill for an act authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2287 (SSB 2050), a bill for an act relating to indecent exposure by a minor in certain establishments and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Connolly, Drake, Hagerla, Hester, Miller, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 3: Deluhery, Horn and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2289 (formerly Senate File 27), a bill for an act relating to notice of filing of petitions seeking to establish guardianships and conservatorships.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hester, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 2: Hagerla and Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: *SENATE FILE 2290 (SSB 2246), a bill for an act relating to the extension of the effective date for the equipping of a sanitary landfill with a leachate control system and relating to the provision of solid waste collection services by a city.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2290 and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2291 (SSB 2230), a bill for an act relating to prohibiting fire fighters and emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2291 and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2293 (SSB 2253), a bill for an act relating to cities subject to civil service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, 1: Buhr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2293 and they were attached to the committee report.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE FILE 2295 (SSB 2243), a bill for an act relating to the Iowa small business new jobs training program and the Iowa retraining program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Riordan, Borlaug, Boswell, Kibbie, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Hannon, Kramer and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2296 (SSB 2198), a bill for an act authorizing a city or county to impose an economic development levy consisting of a property tax levy, income surtax, or both.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Riordan, Borlaug, Boswell, Kibbie, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Hannon, Kramer and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: *SENATE FILE 2292 (SSB 2144), a bill for an act providing for and requiring licensure of massage therapists and imposing fees and civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Drake, Kramer, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2292 and they were attached to the committee report.

TRANSPORTATION

Final Bill Action: SENATE FILE 2285 (SSB 2226), a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Connolly, Dieleman, Jensen, Kersten, Pate and Slife. Nays, none. Absent or not voting, 5: Drake, Gettings, Kinley, Lloyd-Jones and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5137	S.F.	2275	Linn Fuhrman
S—5138	S.F.	2280	Wally Horn
S—5139	S.F.	2160	Human Resources
S—5140	S.F.	2091	Human Resources
S—5141	S.F.	2257	John Kibbie Dale Tieden Jack Hester William Palmer Wilmer Rensink Berl E. Priebe Jim Riordan Ralph Rosenberg H. Kay Hedge Al Sturgeon

AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2286, by committee on Commerce, a bill for an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date.

Read first time and **placed on calendar.**

Senate File 2287, by committee on Judiciary, a bill for an act relating to indecent exposure by a minor in certain establishments and providing a penalty.

Read first time and **placed on calendar.**

Senate File 2288, by committee on Education, a bill for an act to repeal the prohibition against school directors, officers, area education directors, or teachers acting as agents for school textbooks or school supplies.

Read first time and **placed on calendar.**

Senate File 2289, by committee on Judiciary, a bill for an act relating to notice of filing of petitions seeking to establish guardianships and conservatorships.

Read first time and **placed on calendar.**

Senate File 2290, by committee on Local Government, a bill for an act relating to the extension of the effective date for the equipping of a sanitary landfill with a leachate control system and relating to the provision of solid waste collection services by a city.

Read first time and **placed on calendar.**

Senate File 2291, by committee on Local Government, a bill for an act relating to prohibiting fire fighters and emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment.

Read first time and **placed on calendar.**

Senate File 2292, by committee on State Government, a bill for an act providing for licensure of massage therapists and imposing fees and civil penalties.

Read first time and **placed on calendar.**

Senate File 2293, by committee on Local Government, a bill for an act relating to cities subject to civil service.

Read first time and **placed on calendar.**

Senate File 2294, by committee on Human Resources, a bill for an act authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

Read first time and **placed on calendar.**

Senate File 2295, by committee on Small Business and Economic Development, a bill for an act relating to the Iowa small business new jobs training program and the Iowa retraining program.

Read first time and **placed on calendar.**

Senate File 2296, by committee on Small Business and Economic Development, a bill for an act authorizing a city or county to impose an economic development levy consisting of a property tax levy, income surtax, or both.

Read first time and **placed on calendar.**

Senate File 2297, by committee on Commerce, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit

life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

Read first time and **placed on calendar.**

Senate File 2298, by committee on Agriculture, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production.

Read first time and **placed on calendar.**

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 March 2, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2224, a bill for an act excepting from child day care regulation certain programs for school age children administered by political subdivisions.

This bill was read first time and **passed on file.**

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2232** be referred from the Regular Calendar to the committee on **Business and Labor Relations.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2209	Agriculture
H.F.	2224	Human Resources
H.F.	2277	Transportation
H.F.	2287	Education
H.F.	2308	Judiciary

BILL RETURNED TO CALENDAR
(Senate File 2159)

Pursuant to Senate Rule 13 and unanimous consent received by Senator Hutchins on February 27, 1992, on Senate Journal page 497, **Senate File 2159** was automatically returned to the Senate Regular Calendar from the committee on Ways and Means at 5:00 p.m., Thursday, March 5, 1992, without committee recommendation for passage.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, Miller and Vande Hoef. Nays, none. Absent or not voting, 4: McLaren, Palmer, Riordan and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2297 (SSB 2238), a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing

business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Deluhery, Kinley, Doyle, Fuhrman, Gronstal, Jensen, Kersten, Lind, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 3: Slife, Gettings and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2299 (SSB 2086), a bill for an act relating to the kids of separately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Deluhery, Slife, Doyle, Fuhrman, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 3: Kinley, Gettings and Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 116 (SSB 2274), a concurrent resolution encouraging local schools, colleges, universities, businesses, and trade unions throughout Iowa to work together to improve the quality and accessability of education and business in Iowa and increase expectations of and for Iowa's students.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 11: Connolly, Horn, Kibbie, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 4: Taylor, Deluhery, Dieleman and Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2300 (SSB 2068), a bill for an act relating to the department of corrections, its programs, procedures, and facilities, and permitting the use of reasonable force, including deadly force, by a correctional officer to prevent escape by disdemeanants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn. Nays, none. Absent or not voting, 2: Drake and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2301 (SSB 2237), a bill for an act relating to unfair and discriminatory practices in housing and subjecting violators to existing civil and criminal penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Drake, Hagerla, Hester, Miller, Peterson, Slife and Varn. Nays, 1: Pate. Absent or not voting, 3: Deluhery, Horn and Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2301 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2302 (SSB 2170), a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in a dating, courtship, engagement, or marriage relationship, including certain assaults involving minors, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn. Nays, none. Absent or not voting, 2: Drake and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE FILE 2130, a bill for an act relating to targeted small business procurement procedures and local purchases.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5142.

Final Vote: Ayes, 13: Riordan, Hannon, Borlaug, Boswell, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 116, by committee on Education, a concurrent resolution encouraging local schools, colleges, universities, businesses, and trade unions throughout Iowa to work together to improve the quality and accessibility of education and business in Iowa and increase expectations of and for Iowa's students.

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

INTRODUCTION OF BILLS

Senate File 2299, by committee on Commerce, a bill for an act relating to the kinds of separately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services.

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

Senate File 2300, by committee on Judiciary, a bill for an act relating to the department of corrections, its programs, procedures, and facilities.

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

Senate File 2301, by committee on Judiciary, a bill for an act relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties.

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

Senate File 2302, by committee on Judiciary, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, including certain assaults involving minors expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties.

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

AMENDMENT FILED

S—5142	S.F.	2130	Small Business & Economic Development

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:35 p.m., until 9:00 a.m., Friday, March 6, 1992.

JOURNAL OF THE SENATE

FIFTY-FOURTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 6, 1992

The Senate met in regular session at 9:27 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Wilmer Rensink, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Thursday, March 5, 1992, was approved.

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 March 4, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2181, a bill for an act relating to purchasing regulations for officers and managers of memorial halls, county hospitals, and monuments.

This bill was read first time and **passed on file.**

House File 2232, a bill for an act relating to contract bidding requirements for a city.

This bill was read first time and **passed on file.**

House File 2325, a bill for an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames and fees relating to birth certificates, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or

contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers.

This bill was read first time and **passed on file.**

INTRODUCTION OF RESOLUTION

Senate Resolution 103, by Running, a resolution relating to the designation of October 14, 1992, as W. Edwards Deming Day.

Read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2303, by Hagerla, a bill for an act providing for the private distribution and wholesale sale of alcoholic liquor to licensed retailers and subjecting violators to a penalty.

Read first time and **passed on file.**

Senate File 2304, by committee on Environment and Energy Utilities, a bill for an act relating to the water supply and wastewater effluent limitations.

Read first time and **placed on calendar.**

Senate File 2305, by committee on Environment and Energy Utilities, a bill for an act relating to the establishment of an environmental trust fund and providing for the imposition and deposit of fees.

Read first time and **placed on calendar.**

Senate File 2306, by committee on Commerce, a bill for an act regulating telephone solicitation, providing for civil remedies, and imposing penalties.

Read first time and **placed on calendar.**

Senate File 2307, by committee on Commerce, a bill for an act relating to the establishment of an Iowa statewide health insurance plan.

Read first time and **placed on calendar.**

Senate File 2308, by committee on Business and Labor Relations, a bill for an act requiring state employers to permit employees to share vacation leave in cases of long-term or catastrophic illness.

Read first time and **placed on calendar.**

Senate File 2309, by committee on Agriculture, a bill for an act requiring an agricultural chemical dealer site contamination study, making an appropriation, and providing an effective date.

Read first time and **placed on calendar.**

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.R.	103	Business and Labor Relations
S.F.	2303	State Government

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the day on request of Senator Connolly.

ADOPTION OF RESOLUTIONS
(Regular Calendar)

Senate Concurrent Resolution 103

On motion of Senator Szymoniak, Senate Concurrent Resolution 103, a concurrent resolution calling upon the United States Congress to provide for the establishment of benefit levels for aid to families with dependent children, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of Senate Concurrent Resolution 103, which motion prevailed by a voice vote.

Senate Concurrent Resolution 110

On motion of Senator Szymoniak, Senate Concurrent Resolution 110, a concurrent resolution to support efforts to promote early detection of and effective treatment modalities for breast cancer and to urge the Congress of the United States to enact legislation to ensure adequate funds to find a cure and effective preventive measures for breast cancer, with report of committee recommending passage, was taken up for consideration.

Senator Hannon took the chair at 9:55 a.m.

Senator Szymoniak moved the adoption of Senate Concurrent Resolution 110, which motion prevailed by a voice vote.

Senate Concurrent Resolution 112

On motion of Senator Running, Senate Concurrent Resolution 112, a concurrent resolution requesting the Governor to annually issue a proclamation designating April 28 as Workers' Memorial Day, with report of committee recommending passage, was taken up for consideration.

Senator Running moved the adoption of Senate Concurrent Resolution 112, which motion prevailed by a voice vote.

Senator Hutchins asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolutions 115 and 116.

Senate Concurrent Resolution 115

On motion of Senator Hutchins, Senate Concurrent Resolution 115, a concurrent resolution to request the United States Congress and the Senate Finance Committee to refrain from preempting state laws relating to health insurance premium taxes, was taken up for consideration.

Senator Hutchins moved the adoption of Senate Concurrent Resolution 115, which motion prevailed by a voice vote.

Senate Concurrent Resolution 116

On motion of Senator Running, Senate Concurrent Resolution 116, a concurrent resolution encouraging local schools, colleges, universities, businesses, and trade unions throughout Iowa to work

together to improve the quality and accessability of education and business in Iowa and increase expectations of and for Iowa's students, was taken up for consideration.

Senator Running moved the adoption of Senate Concurrent Resolution 116, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2235

On motion of Senator Running, House File 2235, a bill for an act changing the date by which the board of directors of a school corporation must determine whether to continue or terminate a teaching contract and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Running 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. 2235) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 2:

Sturgeon	Welsh

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

House File 2245

On motion of Senator Murphy, House File 2245, a bill for an act relating to notification and determination dates for the discontinuance of a school district administrator contract and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Murphy 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. 2245) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Gronstal	Husak	Sturgeon	Welsh

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

Senator Hutchins asked and received unanimous consent that **House Files 2235 and 2245** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2310, by committee on Human Resources, a bill for an act relating to establishing the department of public health as lead agency for emergency medical services, providing for minimum certification requirements for ambulance crews, providing for the delivery of prehospital care by physician assistants, providing funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and requiring townships to provide ambulance services in counties not providing such service.

Read first time and **placed on calendar.**

Senate File 2311, by committee on Human Resources, a bill for an act relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries.

Read first time and **placed on calendar.**

Senate File 2312, by committee on State Government, a bill for an act relating to the members of the college student aid commission appointed by the governor.

Read first time and **placed on calendar.**

Senate File 2313, by committee on Small Business and Economic Development, a bill for an act relating to the Iowa economic development network by eliminating the regional development centers and providing for contracts to be entered into with each community college to employ a business and industry outreach specialist.

Read first time and **placed on calendar.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:12 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 5, 1992, 8:06 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Rittmer and Vande Hoef.

Members Absent: Palmer and Riordan.

Committee Business: Assigned bills to subcommittees; approved LSB 6237 and 6248 as committee bills; amended and approved SSB 2261 as a committee bill.

Adjourned: 8:26 a.m.

BUSINESS AND LABOR RELATIONS

Convened: March 5, 1992, 4:50 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved SSBs 2035, 2277, 2270, 2271 and 2119 as committee bills; recommended passage of Senate Concurrent Resolution 114.

Adjourned: 5:30 p.m.

COMMERCE

Convened: March 5, 1992, 1:40 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn.

Members Absent: Slife, Ranking Member; Gettings and Palmer (all excused).

Committee Business: Approved SSBs 2268, 2278, 2238 and 2269 as committee bills; recommended passage of Senate File 2188.

Adjourned: 2:35 p.m.

HUMAN RESOURCES

Convened: March 5, 1992, 10:35 a.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Approved SSBs 2129 and 2251 and Senate File 2126 as committee bills.

Adjourned: 11:10 a.m.

HUMAN RESOURCES

Convened: March 5, 1992, 4:40 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Senate File 344 failed recommendation for passage; approved SSBs 2209 and 2090 as committee bills; recommended passage of Senate File 2121.

Adjourned: 5:15 p.m.

JUDICIARY

Convened: March 5, 1992, 3:42 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn.

Members Absent: Drake and Slife (both excused).

Committee Business: Approved SSBs 2260.1, 2170, 2068, 2136 and 2048 as committee bills; amended and approved SSB 2113 as a committee bill.

Adjourned: 4:36 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: March 5, 1992, 1:40 p.m.

Members Present: Riordan, Chair; Borlaug, Ranking Member; Boswell, Kibbie, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Hannon, Vice Chair; Kramer and Peterson (all excused).

Committee Business: Approved SSBs 2243, 2198, 2233 and 2194 as committee bills.

Adjourned: 2:10 p.m.

TRANSPORTATION

Convened: March 5, 1992, 8:35 a.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate and Slife.

Members Absent: Welsh (excused).

Committee Business: Approved SSBs 149, 2150 and 2175 as committee bills; recommended passage of Senate File 2004; recommended passage of Senate File 2046 as amended.

Adjourned: 9:25 a.m.

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of March, 1992:

Senate File 2116.

JOHN F. DWYER
Secretary of the Senate

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: *SENATE FILE 2309, a bill for an act requiring an agricultural chemical dealer site contamination study, making an appropriation, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Palmer and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2309 and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE CONCURRENT RESOLUTION 114, a concurrent resolution relating to the declaration of Iowa quality week.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Running, Sturgeon, Fuhrman, Buhr, Palmer and Peterson. Nays, none. Absent or not voting, 4: Kinley, Rensink, Slife and Taylor

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2308 (SSB 2035), a bill for an act requiring employers to permit employees to share vacation leave in cases of long-term or catastrophic illness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink and Slife. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2306 (SSB 2278), a bill for an act regulating telephone solicitation, providing for civil remedies, and imposing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Deluhery, Kinley, Doyle, Gronstal, Jensen, Kersten, Lind, Sturgeon and Varn. Nays, 3: Fuhrman, Priebe and Tieden. Absent or not voting, 3: Slife, Gettings and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2307 (formerly Senate File 2188), a bill for an act relating to the establishment of an Iowa statewide health insurance plan.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Deluhery, Kinley, Doyle, Fuhrman, Gronstal, Jensen, Kersten, Lind, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 3: Slife, Gettings and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2314 (SSB 2269), a bill for an act relating to franchise agreements by establishing registration and disclosure requirements, and establishing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Deluhery, Kinley, Gronstal, Jensen, Kersten, Lind, Sturgeon and Varn. Nays, 4: Doyle, Fuhrman, Priebe and Tieden. Absent or not voting, 3: Slife, Gettings and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2192, a bill for an act relating to school district reorganization, providing for the setting of district boundaries, providing for subdistrict advisory boards, prescribing the governance of school districts, providing effective dates, and providing for repeals.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Connolly, Horn, Deluhery, Kramer, Lind, Running, Szymoniak and Varn. Nays, 6: Taylor, Kibbie, Murphy, Rensink, Tieden and Tinsman. Pass, 1: Dieleman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2319 (SSB 2276), a bill for an act to provide funding under phase II for school districts and area education agencies to pay the costs of providing additional teaching contract work days.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Connolly, Horn, Dieleman, Kibbie, Murphy, Running, Szymoniak and Varn. Nays, 4: Lind, Rensink, Tieden and Tinsman. Absent or not voting, 3: Taylor, Deluhery and Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2319 and they were attached to the committee report.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2304 (SSB 2098), a bill for an act relating to the water supply and wastewater effluent limitations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rosenberg, Jensen, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none. Absent or not voting, 2: Deluhery and Borlaug.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2305 (SSB 2202), a bill for an act relating to the establishment of an environmental trust fund and providing for the imposition and deposit of fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rosenberg, Deluhery, Jensen, Fraise, Hannon, Miller, Sorensen and Varn. Nays, 2: Borlaug and Hedge. Absent or not voting, 2: Kersten and Soorholtz.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Environment and Energy Committee on Senate File 2305 and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 395, a bill for an act relating to requirements for admission to a nursing facility, medical assistance certification, and certificate of need, and providing penalties and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hannon, Hagerla, Horn, Kramer, Murphy, Riordan, Sturgeon, Szymoniak and Taylor. Nays, 3: Buhr, Rittmer and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2121, a bill for an act relating to the establishment of a bone marrow donor program, including the establishment of a bone marrow donation fund, and providing for the appropriation of moneys in the fund.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2310 (formerly Senate File 2126), a bill for an act relating to establishing the department of public health as lead agency for emergency medical services, providing for minimum certification requirements for ambulance crews, providing for the delivery of prehospital care by physician assistants, providing funding for emergency medical services education, training, and equipment, authorizing a county to impose a local option tax or combination of taxes to provide local funding, and requiring townships to provide ambulance services in counties not providing such service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2311 (SSB 2089), a bill for an act relating to medical assistance program requirements involving health care facilities, certificates of need, specified low-income federal medicare beneficiaries, and program reimbursements of area education agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Sturgeon, Szymoniak and Taylor. Nays, 2: Rittmer and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2316 (SSB 2090), a bill for an act relating to child support recovery.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2315 (SSB 2136), a bill for an act relating to the enforcement of the civil rights law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Sturgeon, Rosenberg, Connolly, Deluhery. Horn, Miller, Murphy, Peterson and Varn. Nays, 4: Fuhrman, Hagerla, Hester and Pate. Absent or not voting, 2: Drake and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2317 (SSB 2048), a bill for an act relating to public access to court records and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn. Nays, 1: Fuhrman. Absent or not voting, 2: Drake and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE FILE 2313 (SSB 2233), a bill for an act relating to the Iowa economic development network by eliminating the regional development centers and providing for contracts to be entered into with each community college to employ a business and industry outreach specialist.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Riordan, Borlaug, Boswell, Kibbie, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Hannon, Kramer and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2318 (SSB 2194), a bill for an act disqualifying certain persons from serving as public board or commission members on the basis of public compensation received.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Riordan, Borlaug, Boswell, Kibbie, Miller, Pate, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Hannon, Kramer and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2312 (SSB 2088), a bill for an act relating to the member representing community colleges on the college student aid commission.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Horn, Kramer, Murphy, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 8: Doyle, Drake, Gronstal, McLaren, Pate, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2004, a bill for an act relating to issuance of citations for headlamp violations.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Fraise, Connolly, Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 3: Drake, Kersten and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Gronstal presiding.

INTRODUCTION OF BILLS

Senate File 2314, by committee on Commerce, a bill for an act relating to franchise agreements by establishing registration and disclosure requirements, establishing a civil cause of action, and establishing fees and penalties.

Read first time and **placed on calendar.**

Senate File 2315, by committee on Judiciary, a bill for an act relating to the enforcement of the civil rights law.

Read first time and **placed on calendar.**

Senate File 2316, by committee on Human Resources, a bill for an act relating to child support recovery.

Read first time and **placed on calendar.**

Senate File 2317, by committee on Judiciary, a bill for an act relating to public access to court records and providing for the Act's applicability.

Read first time and **placed on calendar.**

Senate File 2318, by committee on Small Business and Economic Development, a bill for an act disqualifying certain persons from serving as public board or commission members on the basis of public compensation received.

Read first time and **placed on calendar.**

Senate File 2319, by committee on Education, a bill for an act to provide funding under phase II for school districts and area education agencies to pay the costs of providing additional teaching contract work days.

Read first time and **placed on calendar.**

Senate File 2320, by committee on Education, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions.

Read first time and **placed on calendar.**

Senate File 2321, by committee on State Government, a bill for an act relating to administration of the Iowa public employees' retirement system.

Read first time and **placed on calendar.**

Senate File 2322, by committee on Transportation, bill for an act designating state highway 3 as "Veterans Memorial Highway".

Read first time and **placed on calendar.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Soorholtz and Tieden for the remainder of the day on request of Senator Rife.

The Senate stood at ease at 1:46 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:06 p.m., President Gronstal presiding.

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 March 5, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 51, a bill for an act relating to the applicability to garnishments of the sheriff's duty to levy.

This bill was read first time and **passed on file.**

House File 2330, a bill for an act relating to the required purchase by electric utilities of megawatts of power.

This bill was read first time and **passed on file.**

House File 2342, a bill for an act relating to special land use districts operating as cities for certain purposes, and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 5, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 511, a bill for an act relating to certified exchange boundaries for local exchange utilities (S—5145).

Senate File 2094, a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records (S—5144).

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Senate Ethics Committee, a resolution relating to the disposition of an ethics complaint against Senator Joseph J. Welsh.

Read first time and **placed on calendar.**

INTRODUCTION OF BILLS

Senate File 2323, by committee on Human Resources, a bill for an act relating to the prevention of the transmission of HIV or the hepatitis B virus to patients, providing penalties, and providing for a repeal.

Read first time and **placed on calendar.**

Senate File 2324, by committee on Education, a bill for an act relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

Read first time and **placed on calendar.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2181	Local Government
H.F.	2232	Local Government

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink for the remainder of the day on request of Senator Jensen.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2063

On motion of Senator Szymoniak, Senate File 2063, a bill for an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak 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. 2063) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Rensink	Soorholtz	Sturgeon	Tieden

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2216

On motion of Senator Buhr, Senate File 2216, a bill for an act relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date, was taken up for consideration.

Senator Buhr 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. 2216) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester

Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Rensink	Soorholtz	Sturgeon	Tieden

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

Senator Hutchins asked and received unanimous consent that **Senate File 2216** be **immediately messaged** to the House.

COMMITTEE REPORT

ETHICS

Final Bill Action: SENATE RESOLUTION 104, a resolution relating to the disposition of an ethics complaint against Senator Joseph J. Welsh.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 6: Lloyd-Jones, Gettings, Drake, Hedge, Husak and DeKoster (citizen member). Nays, none. Absent, 1: Knutson (citizen member, recused).

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for immediate consideration Senate Resolution 104.

Senate Resolution 104

On motion of Senator Lloyd-Jones, Senate Resolution 104, a resolution relating to the disposition of an ethics complaint against Senator Joseph H. Welsh, was taken up for consideration.

Senator Rife asked and received unanimous consent that action on **Senate Resolution 104** be **deferred.**

The Senate stood at ease at 3:45 p.m. until the fall of the gavel.

The Senate resumed session at 3:57 p.m., President Gronstal presiding.

BUSINESS PENDING

The Senate resumed consideration of Senate Resolution 104, previously deferred.

Senator Borlaug offered amendment S—5146 filed by Senators Borlaug, et al., from the floor to pages 2 and 3 of the resolution.

Senator Taylor called for a division of amendment S—5146.

President Gronstal advised that amendment S—5146 was not divisible.

Senator Taylor asked and received unanimous consent that action on amendment S—5146 and **Senate Resolution 104** be **deferred.**

The Senate stood at ease at 4:24 p.m. until the fall of the gavel.

The Senate resumed session at 4:35 p.m., President Gronstal presiding.

BUSINESS PENDING

Senate Resolution 104

The Senate resumed consideration of Senate Resolution 104, and amendment S—5146 by Senators Borlaug, et al., to pages 2 and 3 of the resolution, previously deferred.

Senator Borlaug offered amendment S—5147 filed by him from the floor to amendment S—5146 and moved its adoption.

Amendment S—5147 lost by a voice vote.

Senator Borlaug moved the adoption of amendment S—5146 and requested a record roll call.

On the question "Shall amendment S—5146 be adopted?" (S.R. 104) the vote was:

Ayes, 6:

Borlaug	Hagerla	Hester	Pate
Taylor	Vande Hoef		

Nays, 39:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hedge	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Szymoniak	Tinsman	Varn	

Voting present, 1:

Welsh

Absent or not voting, 4:

Rensink	Soorholtz	Sturgeon	Tieden

Amendment S—5146 lost.

Senator Lloyd-Jones moved the adoption of Senate Resolution 104.

On the question "Shall the resolution be adopted?" (S.R. 104) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen

Szymoniak	Taylor	Tinsman	Vande Hoef
Varn			

Nays, none.

Voting present, 1:

Welsh

Absent or not voting, 4:

Rensink	Soorholtz	Sturgeon	Tieden

The motion prevailed and the resolution was adopted.

INTRODUCTION OF BILLS

Senate File 2325, by committee on Human Resources, a bill for an act relating to the use of protective headgear when operating or riding certain motor vehicles and the sale of such headgear and providing penalties.

Read first time and **placed on calendar.**

Senate File 2326, by committee on Transportation, a bill for an act authorizing United States armed forces retired, motor vehicle registration plates.

Read first time and **placed on calendar.**

Senate File 2327, by committee on Human Resources, a bill for an act relating to health maintenance and preferred provider organizations and the participation of enrollees and providers in the operations of the organizations.

Read first time and **placed on calendar.**

Senate File 2328, by committee on Business and Labor Relations, a bill for an act relating to public employee payroll deductions for political committees.

Read first time and **placed on calendar.**

Senate File 2329, by committee on Business and Labor Relations, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision.

Read first time and **placed on calendar.**

APPENDIX

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS IOWA STATE SENATE	)	
On The Complaint Of Senator Jack Rife,	)	FINDINGS OF FACT
And Involving Senator Joseph J. Welsh	)	

On this 6th day of March, 1992, the Senate Ethics Committee, having conducted public hearings on March 4, 1992, and March 5, 1992, on the complaint filed in proper form by Senator Jack Rife on January 27, 1992, and accusing Senator Joseph J. Welsh of six separate violations of the Senate Code of Ethics, makes the following findings of fact and conclusions:

DIVISION I

1. That, with respect to Count 1 of the Complaint, the Committee finds that the complainant has sustained his burden of proof by clear and convincing evidence that Senator Joseph J. Welsh had a conflict of interest as an Iowa Senator by accepting employment with the Iowa Trust Fund and its parent company, Institutional Treasury Management, and attempting through his position as an Iowa State Senator and President of the Senate to influence legislation which would directly benefit himself and his employer during the 1991 session.

The Senate Code of Ethics in this regard states:

"1. ... (A) senator shall not accept economic or investment opportunity under circumstances where the senator knows, or should know, that there is a reasonable possibility that the opportunity is being afforded the senator with intent to influence the senator's conduct in the performance of official duties.

a. Divestiture. Where a senator learns that an economic or investment opportunity previously accepted was offered with the intent of influencing the senator's conduct in the performance of official duties, the senator shall take steps to divest that senator of that investment or economic opportunity, and shall report the facts of the situation to the senate ethics committee."

The Senate Code of Ethics also states:

"In making a decision relative to the senator's activities on given bills or committee work which are subject to the code, the following factors shall be considered:

a. Whether a substantial threat to the senator's independence of judgment has been created by the conflict situation.

b. The effect of the senator's participation on public confidence in the integrity of the legislature.

c. Whether the senator's participation is likely to have any significant effect on the disposition of the matter.

d. The need for the senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature. ..."

2. With respect to Count II of the Complaint, the Committee finds that no evidence was submitted to the Committee to support this allegation and that the complainant has failed to meet the required burden of proof.

3. With respect to Count III of the Complaint, the Committee finds that, although testimony was presented on this issue that indicated that persons who were contacted by Senator Welsh for purposes of marketing the investments managed by Iowa Trust and Institutional Treasury Management were also aware of his position in the Iowa State Senate, the complainant has failed to demonstrate by clear and convincing evidence that Senator Welsh used his position to attempt to influence public officials to invest public moneys in those investments. The Committee further finds that no evidence was presented that demonstrates that Senator Welsh failed to perform his duties and responsibilities as an investment advisor or that he failed to disclose the manner in which his commissions were earned and calculated to clients or prospective clients.

4. With respect to Count IV of the Complaint, the Committee finds the complainant has sustained the burden of proof by clear and convincing evidence that Senator Welsh misled the Senate Ethics Committee on January 6, 1992, by failing to present all of the facts regarding his relationship to the Iowa Trust Fund, his earnings, and the basis for his compensation, and his accounts. In misleading the Committee, Senator Welsh did, in violation of section 2.18, subsection 7, of the Code impede the work of the members of the Committee who were discharging their duties under the Senate Code of Ethics and section 68B.10, subsection 4, of the Code.

5. With respect to Count V of the Complaint, the Committee finds that the complainant has shown, by clear and convincing evidence, that Senator Welsh, whether on advice of counsel or by his own initiative, and whether advertently or inadvertently, did influence the proceedings of the Senate Ethics Committee by preparing complaints against members of the Senate, including members of the Ethics Committee, and announcing his intention to make the complaints public if the Ethics Committee proceeded to a hearing on allegations being investigated by the Committee. In attempting to influence the Committee, Senator Welsh did impede the work of the members of the Committee who were discharging their duties.

6. With respect to Count VI of the Complaint, the Committee finds that the complainant has shown, by clear and convincing evidence, that Senator Welsh did fail to conduct himself as required by the preamble of the Senate Code of Ethics.

DIVISION II

With respect to the affirmative defenses raised by Senator Joseph J. Welsh, the Committee states the following:

1. That the filing of the complaint on January 27, 1992, created a new matter upon which the Committee has an affirmative duty to act under the Senate Code of Ethics and section 68B.10 of the Code and therefore, the principles of res judicata do not apply.

2. The Committee restates the findings contained in section 1 of Division II of these Findings of Fact, and finds that the principles of estoppel do not apply.

3. The Committee finds that Article III, section 9, of the Iowa Constitution provides in relevant part, that "Each house shall ... determine its rules of proceedings, punish members for disorderly behavior...." and that, under section 68B.10 of the Code the Committee has the authority to conduct investigations and receive complaints of alleged ethical violations. The Committee therefore also finds that the claim of lack of personal or subject matter jurisdiction is without merit.

4. With respect to the assertion that proceeding on the complaint of Senator Rife would violate Senator Welsh's due process rights, the Committee finds that the complaint procedures specified under the Senate Code of Ethics do afford Senator Welsh notice, the opportunity to be heard, the opportunity to have assistance of counsel, and compulsory process. The Committee therefore concludes that this contention is without merit.

Done this 6th day of March, 1992

SENATOR JEAN LLOYD-JONES, Chairperson
SENATOR DONALD E. GETTINGS, Vice Chairperson
SENATOR RICHARD F. DRAKE, Ranking Member
MR. LUCAS J. DeKOSTER
SENATOR H. KAY HEDGE
SENATOR EMIL J. HUSAK

STUDY BILLS RECEIVED

SSB 2247.1 Education

Establishing the campus care program and the community service program to organize student volunteers to aid the elderly and at-risk children, and providing for the establishment of funds and making of appropriations.

SSB 2260.1 Judiciary

Relating to criminal and juvenile justice and public programs involving juveniles, making appropriations, granting the juvenile court jurisdiction over chronic runaways, establishing a youthful offender program and a boot camp pilot project, establishing racketeer influenced corrupt organizations provisions including

criminal and civil penalties, increasing certain criminal penalties, andproviding implemnetation and effective date provisions.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Saint Patrick's Catholic School, Cedar Rapids — For its 100 year anniversary, 1892-1992. Senator Running (3-14-92).

SUBCOMMITTEE ASSIGNMENTS

House File 242

HUMAN RESOURCES: Murphy, Chair; Szymoniak and Tinsman

House File 2033

HUMAN RESOURCES: Szymoniak, Chair; Rittmer and Sturgeon

SSB 2280

EDUCATION: Connolly, Chair; Horn and Tieden

SSB 2281

EDUCATION: Connolly, Chair; Horn and Tieden

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2328 (SSB 2119), a bill for an act relating to public employee payroll deductions for political committees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Running, Sturgeon, Buhr, Kinley, Palmer and Peterson. Nays, 4: Fuhrman, Rensink, Slife and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2329 (SSB 2271), a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Running, Sturgeon, Buhr, Kinley, Palmer and Peterson. Nays, 4: Fuhrman, Rensink, Slife and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: *SENATE FILE 2320 (SSB 2281.1), a bill for an act relating to state aid to school corporations and providing effective dates and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Connolly, Horn, Dieleman, Kibbie, Lind, Murphy, Rensink, Running, Szymoniak, Tinsman and Varn. Nays, 1: Tieden. Absent or not voting, 3: Taylor, Deluhery and Kramer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2320 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2324 (SSB 2264), a bill for an act relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2323 (SSB 2209), a bill for an act establishing a depaartment of human services' field services organizational structure and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2325 (SSB 2251), a bill for an act relating to the use of protective headgear when operating or riding certain motor vehicles and the sale of such headgear and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hannon, Hagerla, Kramer, Riordan, Sturgeon, Szymoniak and Tinsman. Nays, 4: Buhr, Horn, Murphy and Rittmer. Pass, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2327 (SSB 2129), a bill for an act relating to health maintenance organizations and the participation of enrollees and providers in the operations of the organizations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hannon, Buhr, Horn, Kramer, Murphy, Riordan, Sturgeon, Szymoniak and Taylor. Nays, 3: Hagerla, Rittmer and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2321 (SSB 2239), a bil for an act relating to administration of the Iowa public employees' retirement system.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 4: McLaren, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2322 (SSB 2175), a bill for an act designating state highway 3 as "Veterans Memorial Highway".

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kinley, Pate and Slife. Nays, none. Pass, 1: Lloyd-Jones. Absent or not voting, 2: Kersten and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2326 (SSB 2150), a bill for an act authorizing United States armed forces retired, motor vehicle registration plates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Fraise, Drake, Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 3: Connolly, Kersten and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5143	S.F.	2072	Allen Borlaug John P. Kibbie Dale L. Tieden William W. Dieleman Eugene S. Fraise George R. Kinley Alvin V. Miller Donald V. Doyle Richard V. Running Emil Husak Wally Horn Berl Priebe John Soorholtz Richard Vande Hoef Ray Taylor Paul Pate Wilmer Rensink H. Kay Hedge Mark Hagerla

			Jim Kersten
			Jack Rife
			Derryl McLaren
S—5144	S.F.	2094	House amendment
S—5145	S.F.	511	House amendment
S—5146	S.R.	104	Allen Borlaug
			Jack W. Hester
			Richard Vande Hoef
			Ray Taylor
			Paul Pate
			Mark Hagerla
S—5147	S.R.	104	Allen Borlaug

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:15 p.m., until 1:30 p.m., Monday, March 9, 1992.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 9, 1992

The Senate met in regular session at 1:47 p.m., President Gronstal presiding.

Prayer was offered by the Reverend John Gorter, pastor of the Calvary Christian Reformed Church, Pella, Iowa.

The Journal of Friday, March 6, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Palmer and Buhr for the day and Senator Sturgeon for the day and March 10, 1992, on request of Senator Hutchins.

INTRODUCTION OF BILLS

Senate File 2330, by Kinley, a bill for an act relating to retailers' retention of records and to the statute of limitations regarding examination of those records and to claims for refund or credit for purposes of the sales, services, and use tax and providing for its applicability.

Read first time and **passed on file.**

Senate File 2331, by committee on Judiciary, a bill for an act relating to burglary and establishing penalties.

Read first time and **placed on calendar.**

Senate File 2332, by committee on State Government, a bill for an act relating to campaign finance disclosure regarding the definition of "commissioner", the contents of the statement of organization, and the date for filing disclosure reports.

Read first time and **placed on calendar.**

Senate File 2333, by committee on Business and Labor Relations, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

Read first time and **placed on calendar.**

Senate File 2334, by committee on Business and Labor Relations, a bill for an act relating to unfair and discriminatory practices in employment of persons with disabilities.

Read first time and **placed on calendar.**

Senate File 2335, by committee on Agriculture, a bill for an act relating to the assessment of agricultural property for property tax purposes.

Read first time and **placed on calendar.**

Senate File 2336, by committee on Transportation, a bill for an act requiring revocation of motor vehicle licenses for drug offenses and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2337, by committee on Judiciary, a bill for an act relating to criminal and juvenile justice and public programs involving juveniles, making appropriations, granting the juvenile court jurisdiction over chronic runaways, establishing a youthful offender program and a boot camp pilot project, establishing racketeer influenced corrupt organizations provisions including criminal and civil penalties, increasing certain criminal penalties, and providing implementation and effective date provisions.

Read first time and **placed on calendar.**

Senate File 2338, by committee on State Government, a bill for an act relating to the use of local sales and services tax moneys.

Read first time and **placed on calendar.**

Senate File 2339, by committee on Commerce, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must

occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

Read first time and **placed on calendar.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 117, by Varn, Murphy, Riordan, Hannon, Horn, Kinley, Gronstal, Buhr, Palmer, Szymoniak, Slife, Kramer, Lloyd-Jones, Sturgeon, Pate, Fuhrman, Lind, Kersten, Connolly, Running, Welsh, Tinsman, Rensink, Kibbie, Borlaug, Fraise, Miller, Rittmer, Vande Hoef, Jensen, Peterson, Hutchins, Tieden, Husak, Dieleman, Sorensen, Rosenberg, Doyle, McLaren, Rife, Deluhery, Taylor, Boswell, Soorholtz, Hagerla, Hedge, Priebe, Drake, Gettings, and Hester, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa.

Read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President pro tempore Lloyd-Jones took the chair at 2:00 p.m.

The vote revealed 40 present, 10 absent and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Robert T. Buckley, Martin R. Edwards and Barbara A. Walters as members of the Board of Behavioral Science Examiners.

Betty Jean Clark as a member of Criminal and Juvenile Justice Planning Advisory Council.

Jill M. Robinson and Joan A. Webster-Vore as members of the Commission on the Deaf.

David J. Blair and A. Patricia Houlihan as members of the Indigent Defense Advisory Commission.

Celso L. Ramirez as Administrator of the Division of Latino Affairs.

David A. Olson as a member of the Prevention of Disabilities Policy Council.

John B. Parks as a member of the Iowa Product Development Corporation.

Tyrone Evans as a member of the Renewable Fuel Advisory Committee.

Sarah A. Falb and Leona E. Westphal as members of the Small Business Advisory Council.

Mary Ann B. Drish as a member of the State Soil Conservation Committee.

Claudia J. Niles as a member of the Iowa Statehood Sesquicentennial Commission.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 44:

Borlaug	Boswell	Connolly	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 6:

Buhr	Deluhery	Hagerla	Palmer
Sturgeon	Welsh		

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2101

Senator Gronstal withdrew the motion to reconsider Senate File 2101, a bill for an act relating to procedures for the provision of water services within two miles of a city, filed by him on February 26, 1992, and found on page 493 of the Senate Journal.

Senator Vande Hoef withdrew the motion to reconsider Senate File 2101, filed by him on February 27, 1992, and found on page 513 of the Senate Journal.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2187

On motion of Senator Rosenberg, Senate File 2187, a bill for an act relating to the distribution and announcement of information pertaining to the average length of actual incarceration of persons convicted of committing aggravated misdemeanors and felonies, was taken up for consideration.

Senator Rosenberg offered amendment S—5122 filed by Senators Rosenberg and Fuhrman on March 2, 1992, to pages 1 and 2 and the title page of the bill and moved its adoption.

Amendment S—5122 was adopted by a voice vote.

Senator Rosenberg 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. 2187) the vote was:

Ayes, 45:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 4:

Buhr	Palmer	Sturgeon	Welsh

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

Senate File 2198

On motion of Senator Sorensen, Senate File 2198, a bill for an act relating authorization of state departments' acceptance payments by credit card, was taken up for consideration.

Senator Sorensen 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. 2198) the vote was:

Ayes, 46:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind

Lloyd-Jones	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Buhr	Palmer	Sturgeon	Welsh

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

President Gronstal took the chair at 2:25 p.m.

Senate File 2217

On motion of Senator Miller, Senate File 2217, a bill for an act relating to distribution of funds within, payments made by, and payments made to the department of economic development, was taken up for consideration.

Senator Miller 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. 2217) the vote was:

Ayes, 47:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Buhr	Palmer	Sturgeon

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

Senate File 2219

On motion of Senator Varn, Senate File 2219, a bill for an act relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies, was taken up for consideration.

Senator Varn 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. 2219) the vote was:

Ayes, 47:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Buhr	Palmer	Sturgeon

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

Senate File 2221

On motion of Senator Sorensen, Senate File 2221, a bill for an act providing for the composition of the renewable fuel advisory committee, was taken up for consideration.

Senator Sorensen 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. 2221) the vote was:

Ayes, 46:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Buhr	Palmer	Slife	Sturgeon

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

Senate File 2236

On motion of Senator Running, Senate File 2236, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve, was taken up for consideration.

Senator Taylor asked and received unanimous consent that action on **Senate File 2236** be **deferred.**

Senate File 2246

On motion of Senator Murphy, Senate File 2246, a bill for an act relating to community mental health centers, was taken up for consideration.

Senator Priebe asked and received unanimous consent that action on **Senate File 2246** be **deferred.**

UNFINISHED BUSINESS
(Deferred March 2, 1992)

Senate File 2036

The Senate resumed consideration of Senate File 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date, amendment S—5085 by the committee on Commerce to strike everything after the enacting clause and to the title page of the bill, and amendment S—5118 by Senators Varn and Palmer to amendment S—5085, deferred March 2, 1992.

Senator Varn asked and received unanimous consent to withdraw the following amendments:

S—5117 filed by Senator Varn on February 28, 1992 to pages 1, 2 and 4 of amendment S—5085.

S—5118 by Senators Varn and Palmer to pages 1 and 3-8 of amendment S—5085, deferred on March 2, 1992.

S—5123 filed by Senators Varn and Deluhery on March 2, 1992, to pages 7 and 8 of amendment S—5085.

Senator Varn offered amendment S—5135 filed by Senators Varn and Deluhery on March 4, 1992, to pages 1-8 of amendment S—5085 and called for a division:

Division S—5135A: Page 1, lines 3-50; pages 2-4; page 5, lines 1-23 and 37-50; page 6, lines 1-42 and 47-50; page 7, lines 19-50; page 8; and page 9, lines 1-19.

Division S—5135B: Page 5, lines 24-36; page 6, lines 43-46; page 7, lines 1-18; page 9, lines 20-50 and page 10, lines 1-12.

Senator Varn moved the adoption of division S—5135A to pages 1-7 of amendment S—5085, which motion prevailed by voice vote.

Senator Murphy took the chair at 3:35 p.m.

Senator Varn asked and received unanimous consent that division S—5135B to amendment S—5085 be deferred.

Senator Varn offered amendment S—5136 filed by Senators Varn and Deluhery on March 4, 1992, to pages 7 and 8 of amendment S—5085 and moved its adoption.

Amendment S—5136 was adopted by a voice vote.

President Gronstal took the chair at 3:50 p.m.

The Senate resumed consideration of division S—5135B to pages 1, 4, 5 and 8 of amendment S—5085, previously deferred.

A record roll call was requested.

On the question "Shall division S—5135B to amendment S—5085 be adopted?" (S.F. 2036) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Borlaug	Boswell	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kibbie	Kinley	Kramer
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Varn			

Nays, 21:

Connolly	Deluhery	Dieleman	Doyle
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Vande Hoef
Welsh			

Voting present, 1:

Kersten

Absent or not voting, 3:

Buhr Palmer Sturgeon

Division S—5135B was adopted.

Senator Hutchins asked and received unanimous consent that action on amendment S—5085 as amended and **Senate File 2036** be **deferred.**

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2103	Ways and Means
S.F.	2139	Ways and Means
S.F.	2242	Appropriations
S.F.	2270	Ways and Means
S.F.	2281	State Government
S.F.	2290	Environment and Energy Utilities
S.F.	2292	Ways and Means
S.F.	2296	Ways and Means
S.F.	2297	Ways and Means
S.F.	2298	Ways and Means
S.F.	2305	Ways and Means
S.F.	2309	Appropriations
S.F.	2310	Ways and Means
S.F.	2318	State Government
S.F.	2324	Appropriations
S.F.	2325	Transportation

APPENDIX

PETITIONS

The following petitions supporting continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Husak from 55 residents of Marshall County.
Senator Hutchins from 21 residents of Crawford County.
Senator Hutchins from 43,269 residents of Iowa.
Senator McLaren from 152 residents of Montgomery County.
Senator Murphy from 312 residents of Black Hawk County
Senator Murphy from 299 residents of Buchanan County.
Senator Murphy from 154 residents of Chickasaw County.
Senator Murphy from 925 residents of Fayette County.
Senator Rittmer from 55 residents of Cedar County.
Senator Rittmer from 743 residents of Clinton County.
Senator Taylor from 303 residents of Wright County.

The following petitions opposing the reappointment of Dr. William Leply as Director of the Iowa Department of Education were presented and placed on file by:

Senator Hutchins from 170 residents of Charter Oak, Ute and surrounding communities.
Senator Taylor from 22 residents of Wright County.

The following petition was presented and placed on file by:

Senator Hedge from 362 residents of Mahaska County urging that all local budget property tax dollar levies for the fiscal year 1993 be no greater than the prior year levy; and favoring legislative action that (1) would not force program and funding to local governments and property taxes; (2) would enable local government to develop budgets on a timely basis with the knowledge of the level of state funding; and (3) would prioritize programs and spending in such a way to operate within current revenues.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 5, 1992, 11:11 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Deluhery (excused).

Committee Business: Assigned bills to subcommittees; approved SSBs 2281, 2276 and 2274 as committee bills.

Recessed: 11:55 a.m.

Reconvened: March 6, 1992, 10:18 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: none.

Committee Business: Approved SSB 2264 as a committee bill; recommended passage of Senate File 2192; SSB 2247.1 failed committee approval.

Adjourned: 11:15 a.m.

STATE GOVERNMENT

Convened: March 6, 1992, 7:38 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef.

Members Absent: McLaren, Rife, Soorholtz and Welsh (excused).

Committee Business: Approved SSBs 2088 and SSBs 2279 as committee bills; amended and approved SSB 2179 as a committee bill; deferred action on SSB 2275 as amended.

Recessed: 8:28 a.m.

Reconvened: March 6, 1992, 11:38 a.m.

Members Present: Kibbie, Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef.

Members Absent: Lloyd-Jones, Vice Chair; Drake and Welsh (all excused).

Committee Business: Approved SSB 2275 as amended as a committee bill; SSB 2248 failed committee approval.

Adjourned: 12:02 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2221 passed the Senate on March 9, 1992.

ALBERT G. SORENSEN

SUBCOMMITTEE ASSIGNMENTS

House File 2209

AGRICULTURE: Peterson, Chair; Miller and Rittmer

House File 2224

HUMAN RESOURCES: Horn, Chair; Szymoniak and Taylor

House File 2275

ENVIRONMENT & ENERGY UTILITIES: Fraise, Chair; Borlaug and Hannon

House File 2292

STATE GOVERNMENT: Buhr, Chair; Dieleman, Kramer, Murphy and Vande Hoef

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	117	Small Business & Economic Development
S.F.	2330	Ways and Means
H.F.	51	Judiciary
H.F.	2330	Environment & Energy Utilities
H.F.	2342	Local Government

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: *SENATE FILE 2335 (SSB 2261), a bill for an act relating to the assessment of agricultural property for property tax purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 2: Palmer and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2335 and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2333 (SSB 2270), a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink and Slife. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2334 (SSB 2277), a bill for an act relating to unfair and discriminatory practices in employment persons with disabilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer and Peterson. Nays, 3: Rensink, Slife and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2339 (SSB 2268), a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Deluhery, Doyle, Fuhrman, Gronstal, Jensen, Lind, Priebe, Sturgeon, Tieden and Varn. Nays, none. Pass, 1: Kersten. Absent, 4: Kinley, Slife, Gettings and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES **(Corrected from March 6, 1992)**

Final Bill Action: SENATE FILE 2323 (SSB 2254), a bill for an act relating to the prevention of the transmission of HIV or the hepatitus B virus to patients, providing penalties, and providing for a repeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Hannon, Hagerla, Kramer, Riordan, Sturgeon, Szymoniak and Tinsman. Nays, 4: Buhr, Horn, Murphy and Rittmer. Pass, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2341 (SSB 2232), a bill for an act relating to the establishment of a child support amnesty program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: *SENATE FILE 2331 (SSB 2113), a bill for an act relating to burglary and establishing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Deluhery, Hagerla, Hester, Horn, Miller, Pate, Peterson and Varn. Nays, 2: Fuhrman and Murphy. Absent or not voting, 3: Connolly, Drake and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2331 and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2337 (SSB 2260.1), a bill for an act relating to criminal and juvenile justice and public programs involving juveniles, making appropriations, granting the juvenile court jurisdiction over chronic runaways, establishing a youthful offender program and a boot camp pilot project, establishing racketeer influenced corrupt organizations provisions including criminal and civil penalties, increasing certain criminal penalties, and providing implementation and effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hester, Horn, Miller, Murphy, Peterson and Varn. Nays, none. Pass, 2: Hagerla and Pate. Absent, 2: Drake and Slife.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2332 (SSB 2279), a bill for an act relating to campaign finance disclosure regarding the definition of "commissioner", the contents of the statement of organization, and the date for filing disclosure reports.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Drake, McLaren, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2338 (SSB 2275), a bill for an act relating to the use of excess local sales and services tax moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Kibbie, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 3: Lloyd-Jones, Drake and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2340 (SSB 2179), a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 5: Drake, McLaren, Rife, Soorholtz and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the State Government Committee on Senate File 2340 and they were attached to the committee report.

TRANSPORTATION

Final Bill Action: SENATE FILE 2046, a bill for an act relating to the issuance of handicapped identification devices and increasing the penalty for improper use of a handicapped identification device.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5149.

Final Vote: Ayes, 10: Fraise, Connolly, Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 2: Drake and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2336 (SSB 149), a bill for an act requiring revocation of motor vehicle licenses for drug offenses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Fraise, Drake, Dieleman, Gettings, Jensen, Lloyd-Jones, Pate and Slife. Nays, none. Absent or not voting, 4: Connolly, Kersten, Kinley and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2340, by committee on State Government, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties.

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

Senate File 2341, by committee on Human Resources, a bill for an act relating to the establishment of a child support amnesty program.

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

AMENDMENTS FILED

S—5148	S.F.	2231	Larry Murphy
S—5149	S.F.	2046	Transportation
S—5150	S.F.	2300	Eugene S. Fraise
S—5151	S.F.	2221	Albert Sorensen
S—5152	S.F.	2239	Beverly Hannon Jim Riordan
S—5153	S.F.	2300	Larry Murphy
S—5154	S.F.	2213	Jim Riordan
S—5155	S.F.	2213	Jim Riordan
S—5156	S.F.	2287	Larry Murphy
S—5157	S.F.	2036	Derryl McLaren
S—5158	S.F.	2297	Richard Varn Donald Doyle Jim Kersten Harry Slife

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:10 p.m., until 9:00 a.m., Tuesday, March 10, 1992.

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 10, 1992

The Senate met in regular session at 9:02 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Steve Turner, pastor of the Trinity Lutheran Church, Algona, Iowa.

The Journal of Monday, March 9, 1992, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

MOTION TO RECONSIDER ADOPTED

Senator Sorensen called up the motion to reconsider Senate File 2221 filed by him on March 9, 1992, found on page 681 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2221) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Rensink	Rife	Riordan	Rosenberg
Running	Slife	Sorensen	Szymoniak

Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Tieden

Absent or not voting, 4:

Priebe	Rittmer	Soorholtz	Sturgeon

The motion prevailed.

Senator Sorensen moved to reconsider the vote by which Senate File 2221 went to its last reading, which motion prevailed by a voice vote.

Senate File 2221

On motion of Senator Sorensen, Senate File 2221, a bill for an act providing for the composition of the renewable fuel advisory committee, was taken up for reconsideration.

Senator Sorensen offered amendment S—5151 filed by him on March 9, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5151 was adopted by a voice vote.

Senator Sorensen 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. 2221) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Lloyd-Jones Soorholtz Sturgeon

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

UNFINISHED BUSINESS
(Deferred March 9, 1992)

Senate File 2036

The Senate resumed consideration of Senate File 2036, a bill for an act establishing requirements for investments of funds by the state and political subdivisions of the state, including the state board of regents, and providing that such investments shall be regulated by the treasurer of state and the commissioner of insurance, and providing an effective date, and amendment S—5085 as amended by the committee on Commerce to strike everything after the enacting clause and to the title page of the bill, deferred March 9, 1992.

Senator McLaren asked and received unanimous consent to withdraw amendment S—5121 filed by Senators McLaren, Kersten and Slife on March 2, 1992, to pages 3 and 4 of amendment S—5085.

Senator McLaren offered amendment S—5157 filed by him on March 9, 1992, to pages 3 and 4 of amendment S—5085 and moved its adoption.

Amendment S—5157 was adopted by a voice vote.

Senator Deluhery moved the adoption of amendment S—5085 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5085 as amended, the Chair ruled amendment S—5018 filed by the committee on State Government on January 30, 1992, to pages 2 and 3 of the bill, out of order.

Senator Deluhery 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. 2036) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 1:

Kersten

Absent or not voting, 3:

Hester	Sturgeon	Szymoniak

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2222

On motion of Senator Kibbie, Senate File 2222, a bill for an act authorizing the licensing of video lottery games in a county after a favorable referendum, was taken up for consideration.

Senator Peterson asked and received unanimous consent that action on **Senate File 2222** be **deferred.**

Senate File 2238

On motion of Senator Kibbie, Senate File 2238, a bill for an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts, was taken up for consideration.

Senator Kibbie 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. 2238) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Slife Sturgeon

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

Senate File 2255

On motion of Senator Doyle, Senate File 2255, a bill for an act relating to the fee charged for filing termination of financing statements under the uniform commercial Code, was taken up for consideration.

Senator Doyle 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. 2255) the vote was:

Ayes, 46:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Borlaug	Peterson	Slife	Sturgeon

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

Senate File 2257

On motion of Senator Kibbie, Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, was taken up for consideration.

Senator Kibbie offered amendment S—5141 filed by Senators Kibbie, et al., on March 5, 1992, to pages 5, 10 and 11 of the bill and moved its adoption.

Amendment S—5141 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that action on **Senate File 2257** be **deferred.**

Senate File 414

On motion of Senator Murphy, Senate File 414, a bill for an act relating to landlords and tenants, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murphy offered amendment S—5130 filed by the committee on Judiciary on March 4, 1992, to pages 1-3 of the bill and moved its adoption.

Amendment S—5130 was adopted by a voice vote.

Senator Murphy 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. 414) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

Senate File 2254

On motion of Senator Varn, Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters, with report of committee recommending passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **Senate File 2254 be deferred.**

Senate File 2272

On motion of Senator Varn, Senate File 2272, a bill for an act relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the Act's applicability, was taken up for consideration.

Senator Varn 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. 2272) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Kersten	Murphy	Sturgeon	Tieden

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

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2282	Appropriations
S.F.	2335	Ways and Means
S.F.	2337	Appropriations

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:05 a.m., until 1:30 p.m.

APPENDIX

ANNOUNCEMENT OF APPOINTMENT BY MAJORITY LEADER

The majority leader announced the following appointment:

Committee on Appropriations Vice Chair, Senator Emil Husak (to fill a vacancy).

PRESENTATION OF VISITORS

Senator Buhr introduced the following members of a delegation visiting from Lithuania:

Dr. Juozas Olekas, Minister of Health; Dr. Juozas Radikas, Chief Doctor, Vilnius Santarikskes University Hospital; Dr. Juozas Raistenskis, Chief Doctor, Red Cross Hospital; and Gediminas Cerniauskas, Head of the Finance Department of the Lithuanian Parliament.

The delegation was jointly hosted by Iowa Methodist Medical Center, Mercy Hospital Medical Center and the Iowa International Development Foundation. Methodist and Mercy have established a sister-hospital in Vilnius, Lithuania.

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighty-five eighth grade students from Dallas Center-Grimes Middle School, Grimes, Iowa, accompanied by Bill Wineland. Senators Riordan and Palmer.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 102

ENVIRONMENT AND ENERGY UTILITIES: Hannon, Chair; Hedge and Varn

Senate File 2103

WAYS AND MEANS: Palmer, Chair; Hedge and Szymoniak

Senate File 2139

WAYS AND MEANS: Szymoniak, Chair; Drake and Rosenberg

Senate File 2242

APPROPRIATIONS: Lloyd-Jones, Chair; Riordan and Tinsman

Senate File 2261

WAYS AND MEANS: Dieleman, Chair; Rosenberg and Taylor

Senate File 2270

WAYS AND MEANS: Husak, Chair; Fraise and McLaren

Senate File 2281

STATE GOVERNMENT: Running, Chair; Kramer, Murphy, Pate and Welsh.

Senate File 2292

WAYS AND MEANS: Murphy, Chair; Connolly and Taylor

Senate File 2296

WAYS AND MEANS: Dieleman, Chair; Hedge and Husak

Senate File 2297

WAYS AND MEANS: Rosenberg, Chair; Connolly and Fuhrman

Senate File 2298

WAYS AND MEANS: Hedge, Chair; Deluhery and Drake

Senate File 2305

WAYS AND MEANS: Deluhery, Chair; Fuhrman and Palmer

Senate File 2309

APPROPRIATIONS: McLaren, Chair; Husak and Peterson

Senate File 2310

WAYS AND MEANS: Szymoniak, Chair; Drake and Husak

Senate File 2318

STATE GOVERNMENT: Buhr, Chair; Running, Soorholtz, Sorensen and Vande Hoef

Senate File 2324

APPROPRIATIONS: Connolly, Chair; Lind and Varn

Senate File 2325

TRANSPORTATION: Gettings, Chair; Kinley and Slife

Senate File 2330

WAYS AND MEANS: Murphy, Chair; Connolly and Taylor

Senate File 2335

WAYS AND MEANS: Dieleman, Chair; Hedge and Husak

House File 2277

TRANSPORTATION: Gettings, Chair; Kersten and Lloyd-Jones

House File 2298

TRANSPORTATION: Connolly, Chair; Drake and Welsh

AMENDMENTS FILED

S–5159	S.F.	2258	Eugene Fraise
S–5160	S.F.	2197	Ralph Rosenberg
S–5161	S.F.	2154	Donald Doyle
S–5162	S.F.	2257	Berl Priebe Jim Kersten Derryl McLaren Emil Husak John Soorholtz
S–5163	S.F.	2218	Jean Lloyd-Jones
S–5164	S.F.	2315	Linn Fuhrman
S–5165	S.F.	2117	Richard Varn

S—5166	S.F.	2154	John Kibbie
S—5167	S.F.	2254	Richard Varn
S—5168	S.F.	2257	Berl Priebe
			Jim Kersten
			Derryl McLaren
			Emil Husak
			John Soorholtz
S—5169	S.F.	2244	John Kibbie
S—5170	S.F.	2285	Don Gettings

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vande Hoef until he arrives on request of Senator Rife.

BUSINESS PENDING

Senate File 2257

The Senate resumed consideration of Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, previously deferred.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5162 filed by Senators Priebe, et al., from the floor to pages 5 and 9 of the bill.

Senator Priebe offered amendment S—5168 filed by Senators Priebe, et al., from the floor to page 5 and 9 of the bill.

Senator Kibbie raised the point of order that amendment S—5168 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5168 out of order.

Senator Kibbie 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. 2257) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sturgeon Vande Hoef

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

BUSINESS PENDING

Senate File 2254

The Senate resumed consideration of Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters, previously deferred.

Senator Varn offered amendment S—5167 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5167 was adopted by a voice vote.

Senator Varn 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. 2254) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings •	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sturgeon Vande Hoef

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2275

On motion of Senator Connolly, Senate File 2275, a bill for an act relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates, was taken up for consideration.

Senator Fuhrman offered amendment S—5137 filed by him on March 5, 1992, to page 1 and the title page of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26, nays 21.

Amendment S—5137 was adopted.

Senator Connolly 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. 2275) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings	Sturgeon	Vande Hoef

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

President pro tempore Lloyd-Jones took the chair at 2:25 p.m.

Senate File 2276

On motion of Senator Connolly, Senate File 2276, a bill for an act relating to consumer fraud and providing penalties and providing an effective date, was taken up for consideration.

Senator Connolly 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. 2276) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 2:

Sturgeon Vande Hoef

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

Senate File 2277

On motion of Senator Rosenberg, Senate File 2277, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist, was taken up for consideration.

Senator Rosenberg 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. 2277) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz

Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Sturgeon	Vande Hoef

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

Senate File 2279

On motion of Senator Peterson, Senate File 2279, a bill for an act relating to private industry employment of inmates of correctional institutions, was taken up for consideration.

Senator Peterson 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. 2279) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Kibbie	Kinley	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Szymoniak	Varn	Welsh	

Nays, 15:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
McLaren	Pate	Rife	Slife
Taylor	Tieden	Tinsman	

Absent or not voting, 4:

Dieleman	Hutchins	Sturgeon	Vande Hoef

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

Senate File 2284

On motion of Senator Miller, Senate File 2284, a bill for an act relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding, was taken up for consideration.

Senator Miller 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. 2284) the vote was:

Ayes, 11:

Connolly	Gronstal	Kibbie	Lloyd-Jones
Miller	Rosenberg	Running	Sorensen
Szymoniak	Varn	Welsh	

Nays, 36:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kinley	Kramer
Lind	McLaren	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman

Absent or not voting, 3:

Hutchins	Sturgeon	Vande Hoef

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

Senate File 2286

On motion of Senator Varn, Senate File 2286, a bill for an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date, was taken up for consideration.

Senator Varn 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. 2286) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Sturgeon	Vande Hoef

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

Senate File 2260

On motion of Senator Szymoniak, Senate File 2260, a bill for an act providing for access to child abuse information for certain agencies placing individuals who provide care, supervision, or guidance of a child in the child's home, was taken up for consideration.

Senator Szymoniak 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. 2260) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Sturgeon	Vande Hoef

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

Senate File 2209

On motion of Senator Deluhery, Senate File 2209, a bill for an act relating to viable water systems, was taken up for consideration.

Senator Peterson asked and received unanimous consent that action on **Senate File 2209** be **deferred.**

Senate File 2248

On motion of Senator Dieleman, Senate File 2248, a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures, was taken up for consideration.

Senator Dieleman 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. 2248) the vote was:

Ayes, 34:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Lloyd-Jones	Miller	Murphy	Pate

Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Welsh		

Nays, 12:

Buhr	Drake	Fuhrman	Hagerla
Kinley	Kramer	Lind	McLaren
Palmer	Peterson	Rife	Varn

Absent or not voting, 4:

Gronstal	Hutchins	Sturgeon	Vande Hoef

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

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2312.

Senate File 2312

On motion of Senator Running, Senate File 2312, a bill for an act relating to the members of the college student aid commission appointed by the governor, was taken up for consideration.

Senator Running 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. 2312) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sturgeon Vande Hoef

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

Senate Concurrent Resolution 114

On motion of Senator Running, Senate Concurrent Resolution 114, a concurrent resolution relating to the declaration of Iowa quality week, with report of committee recommending passage, was taken up for consideration.

Senator Running moved the adoption of Senate Concurrent Resolution 114, which motion prevailed by a voice vote.

Senate File 2190

On motion of Senator Murphy, Senate File 2190, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer, was taken up for consideration.

Senator Murphy 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. 2190) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Sturgeon

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

Senate File 2300

On motion of Senator Varn, Senate File 2300, a bill for an act relating to the department of corrections, its programs, procedures, and facilities, was taken up for consideration.

Senator Fraise withdrew amendment S—5150 filed by him on March 9, 1992, to page 3 of the bill.

Senator Fraise offered amendment S—5177 filed by him from the floor to page 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5177 be adopted?" (S.F. 2300) the vote was:

Ayes, 27:

Boswell	Connolly	Deluhery	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rittmer	Running	Soorholtz
Sorensen	Szymoniak	Welsh	

Nays, 22:

Borlaug	Buhr	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Rosenberg
Slife	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Absent or not voting, 1:

Sturgeon

Amendment S—5177 was adopted.

Senator Murphy offered amendment S—5153 filed by him on March 9, 1992, to page 4 of the bill.

President Gronstal took the chair at 4:25 p.m.

Senator Lind raised the point of order that amendment S—5153 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5153 out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hagerla for the remainder of the day on request of Senator Rife.

BUSINESS PENDING

Senate File 2300

The Senate resumed consideration of Senate File 2300.

Senator Varn 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. 2300) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hagerla Running Sturgeon

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

INTRODUCTION OF BILLS

Senate File 2342, by committee on Human Resources, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date.

Read first time and **placed on calendar.**

Senate File 2343, by committee on Transportation, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes.

Read first time and **placed on calendar.**

ANNOUNCEMENT BY THE PRESIDENT
(Senate File 2285)

The Chair announced that due to an error in **Senate File 2285** (SSB 2226), the bill will be withdrawn and replaced by **Senate File 2343** (SSB 2226).

WITHDRAWN

Senator Fraise asked and received unanimous consent that **Senate File 2285** be **withdrawn** from further consideration of the Senate.

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 March 10, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates (S—5175).

APPENDIX

EXPLANATION OF VOTES

MR. PRESIDENT: I was unavoidably absent from the Senate on March 9, 1992.

Had I been present, I would have voted "aye" on Senate Files 2187, 2198, 2217, 2219, 2221 and the appointees confirmed on the En Bloc calendar.

FLORENCE BUHR

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 10, 1992.

Had I been present, I would have voted "aye" on Senate File 2036.

ELAINE SZYMONIAK

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Fred and Louise Miller, Clarence — Celebration of their 70th wedding anniversary on February 23, 1992. Senator Hannon (3-10-92).

Henry and Florence Ruchotzke, Tipton — For celebration of their 65th wedding anniversary on February 23, 1992. Senator Hannon (3-10-92).

Richard and Elise Kintzel, Clarence — For celebration of their 60th wedding anniversary on February 17, 1992. Senator Hannon (3-10-92).

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2275 passed the Senate on March 10, 1992.

MIKE CONNOLLY

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2275 passed the Senate on March 10, 1992.

JOHN P. KIBBIE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2284 failed to pass the Senate on March 10, 1992.

JIM RIORDAN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2300 passed the Senate on March 10, 1992.

LARRY MURPHY

GOVERNOR'S ITEM VETO MESSAGE

March 10, 1992

The Honorable Michael Gronstal
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

I hereby transmit Senate File 2116, an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in the state aid to school corporations, imposing the sales, services, and use tax on solid waste collection and disposal services, consulting services,and additional services, and changing the registration fees for multipurpose vehicles, and providing effective and applicability dates.

Among other things, this bill provides supplemental funding for the human services entitlement programs. It is only because of the actions I took early in the fiscal year to implement a reduction in force that funds exist to pay for these needs. Despite the shortcomings in this bill, I am approving it because I cannot allow the human service needs of Iowans to go unmet.

I am disappointed in the General Assembly's unwillingness to face the reality of the state's fiscal situation. By spending the state budget down to a zero ending balance, which the General Assembly does in this bill, the state becomes vulnerable to the smallest deviation from projections on either the revenue or expenditure side of the budget. Given a $3.2 billion budget, a zero ending balance is imprudent.

I am also disappointed that the General Assembly has chosen to reduce spending through an across-the-board reduction. An across-the-board reduction is the least desirable way to cut budgets and should be applied only when no other option is available, as was the situation last July when I ordered the 3.25 percent reduction in all state agency budgets. The General Assembly has had an opportunity since reconvening in January to make decisions to selectively reduce agency budgets and has chosen not to do so.

Finally, this bill exacerbates the problems confronting the General Assembly in the fiscal year 1993 budget. Given the inability of the General Assembly in this bill to resist the pressures from special interests and deal with the fiscal year 1992 budget, I am concerned about whether it can make the much tougher decisions that will be necessary for fiscal year 1993. My proposal for revenue from the cigarette tax would have provided a better alternative for both years.

Senate File 2116 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 100, subsection 1, paragraph b, in its entirety. This provision would exempt the legislative branch from the across-the-board reduction provided in the bill. The legislative branch should share in the difficult task of balancing the state budget, and therefore, should not be exempt from the budget reductions.

I am unable to approve the item designated as Section 100, subsection 9, in its entirety. This subsection specifies the means to implement the across-the-board reduction. Decisions such as these are the prerogative of the executive branch which is responsible for implementation.

I am unable to approve the item designated as Section 103, in its entirety. This section would restore the amount of the 3.25 percent reduction to the Interstate Grain marketing Commission. The appropriation for this entity should not be treated any differently than the thousands of other appropriations in the state budget.

I am unable to approve the item designated as Section 107, in its entirety. This section makes a $130,000 appropriations for the odometer fraud program. Given the current fiscal condition of the state, additional funding for this program cannot be approved.

I am unable to approve the designated portion of Section 110. This provision requires a two-week notice prior to the transfer of the reduction in force savings. The provision would unnecessarily delay the implementation of the across-the-board reduction, which applies to the appropriation base only after all other legislative and executive branch reductions have been effectuated. The Department of Management will make a timely report of the transfers to the appropriations committee and subcommittee chairs, and to the Legislative Fiscal Bureau.

I am unable to approve the item designated as Section 508, in its entirety. This provision strikes the general fund appropriation for radio communications, with the intent that it be replaced with an appropriation from the Road Use Tax Fund. However, it is necessary to retain the appropriation as a vehicle for receiving the reimbursement, therefore, an item veto of this section is necessary.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2116 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2342 (SSB 2209), a bill for an act establishing a department of human services' field services organizational structure and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2343 (SSB 2226), a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Fraise, Connolly, Dieleman, Jensen, Kersten, Pate and Slife. Nays, none. Absent or not voting, 5: Drake, Gettings, Kinley, Lloyd-Jones and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5171	S.C.R.	117	Linn Fuhrman
S–5172	S.F.	2204	Elaine Szymoniak
S–5173	S.F.	2285	Jim Kersten

			Derryl McLaren
			Berl E. Priebe
			John E. Soorholtz
			William W. Dieleman
			Mark Hagerla
			Emil Husak
S—5174	S.F.	2292	Larry Murphy
			Richard V. Running
			Wally E. Horn
			Paul D. Pate
S—5175	H.F.	2061	House amendment
S—5176	S.F.	2222	Linn Fuhrman
			Ray Taylor
			William W. Dieleman
S—5177	S.F.	2300	Eugene S. Fraise
S—5178	S.F.	2302	Mark R. Hagerla
			Richard J. Varn
S—5179	S.F.	2167	Mike Connolly
S—5180	S.F.	2167	Maggie Tinsman
			Jim Lind
			Michael Connolly
S—5181	S.F.	2343	Donald Gettings
S—5182	S.F.	2343	Jim Kersten
			Derryl McLaren
			Berl Priebe
			John Soorholtz
			William W. Dieleman
			Eugene Fraise

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:45 p.m., until 9:00 a.m., Wednesday, March 11, 1992.

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 11, 1992

The Senate met in regular session at 9:20 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Harriett Vande Hoef, Senate Secretary from Harris, Iowa, who sang "The Lords Prayer".

The Journal of Tuesday, March 10, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the morning on request of Senator Hutchins.

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 March 9, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2241, a bill for an act relating to the regulation of pet shops.

This bill was read first time and **passed on file.**

House File 2285, a bill for an act relating to the permanent appointment of employees assigned through a personnel interchange program.

This bill was read first time and **passed on file.**

House File 2356, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties.

This bill was read first time and **passed on file.**

House File 2359, a bill for an act relating to an animal feed milling industry exemption from payment and to reassessment of the temporary air toxics fee.

This bill was read first time and **passed on file.**

House File 2360, a bill for an act relating to counties' allocation of secondary road and farm-to-market road use tax fund moneys and providing an effective date.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2344, by committee on Appropriations, a bill for an act relating to the allocation of moneys by the Iowa finance authority.

Read first time and **placed on Appropriations Calendar.**

SPECIAL GUESTS

Senator Boswell appeared at the rostrum and presented the following members of the Iowa High School Rodeo Association:

Alexis Good, Bloomfield, President of the Iowa High School Rodeo Association; Trina Nealey, Danville, Queen of the Iowa High School Rodeo Association; Craig Korkow, Silver City, National Student President of the Iowa High School Rodeo Association; and Spencer Love, Estherville, Iowa High School Rodeo Association member.

Craig Korkow thanked the Senate for their support and reported that the national association has members in 37 states and three Canadian provinces.

Senator Boswell presented the students with the following Certificate of Recognition on behalf of the Senate:

"To: Iowa High School Rodeo Association — The Iowa Senate appreciates the Iowa high school students, teachers and leaders for their outstanding high school rodeo program. We are proud of your accomplishments. We wish for each of you continued success, both in rodeo competition and in completing your education."

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 9:58 a.m.

The vote revealed 47 present, 3 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred February 28, 1992)

Senate File 2175

The Senate resumed consideration of Senate File 2175, a bill for an act requiring licensure of social workers, providing an effective date, imposing fees, and making penalties applicable, and amendment S—5106 by Senators Hannon, et al., to page 8 of the bill, deferred February 28, 1992.

Senator Welsh filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT, I move to reconsider the vote by which amendment S—5102 to Senate File 2175 was adopted by the Senate on February 27, 1992.

The motion prevailed by a voice vote and amendment S—5102 by Senator Welsh to pages 3 and 8 of the bill was taken up for reconsideration.

Senator Welsh withdrew amendment S—5102.

Senator Welsh offered amendment S—5186 filed by him from the floor to pages 1 and 3 of the bill and moved its adoption.

Amendment S—5186 was adopted by a voice vote.

Senator Welsh offered amendment S—5125 filed by him on March 2, 1992, to pages 3 and 8 of the bill.

Senator Welsh offered amendment S—5185 filed by him from the floor to amendment S—5125 and moved its adoption.

Amendment S—5185 was adopted by a voice vote.

Senator Welsh moved the adoption of S—5125 as amended, which motion prevailed by a voice vote.

Senator Hannon asked and received unanimous consent to withdraw amendment S—5106 by Senators Hannon, et al., to page 8 of the bill, offered and deferred on February 27, 1992.

Senator Welsh 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. 2175) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Tinsman	Varn	Welsh

Nays, 9:

Fuhrman	Hagerla	Hedge	Hester
Jensen	Pate	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Sturgeon

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

UNFINISHED BUSINESS
(Deferred February 27, 1992)

Senate File 2120

The Senate resumed consideration of Senate File 2120, a bill for an act to establish a midwestern higher education compact, and amendment S—5105 by Senator Connolly to page 3 of the bill, deferred February 27, 1992.

Senator Connolly moved the adoption of amendment S—5105, which motion prevailed by voice vote.

Senator Lind offered amendment S—5113 filed by him on February 28, 1992, to page 6 of the bill and moved its adoption.

Amendment S—5113 was adopted by a voice vote.

Senator Lind offered amendment S—5112 filed by Senators Lind, et al., on February 28, 1992, to page 7 of the bill and moved its adoption.

Amendment S—5112 was adopted by a voice vote.

Senator McLaren offered amendment S—5115 filed by him on February 28, 1992, to page 5 of the bill and moved its adoption.

Amendment S—5115 was adopted by a voice vote.

Senator Lind offered amendment S—5111 filed by Senators Lind et al., on February 28, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5111 was adopted by a voice vote.

Senator Connolly 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. 2120) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Buhr	Deluhery	Gettings	Gronstal
Hannon	Horn	Hutchins	Kibbie
Lloyd-Jones	Miller	Palmer	Rensink
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Szymoniak	Varn	Welsh

Nays, 29:

Borlaug	Boswell	Connolly	Dieleman
Doyle	Drake	Fraise	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kinley	Kramer
Lind	McLaren	Murphy	Pate
Peterson	Priebe	Rife	Riordan
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 1:

Sturgeon

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

UNFINISHED BUSINESS
(Deferred March 9, 1992)

Senate File 2236

The Senate resumed consideration of Senate File 2236, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve, deferred March 9, 1992.

Senator Taylor offered amendment S—5183 filed by Senators Taylor and Fuhrman from the floor to page 2 and to the title page of the bill.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5183.

Senator Running 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. 2236) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Jensen Sturgeon

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 531

On motion of Senator Connolly, Senate File 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly offered amendment S—5127 filed by the committee on Ways and Means on March 3, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5127 was adopted by a voice vote.

Senator Taylor asked and received unanimous consent that action on **Senate File 531** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2005

On motion of Senator Hannon, Senate File 2005, a bill for an act relating to eligibility for participation in the Iowa affordable heating program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hannon offered amendment S—5051 filed by the committee on Environment and Energy Utilities on February 12, 1992, to page 1 and the title page of the bill.

Senator Hannon offered amendment S—5104 filed by her on February 27, 1992 to amendment S—5051 and moved its adoption.

Amendment S—5104 was adopted by a voice vote.

Senator Hannon moved the adoption of amendment S—5051 as amended, which motion prevailed by voice vote.

Senator Varn withdrew amendment S—5090 filed by him on February 24, 1992, to page 1 and the title page of the bill.

Senator Hannon 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. 2005) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Fraise Sturgeon

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

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 March 11, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2269, a bill for an act relating to the collection and administration of taxes, special assessments, and various rates and charges and providing applicability and effective dates.

This bill was read first time and **passed on file.**

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2283	Small Business
S.F.	2333	Ways and Means
S.F.	2340	Ways and Means

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:32 a.m., until 3:45 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 10, 1992, 4:55 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Hagerla (excused).

Committee Business: Approved SSB 2272 as a committee bill; recommended passage of Senate File 2309; amended LSB 5206 and ordered redrafted for final approval as a committee bill.

Adjourned: 5:40 p.m.

WAYS AND MEANS

Convened: March 10, 1992, 11:06 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Szymoniak and Taylor.

Members Absent: Deluhery and Rosenberg.

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:10 a.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ten fifth grade students from St. Patricks School, Perry, Iowa, accompanied by Pam Willenborg. Senator Riordan.

Ninety fifth grade students from Waukee Middle School, Waukee, accompanied by Marilyn Anfinson. Senator Riordan.

STUDY BILL RECEIVED

SSB 2282 Appropriations

Relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2236 passed the Senate on March 11, 1992.

BEVERLY A. HANNON

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2120 failed to pass the Senate on March 11, 1992.

MIKE CONNOLLY

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2309, a bill for an act requiring an agricultural chemical dealer site contamination study, making an appropriation, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Szymoniak and Welsh. Nays, none. Pass, 1: Tinsman. Absent, 3: Hagerla, Running and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2344 (SSB 2272), a bill for an act relating to the allocation of moneys by the Iowa finance authority.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Szymoniak and Tinsman. Nays, none. Absent or not voting, 5: Hagerla, Lloyd-Jones, Running, Varn and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 103

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

Senate File 2282

APPROPRIATIONS: Rosenberg, Chair; Husak and McLaren

Senate File 2290

ENVIRONMENT & ENERGY UTILITIES: Fraise, Chair; Jensen and Rosenberg

Senate File 2337

APPROPRIATIONS: Rosenberg, Chair; Buhr and Hagerla

House File 2330

ENVIRONMENT & ENERGY UTILITIES: Deluhery, Chair; Hannon and Soorholtz

SSB 2282

APPROPRIATIONS: Gettings, Chair; Husak and Tieden

AFTERNOON SESSION

The Senate reconvened at 3:55 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

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 March 5, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 52, a bill for an act relating to sheriffs' fees in garnishment proceedings.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 11, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2307, a bill for an act disallowing for state individual and corporate income tax purposes the deduction of the amount of the federal income tax attributable to the federal income tax on income taxable for federal income tax purposes but not for state income tax purposes and providing a retroactive applicability date.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the afternoon on request of Senator Hutchins.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2117

On motion of Senator Murphy, Senate File 2117, a bill for an act relating to implementation of a statewide system utilizing a smartcard, with report of committee recommending passage, was taken up for consideration.

Senator Murphy offered amendment S—5165 filed by Senator Varn on March 10, 1992, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5165 was adopted by a voice vote.

Senator Murphy 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. 2117) the vote was:

Ayes, 32:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gronstal	Hannon	Hedge	Horn
Hutchins	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Murphy	Palmer
Pate	Peterson	Priebe	Riordan
Rittmer	Running	Slife	Sorensen
Szymoniak	Tieden	Varn	Welsh

Nays, 14:

Borlaug	Dieleman	Gettings	Hagerla
Hester	Husak	Jensen	McLaren
Rensink	Rife	Rosenberg	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 4:

Kinley	Miller	Soorholtz	Sturgeon

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	52	Judiciary
H.F.	2241	Agriculture
H.F.	2269	Ways and Means
H.F.	2285	Local Government
H.F.	2307	Ways and Means
H.F.	2359	Environment & Energy Utilities
H.F.	2360	Transportation

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 414 passed the Senate on March 10, 1992.

RAY TAYLOR

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2345 (LSB 5206), a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Tinsman and Welsh. Nays, none. Absent or not voting, 6: Kersten, Lind, Lloyd-Jones, Running, Szymoniak and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 2276, a bill for an act relating to burial expenses under the workers' compensation law.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Running, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2033, a bill for an act relating to all state-regulated third-party payors providing health care coverage or service by prohibiting an exception or exclusion of benefits solely based upon the diagnosis of a fibrocystic condition.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman. Nays, none. Absent or not voting, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2224, a bill for an act excepting from child day care regulation certain programs for school age children administered by political subdivisions.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hannon, Buhr, Horn, Murphy, Riordan, Rittmer, Szymoniak and Tinsman. Nays, none. Absent or not voting, 4: Hagerla, Kramer, Sturgeon and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2345, by committee on Appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENTS FILED

S—5183	S.F.	2236	Ray Taylor Linn Fuhrman
S—5184	S.F.	2326	William Dieleman
S—5185	S.F.	2175	Joe Welsh
S—5186	S.F.	2175	Joe Welsh
S—5187	S.F.	2004	Mike Connolly George Kinley John Jensen
S—5188	S.F.	2004	Donald Doyle
S—5189	S.F.	2292	Larry Murphy
S—5190	S.F.	531	Ray Taylor
S—5191	S.F.	2336	Mike Connolly
S—5192	S.F.	2336	Michael W. Connolly
S—5193	S.F.	2014	Jim Riordan John Jensen
S—5194	S.F.	2218	Jim Lind Jean Lloyd-Jones
S—5195	S.F.	2203	Elaine Szymoniak
S—5196	S.F.	2327	Florence Buhr

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Thursday, March 12, 1992.

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 12, 1992

The Senate met in regular session at 9:14 a.m., President Gronstal presiding.

Prayer was offered by Thomas Plummer, Senate Page from Hamburg, Iowa.

The Journal of Wednesday, March 11, 1992, was approved.

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 March 9, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2214, a bill for an act relating to an insurance division study regarding legal burdens imposed on employers related to workers' compensation.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 10, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2344, a bill for an act relating to certain financing statements required to be filed with the secretary of state, and providing for retroactive applicability and an immediate effective date.

This bill was read first time and **passed on file.**

House File 2326, a bill for an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 11, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2346, by committee on Appropriations, a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date.

Read first time and **placed on Appropriations Calendar.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

The Senate stood at ease at 9:40 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:22 a.m., Senator Husak presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:24 a.m., until 3:45 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 11, 1992, 5:05 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Kersten (excused).

Committee Business: Approved LSB 5206 and SSB 2282 as committee bills; amended LSB 5209 and ordered redrafted for final approval as a committee bill.

Adjourned: 5:20 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 11, 1992, 2:20 p.m.

Members Present: Running, Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: Sturgeon, Vice Chair (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 2276.

Adjourned: 2:35 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: March 11, 1992, 2:30 p.m.

Members Present: Rosenberg, Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Miller, Sorensen and Varn.

Members Absent: Deluhery, Vice Chair; Kersten and Soorholtz.

Committee Business: Presentations by Iowa Natural Heritage Foundation and Trees Forever.

Adjourned: 2:59 p.m.

HUMAN RESOURCES

Convened: March 11, 1992, 3:10 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman.

Members Absent: Sturgeon (excused).

Committee Business: Recommended passage of House File 2224 and 2033.

Adjourned: 3:17 p.m.

STATE GOVERNMENT

Convened: March 11, 1992, 11:36 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Horn, Kramer, Murphy, Pate, Priebe, Rife, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Drake, Gronstal (excused), McLaren and Running.

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:39 a.m.

TRANSPORTATION

Convened: March 11, 1992, 3:10 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones, Pate and Slife.

Members Absent: Kersten and Welsh (excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:15 p.m.

STUDY BILL RECEIVED

SSB 2283 Ways & Means

Relating to supplemental disproportionate share payments for medical assistance to qualifying hospitals.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2259

JUDICIARY: Rosenberg, Chair; Murphy and Pate

Senate File 2262

JUDICIARY: Sturgeon, Chair; Connolly and Slife

Senate File 2283

SMALL BUSINESS/ECONOMIC DEVELOPMENT: Riordan, Chair; Miller and Pate

Senate File 2333

WAYS AND MEANS: Husak, Chair; Dieleman and Hedge

Senate File 2340

WAYS AND MEANS: Murphy, Chair; Connolly and Drake

House File 51

JUDICIARY: Peterson, Chair; Deluhery and Hagerla

House File 52

JUDICIARY: Peterson, Chair; Deluhery and Hagerla

House File 2181

LOCAL GOVERNMENT: Szymoniak, Chair; Rittmer and Vande Hoef

House File 2232

LOCAL GOVERNMENT: Miller, Chair; Borlaug and Buhr

House File 2241

AGRICULTURE: Palmer, Chair; Riordan and Rittmer

House File 2269

WAYS AND MEANS: Rosenberg, Chair; Drake and Fraise

House File 2285

LOCAL GOVERNMENT: Buhr, Chair; Hannon and Rittmer

House File 2287

EDUCATION: Running, Chair; Taylor and Varn

House File 2307

WAYS AND MEANS: Szymoniak, Chair; Fuhrman and Palmer

House File 2308

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

House File 2342

LOCAL GOVERNMENT: Fraise, Chair; Jensen and Sorensen

House File 2360

TRANSPORTATION: Gettings, Chair; Connolly and Jensen

SSB 2283

WAYS AND MEANS: Dieleman, Chair; Connolly and McLaren

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2346 (SSB 2282), a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Szymoniak, Tinsman and Welsh. Nays, none. Absent or not voting, 5: Kersten, Lind, Lloyd-Jones, Running and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2292, a bill for an act providing for licensure of massage therapists and imposing fees and civil penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Murphy and Rosenberg. Nays, 5: Fuhrman, Hester, Palmer, Szymoniak and Taylor. Absent or not voting, 1: McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2270, a bill for an act relating to the department of agriculture and land stewardship, by providing for administration and increasing certain fees charged by the department.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Connolly, Drake, Fraise, Fuhrman, McLaren, Murphy, Palmer, Rosenberg and Szymoniak. Nays, 2: Hester and Taylor. Absent or not voting, 1: Deluhery.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dieleman, Husak, Hedge, Connolly, Drake, Fuhrman, Hester, McLaren, Palmer and Taylor. Nays, none. Absent or not voting, 5: Deluhery, Fraise, Murphy, Rosenberg and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5197	S.F.	2201	William Dieleman
S—5198	S.F.	2201	William Dieleman
S—5199	S.F.	2256	Albert Sorensen
S—5200	S.F.	2256	Albert Sorensen
S—5201	S.F.	2201	Ray Taylor
S—5202	S.F.	2201	Ray Taylor

S—5203	S.F.	2246	Berl E. Priebe
S—5204	S.F.	2201	William Dieleman
S—5205	H.F.	2292	Beverly A. Hannon
S—5206	S.F.	2218	Jim Lind
S—5207	S.F.	2241	Mike Connolly
S—5208	S.F.	2322	John Jensen Mike Connolly
S—5209	S.F.	2201	Ray Taylor Allen Borlaug Wilmer Rensink H. Kay Hedge Richard Vande Hoef William W. Dieleman John W. Jensen
S—5210	S.F.	2201	Ray Taylor Allen Borlaug Wilmer Rensink H. Kay Hedge Richard Vande Hoef William W. Dieleman John W. Jensen
S—5211	S.F.	2329	Al Sturgeon Richard Running
S—5212	S.F.	414	Elaine Szymoniak Ray Taylor
S—5213	S.F.	2343	Eugene Fraise John Kibbie Richard F. Drake Leonard Boswell

AFTERNOON SESSION

The Senate reconvened at 3:52 p.m., Senator Riordan presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hutchins until he returns on request Senator Horn.

UNFINISHED BUSINESS
(Deferred March 11, 1992)

Senate File 531

The Senate resumed consideration of Senate File 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date, deferred March 11, 1992.

Senator Connolly asked and received unanimous consent that action on **Senate File 531** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he arrives on request of Senator Jensen.

MOTION TO RECONSIDER ADOPTED

Senator Kibbie called up the motion to reconsider Senate File 2275 filed by him on March 10, 1992, found on page 714 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2275) the vote was:

Ayes, 38:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Hannon	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Vande Hoef
Varn	Welsh		

Nays, 9:

Fuhrman	Hagerla	Hedge	Hester
McLaren	Pate	Rife	Tieden
Tinsman			

Absent or not voting, 3:

Gronstal	Hutchins	Taylor

The motion prevailed.

Senator Kibbie moved to reconsider the vote by which Senate File 2275 went to its last reading, which motion prevailed by a voice vote.

Senate File 2275

On motion of Senator Kibbie, Senate File 2275, a bill for an act relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates, was taken up for reconsideration.

Senator Connolly filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5137 to Senate File 2275 was adopted by the Senate on March 10, 1992.

The motion prevailed by a voice vote and amendment S—5137 by Senator Fuhrman to page 1 and the title page of the bill, was taken up for reconsideration.

Senator Fuhrman moved the adoption of amendment S—5137.

A record roll call was requested.

On the question "Shall amendment S—5137 be adopted?" (S.F. 2275) the vote was:

Ayes, 15:

Drake	Fuhrman	Hedge	Hester
Jensen	Kersten	McLaren	Palmer
Pate	Rife	Rittmer	Soorholtz
Szymoniak	Taylor	Tieden	

Nays, 33:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Peterson	Priebe	Rensink	Riordan
Rosenberg	Running	Slife	Sorensen
Sturgeon	Tinsman	Vande Hoef	Varn
Welsh			

Voting present, 1:

Doyle

Absent or not voting, 1:

Hutchins

Amendment S—5137 lost.

Senator Kibbie 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. 2275) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson

Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 3:

Fuhrman	McLaren	Rife

Voting present, 1:

Doyle

Absent or not voting, 1:

Hutchins

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

BUSINESS PENDING

Senate File 531

The Senate resumed consideration of Senate File 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date, previously deferred.

Senator Taylor offered amendment S—5190 filed by him on March 11, 1992, to page 1 and the title page of the bill.

Senator Connolly raised the point of order that amendment S—5190 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5190 out of order.

Senator Connolly 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. 531) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 3:

Fuhrman	Hedge	Taylor

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

MOTION TO RECONSIDER ADOPTED

Senator Taylor called up the motion to reconsider Senate File 414 filed by him on March 11, 1992, found on page 733 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 414) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Tieden

The motion prevailed.

Senator Taylor moved to reconsider the vote by which Senate File 414 went to its last reading, which motion prevailed by a voice vote.

Senate File 414

On motion of Senator Szymoniak, Senate File 414, a bill for an act relating to landlords and tenants, was taken up for reconsideration.

Senator Szymoniak offered amendment S—5212 filed by Senators Szymoniak and Taylor from the floor to pages 1-3 of the bill and moved its adoption.

Amendment S—5212 was adopted by a voice vote.

Senator Szymoniak 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. 414) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Fuhrman

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2214	Business and Labor Relations
H.F.	2250	Business and Labor Relations
H.F.	2344	Judiciary

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2236 passed the Senate on March 11, 1992.

RICHARD RUNNING

STATE OF IOWA
THE SENATE

COMMITTEE ON ETHICS IOWA STATE SENATE On The Complaints Of Senator Joseph J. Welsh, And Involving Senator Maggie Tinsman, Senator George R. Kinley, Senator Mary Kramer, Senator Berl Priebe, Senator Richard Drake, and Senator Jean Lloyd-Jones.	)	FINDINGS OF FACT AND CONCLUSIONS

On this 12th day of March, 1992, in public session, the Senate Ethics Committee II, met to review the complaints and available information and to consider what action should be taken. The Committee after reviewing the complaints, responses, and the results of counsel's independent investigations, and upon advice of counsel, makes the following findings of fact and conclusions:

1. That, with respect to the complaint filed against Senator Maggie Tinsman, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

2. That, with respect to the complaint filed against Senator George R. Kinley, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

3. That, with respect to the complaint filed against Senator Mary Kramer, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

4. That, with respect to the complaint filed against Senator Berl Priebe, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

5. That, with respect to the complaint filed against Senator Richard Drake, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

6. That, with respect to the complaint filed against Senator Jean Lloyd-Jones, the facts presented and investigation conducted by Independent Legal Counsel, do not support a finding that further proceedings on the complaint are warranted. The Committee therefore dismisses the complaint.

Done this 12th day of March, 1992

SENATOR DONALD E. GETTINGS
Committee Chairperson

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2282, a bill for an act defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Welsh. Nays, none. Absent or not voting, 1: Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2347 (LSB 5209), a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: Boswell, Husak, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running and Tinsman. Nays, 1: Tieden. Absent or not voting, 4: Lloyd-Jones, Szymoniak, Varn and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2347, by committee on Appropriations, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENTS FILED

S—5214	S.F.	2271	Mary Kramer Elaine Szymoniak
S—5215	S.F.	2249	John Kibbie Jim Lind Derryl McLaren
S—5216	S.F.	2249	William W. Dieleman
S—5217	S.F.	2249	William W. Dieleman
S—5218	S.F.	2249	William W. Dieleman
S—5219	S.F.	2249	William W. Dieleman
S—5220	S.F.	2249	William W. Dieleman
S—5221	S.F.	2244	Berl E. Priebe George R. Kinley Emil Husak Willaim Palmer John Peterson Eugene Fraise Donald Doyle

Alvin Miller
John Soorholtz
Derryl McLaren
Jim Kersten
Jim Lind
H. Kay Hedge
Jack Hester
Dale Tieden
Allen Borlaug
Sheldon Rittmer
Mark Hagerla

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Friday, March 13, 1992.

JOURNAL OF THE SENATE

SIXTY-FIRST CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 13, 1992

The Senate met in regular session at 9:17 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Mark H. Volkers, pastor of the First Reformed Church, Boyden, Iowa.

The Journal of Thursday, March 12, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller for the day on request of Senator Hutchins.

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 March 10, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2195, a bill for an act providing that certain counties need not maintain a county jail or space for the district court.

This bill was read first time and **passed on file.**

House File 2205, a bill for an act relating to solid waste.

This bill was read first time and **passed on file.**

House File 2247, a bill for an act modifying eligibility requirements within the postsecondary enrollment options Act, including students identified as gifted and talented children.

This bill was read first time and **passed on file.**

House File 2304, a bill for an act relating to the procedure for filling vacancies that occur in county offices.

This bill was read first time and **passed on file.**

House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 11, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2378, a bill for an act relating to the time for notice of the proposed vacation of an official plat.

This bill was read first time and **passed on file.**

House File 2389, a bill for an act relating to professions regulated by the board of dental examiners.

This bill was read first time and **passed on file.**

House File 2390, a bill for an act relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, and amusement park permit and inspection fees.

This bill was read first time and **passed on file.**

House File 2396, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

This bill was read first time and **passed on file.**

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Ada E. Tredwell as a member of the Commission on the Status of African-Americans.

Mary M. Conway, Thomas J. Henrich and Stanton L. Visser as members of the Board of Behavioral Science Examiners.

Allan L. Axeen as a member of the Commission on Community Action Agencies.

Johanna B. Whalen, M.D. as a member of the Medical Examining Board.

William J. Horan and Rita Ann Venner as members of the Renewable Fuel Advisory Committee.

Eugene W. Pierce III as a member of the Small Business Advisory Council.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Miller	Rosenberg	Sturgeon	Vande Hoef

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2344

On motion of Senator Riordan, Senate File 2344, a bill for an act relating to the allocation of moneys by the Iowa finance authority, was taken up for consideration.

Senator Riordan 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. 2344) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Miller Vande Hoef

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

MOTION TO OVERRIDE GOVERNOR'S ITEM VETO LOST

Senator Boswell called up for consideration Senate File 2116, a bill for an act relating to the state budget by supplementing certain appropriations and reducing certain appropriations made for the fiscal year beginning July 1, 1991, making changes in

the state aid to school corporations, and providing an effective date, and moved to reconsider and pass, the objections of the Governor notwithstanding, Section 107 as item vetoed by the Governor on March 10, 1992.

On the question "Shall the Senate on reconsideration, agree to pass Section 107, the objections of the Governor to the contrary notwithstanding?" (S.F. 2116) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 21:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 1:

Miller

The motion having failed to receive a two-thirds vote was declared to have lost and the Governor's item veto was sustained.

Senator Hutchins asked and received unanimous consent that further action on the Governor's item vetoes of Senate File 2116 be indefinitely postponed and that the bill be removed from the Item Veto Message Calendar.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2167

On motion of Senator Connolly, Senate File 2167, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, providing for a tax, making an appropriation, and providing effective dates, was taken up for consideration.

Senator Connolly offered amendment S—5179 filed by him on March 10, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5179 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5083 filed by her on February 20, 1992, to pages 3 and 4 of the bill and moved its adoption.

Amendment S—5083 was adopted by a voice vote.

Senator Tinsman offered amendment S—5180 filed by Senators Tinsman, Lind and Connolly on March 10, 1992, to pages 4-11 and the title page of the bill and moved its adoption.

Amendment S—5180 was adopted by a voice vote.

Senator Taylor offered amendment S—5229 filed by Senators Taylor and Dieleman from the floor to page 2 of the bill and requested a record roll call.

On the question "Shall amendment S—5229 be adopted?" (S.F. 2167) the vote was:

Ayes, 23:

Borlaug	Dieleman	Fuhrman	Hagerla
Hannon	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Priebe	Rensink
Rife	Rittmer	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Horn	Hutchins	Kibbie
Kinley	Lloyd-Jones	Murphy	Palmer
Peterson	Riordan	Rosenberg	Running

Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Absent or not voting, 2:

Miller	Slife

Amendment S—5229 lost.

Senator Connolly 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. 2167) the vote was:

Ayes, 39:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 9:

Dieleman	Fuhrman	Hedge	Hester
Jensen	McLaren	Rensink	Taylor
Vande Hoef			

Absent or not voting, 2:

Miller	Slife

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

Senate File 2145

On motion of Senator Running, Senate File 2145, a bill for an act relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and

licensing agencies, and providing penalties, with report of committee recommending amendment and passage, was taken up for cconsideration.

Senator Running offered amendment S—5096 filed by the committee on Business and Labor Relations on February 25, 1992, to page 3 and the title page of the bill and moved its adoption.

Amendment S—5096 was adopted by a voice vote.

Senator Running offered amendment S—5227 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5227 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murphy for the remainder of the day on request of Senator Hutchins.

BUSINESS PENDING

Senate File 2145

The Senate resumed consideration of Senate File 2145.

Senator Running 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. 2145) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 38:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Nays, 8:

Borlaug	Drake	Hedge	Hester
Jensen	Rife	Taylor	Vande Hoef

Absent or not voting, 4:

McLaren	Miller	Murphy	Slife

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slife for the remainder of the day on request of Senator Hagerla.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2203

On motion of Senator Szymoniak, Senate File 2203, a bill for an act relating to the availability of adoption records for the purpose of research or treatment of a patient in a medical facility, was taken up for consideration.

Senator Szymoniak offered amendment S—5195 filed by her on March 11, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5195 was adopted by a voice vote.

Senator Szymoniak 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. 2203) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise

Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 3:

Miller	Murphy	Slife

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

Senate File 2204

On motion of Senator Szymoniak, Senate File 2204, a bill for an act relating to adoption procedures including the information to be gained from a preplacement investigation and the provision of information to assist a natural parent in filing an affidavit requesting the court to reveal or not reveal the natural parent's name, was taken up for consideration.

Senator Szymoniak offered amendment S—5172 filed by her on March 10, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5172 was adopted by a voice vote.

Senator Sturgeon offered amendment S—5107 filed by him on February 27, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5107 was adopted by a voice vote.

Senator Szymoniak 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. 2204) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 4:

Miller	Murphy	Running	Slife

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

Senate File 2213

On motion of Senator Hannon, Senate File 2213, a bill for an act providing for a rural small business transfer linked investment loan program administered by the treasurer of state, and providing for the deposit of state moneys in financial institutions, was taken up for consideration.

Senator Riordan offered amendment S—5155 filed by him on March 9, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5155 was adopted by a voice vote.

Senator Riordan withdrew amendment S—5154 filed by him on March 9, 1992, to page 2 of the bill.

Senator Hannon 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. 2213) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 2:

Fuhrman	Rife

Absent or not voting, 4:

Miller	Murphy	Slife	Sturgeon

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vande Hoef for the remainder of the day on request of Senator Jensen.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2218

On motion of Senator Lind, Senate File 2218, a bill for an act relating to the regulation of swimming pools and spas regulated

by the Iowa department of public health, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5163 filed by her on March 10, 1992, to strike everything after the enacting clause of the bill.

Senator Kinley took the chair at 11:35 a.m.

Senator Lind offered amendment S—5194 filed by Senators Lind and Lloyd-Jones on March 11, 1992, to amendment S—5163 and moved its adoption.

Amendment S—5194 was adopted by a voice vote.

Senator Lind offered amendment S—5206 filed by him on March 12, 1992, to amendment S—5163 and moved its adoption.

Amendment S—5206 was adopted by a voice vote.

Senator Lloyd-Jones moved the adoption of amendment S—5163 as amended, which motion prevailed by a voice vote.

Senator Lind 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. 2218) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Soorholtz	Sorensen	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 2:

Running	Taylor

Absent or not voting, 5:

Miller Murphy Slife Sturgeon Vande Hoef

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

Senate File 2227

On motion of Senator Welsh, Senate File 2227, a bill for an act relating to state department of transportation employees' interests in highway, bridge, and culvert construction contracts, was taken up for consideration.

Senator Hester offered amendment S—5231 filed by Senators Hester and Fraise from the floor to page 1 of the bill.

Senator Welsh raised the point of order that amendment S—5231 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5231 out of order.

Senator Welsh offered amendment S—5124 filed by him on March 2, 1992, to page 1 and the title page of the bill.

Senator Taylor asked and received unanimous consent that action on amendment S—5124 and **Senate File 2227** be **deferred.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Tieden for the remainder of the day on request of Senator Jensen.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2263

On motion of Senator Riordan, Senate File 2263, a bill for an act relating to information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates, was taken up for consideration.

Senator Riordan offered amendment S—5223 filed by Senators Rordan and McLaren from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5223 was adopted by a voice vote.

Senator Riordan 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. 2263) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Szymoniak	Taylor
Tinsman	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Dieleman	Miller	Murphy	Slife
Sturgeon	Tieden	Vande Hoef	

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

Senate Joint Resolution 2006

On motion of Senator Buhr, Senate Joint Resolution 2006, a joint resolution to nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date, was taken up for consideration.

Senator Buhr 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 resolution pass?" (S.J.R. 2006) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Palmer
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Soorholtz
Sorensen	Szymoniak	Taylor	Tinsman
Varn	Welsh		

Nays, 1:

Running

Absent or not voting, 7:

Miller	Murphy	Pate	Slife
Sturgeon	Tieden	Vande Hoef	

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

Senator Hutchins asked and received unanimous consent that **Senate Joint Resolution 2006** be **immediately messaged** to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 12, 1992, 5:00 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: none.

Committee Business; Approved LSB 5209 as amended as a committee bill; recommended passage of Senate File 2282; amended LSB 5204 and ordered redrafted for final approval as a committee bill.

Adjourned: 5:30 p.m.

EDUCATION

Convened: March 12, 1992, 1:36 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Rensink, Running, Szymoniak, Tieden and Varn.

Members Absent: Kramer, Lind, Murphy and Tinsman (all excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 1:38 p.m.

JUDICIARY

Convened: March 12, 1992, 10:33 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Deluhery.

Committee Business: Assigned bills to subcommittees; presentation by Etta Brown.

Adjourned: 10:46 a.m.

LOCAL GOVERNMENT

Convened: March 12, 1992, 3:09 p.m.

Members Present: Miller, Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Jensen, Sorensen and Vande Hoef.

Members Absent: Szymoniak, Vice Chair and Hannon.

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:11 p.m.

WAYS AND MEANS

Convened: March 12, 1992, 11:06 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of Senate Files 2298, 2270 and 2292; deferred action on Senate File 2305.

Adjourned: 11:52 a.m.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2005, the following correction was made:

1. Page 2, line 8, the word and number "Section 100" were changed to the word and number "Section 7".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2175, the following correction was made:

Amendment S—5101:

1. Page 1, lines 4 through 7 should not have been underlined.

JOHN F. DWYER
Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 11, 1992.

Had I been present, I would have voted "aye" on Senate File 2005.

EUGENE FRAISE

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Members of the 1992 Girls' State five-player high school basketball tournament team and volleyball team from Marquette School, West Point, accompanied by Tammy Conrad and Melissa Freesmeier. Senator Fraise.

SUBCOMMITTEE ASSIGNMENT

Senate File 2303

STATE GOVERNMENT: Buhr, Chair; Horn, Lind, Murphy and Soorholtz

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2348 (LSB 5204), a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Boswell, Husak, Buhr, Connolly, Hagerla, Kersten, Lind, Peterson, Rensink, Rosenberg, Running and Welsh. Nays, none. Absent or not voting, 9: Tieden, Gettings, Lloyd-Jones, McLaren, Pate, Riordan, Szymoniak, Tinsman and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2348, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2195	Local Government
H.F.	2205	Environment & Energy Utilities
H.F.	2247	Education
H.F.	2304	Local Government
H.F.	2334	Natural Resources
H.F.	2378	Local Government
H.F.	2389	State Government
H.F.	2390	Business & Labor Relations

AMENDMENTS FILED

S—5222	S.F.	2249	Larry Murphy
S—5223	S.F.	2263	Jim Riordan
			Derryl McLaren
S—5224	S.F.	2249	Mike Connolly
S—5225	S.F.	2249	Mike Connolly
S—5226	S.F.	2249	Mike Connolly
S—5227	S.F.	2145	Richard Running
S—5228	S.F.	2137	John W. Jensen
			Eugene Fraise
			Leonard Boswell
			Emil Husak
			Mike Connolly
S—5229	S.F.	2167	Ray Taylor
			William Dieleman
S—5230	S.F.	2201	Richard Vande Hoef

S—5231	S.F.	2227	Jack W. Hester Eugene Fraise
S—5232	S.F.	2233	Al Sturgeon
S—5233	S.F.	2249	William W. Dieleman
S—5234	S.F.	2131	Albert Sorensen
S—5235	S.F.	2291	Sheldon Rittmer
S—5236	S.F.	2137	John W. Jensen Eugene Fraise Leonard Boswell Emil Husak Mike Connolly

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 12:12 p.m., until 10:00 a.m., Monday, March 16, 1992.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 16, 1992

The Senate met in regular session at 10:13 a.m., President Gronstal presiding.

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Jasper County, Sully, Iowa.

The Journal of Friday, March 13, 1992, was approved.

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 March 11, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 150, a bill for an act relating to the transfer of funds by enacting the uniform Act and providing civil remedies.

This bill was read first time and **passed on file.**

House File 2158, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

This bill was read first time and **passed on file.**

House File 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 12, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2185, a bill for an act relating to jury source lists.

This bill was read first time and **passed on file.**

House File 2367, a bill for an act relating to the inclusion of children receiving competent private instruction in the basic enrollment of public school districts under dual enrollment.

This bill was read first time and **passed on file.**

House File 2368, a bill for an act relating to the application process for federal airport funding.

This bill was read first time and **passed on file.**

House File 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments.

This bill was read first time and **passed on file.**

House File 2374, a bill for an act relating to reciprocal license fees for nonresident insurance agents.

This bill was read first time and **passed on file.**

House File 2385, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties.

This bill was read first time and **passed on file.**

House File 2401, a bill for an act updating the Iowa Code reference to the federal Internal Revenue Code and providing retroactive applicability and effective dates.

This bill was read first time and **passed on file.**

House File 2408, a bill for an act increasing the penalty for improper use of a handicapped identification device.

This bill was read first time and **passed on file.**

House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President pro tempore Lloyd-Jones took the chair at 10:18 a.m.

The vote revealed 42 present, 8 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon until he arrives on request of Senator Hutchins.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2061

Senator Kibbie called up for consideration House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5175 to Senate amendment H—5139 filed March 10, 1992.

A non record roll call was requested.

The ayes were 15, nays 26.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2239

On motion of Senator Hannon, Senate File 2239, a bill for an act relating to extending the time that certificates of deposit may be placed in financial institutions under the linked investments for tomorrow Act, was taken up for consideration.

Senator Hannon offered amendment S—5152 filed by Senators Hannon and Riordan on March 9, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5152 was adopted by a voice vote.

Senator Hannon 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. 2239) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

Senate File 2249

On motion of Senator Kibbie, Senate File 2249, a bill for an act relating to pari-mutual racing and excursion boat gambling and providing effective dates, was taken up for consideration.

President Gronstal took the chair at 11:05 a.m.

Senator Dieleman offered amendment S—5218 filed by him on March 12, 1992, to pages 1 and 2 of the bill, moved its adoption and request a record roll call.

On the question "Shall amendment S—5218 be adopted?" (S.F. 2249) the vote was:

Ayes, 11:

Boswell	Dieleman	Fuhrman	Hedge
Hester	Jensen	Rensink	Rosenberg
Sorensen	Taylor	Vande Hoef	

Nays, 38:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Running	Slife
Soorholtz	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Absent or not voting, 1:

Sturgeon

Amendment S—5218 lost.

Senator Dieleman offered amendment S—5219 filed by him on March 12, 1992, to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5219 be adopted?" (S.F. 2249) the vote was:

Ayes, 15:

Boswell	Dieleman	Fuhrman	Hannon
Hedge	Hester	Jensen	Peterson
Rensink	Rittmer	Rosenberg	Sorensen
Taylor	Vande Hoef	Varn	

Nays, 32:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings

Gronstal	Hagerla	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	McLaren	Miller
Murphy	Palmer	Pate	Rife
Riordan	Running	Slife	Soorholtz
Szymoniak	Tieden	Tinsman	Welsh

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones Sturgeon

Amendment S—5219 lost.

Senator Murphy asked and received unanimous consent that action on amendment S—5222 filed by him on March 13, 1992, to pages 2 and 3 of the bill be deferred.

Senator Kibbie offered amendment S—5215 filed by Senators Kibbie, Lind and McLaren on March 12, 1992, to page 3 of the bill.

Senator Dieleman raised the point of order that amendment S—5215 would change the tax structure and that Senate File 2249 should be referred to the committee on Ways and Means.

Senator Dieleman withdrew his point of order.

Senator Hutchins asked and received unanimous consent that **Senate File 2249** be referred to the committee on **Ways and Means.**

Senate File 2119

On motion of Senator Vande Hoef, Senate File 2119, a bill for an act relating to essential county purposes and the use of general obligation bonds for funding of local water services, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Vande Hoef offered amendment S—5134 filed by the committee on Local Government on March 4, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5134 was adopted by a voice vote.

Senator Vande Hoef 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. 2119) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

Senate File 2287

On motion of Senator Rosenberg, Senate File 2287, a bill for an act relating to indecent exposure by a minor in certain establishments and providing a penalty, was taken up for consideration.

Senator Murphy withdrew amendment S—5156 filed by him on March 9, 1992, to page 1 and the title page of the bill.

Senator Rosenberg 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. 2287) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	Sturgeon

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

Senate File 2301

On motion of Senator Rosenberg, Senate File 2301, a bill for an act relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties, was taken up for consideration.

Senator Rosenberg 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. 2301) the vote was:

Ayes, 47:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen

Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Kersten

Absent or not voting, 2:

Boswell Sturgeon

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

Senate File 2304

On motion of Senator Fraise, Senate File 2304, a bill for an act relating to the water supply and wastewater effluent limitations, was taken up for consideration.

Senator Fraise 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. 2304) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

McLaren Sturgeon

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

Senate File 2339

On motion of Senator Kinley, Senate File 2339, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws, was taken up for consideration.

Senator Kinley 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. 2339) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

McLaren Sturgeon

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

UNFINISHED BUSINESS
(Deferred March 13, 1992)

Senate File 2227

The Senate resumed consideration of Senate File 2227, a bill

for an act relating to state department of transportation employees' interests in highway, bridge, and culvert construction contracts, and amendment S—5124 by Senator Welsh to page 1 and the title page of the bill, deferred March 13, 1992.

Senator Welsh moved the adpotion of amendment S—5124, which motion prevailed by voice vote.

Senator Welsh asked and received unanimous consent that action on **Senate File 2227** be **deferred.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:12 p.m., until 1:30 p.m.

APPENDIX

PETITIONS

The following petitions were presented and placed on file by:

Senator Hagerla from 20 residents of Louisa County favoring legislation which requires sixty percent voter approval for school or local government bond proposals.

Senator Kibbie from 13 residents of Emmet County opposing legislation increasing the state consumer excise tax on cigarettes.

Senator Tinsman from 1,911 residents of Scott County opposing reducing funds for education.

The following petitions favoring Senate File 2026 were presented and placed on file by:

Senator Hutchins from 18 residents of Audubon County.
Senator Hutchins from 18 residents of Audubon and Cass Counties.

The following petitions supporting continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Taylor from 107 residents of Hamilton County.
Senator Taylor from 231 residents of Hardin County.

PRESENTATION OF VISITORS

Senator McLaren presented Jared McLaren and Erick Laumann, seventh graders from Farragut Junior High School, Farragut, Iowa.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber when the vote was taken on Senate Joint Resolution 2006 on March 13, 1992.

Had I been present, I would have voted "aye".

PAUL PATE

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 13, 1992, 12:15 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Buhr, Connolly, Hagerla, Kersten, Lind, Peterson, Rensink, Rosenberg, Running and Welsh.

Members Absent: Tieden, Ranking Member; Gettings, Lloyd-Jones, McLaren, Pate, Riordan, Szymoniak, Tinsman and Varn.

Committee Business: Final approval of LSB 5204 as amended as a committee bill.

Adjourned: 12:17 p.m.

AMENDMENTS FILED

S–5237	S.F.	2249	William W. Dieleman
S–5238	S.F.	2249	William W. Dieleman
S–5239	S.F.	2249	George R. Kinley
S–5240	S.F.	2249	William W. Dieleman
S–5241	S.F.	2249	William W. Dieleman
S–5242	S.F.	2249	William W. Dieleman
S–5243	S.F.	2249	Michael W. Connolly
S–5244	S.F.	2271	William Palmer
S–5245	S.F.	2046	Eugene Fraise
S–5246	S.F.	2346	Eugene Fraise
S–5247	S.F.	2249	Larry Murphy Berl Priebe
S–5248	S.F.	2336	William W. Dieleman Richard Drake Eugene Fraise

AFTERNOON SESSION

The Senate reconvened at 1:40 p.m., Senator Riordan presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorensen until he arrives on request of Senator Horn.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2235

On motion of Senator Doyle, Senate File 2235, a bill for an act relating to the requirements of an abstractor participating in the title guaranty program, was taken up for consideration.

Senator Doyle 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. 2235) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Gronstal	Hutchins	Kinley	McLaren
Murphy	Sorensen	Sturgeon	

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he arrives on request of Senator Rife.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2322

On motion of Senator Welsh, Senate File 2322, a bill for an act designating state highway 3 as "Veterans Memorial Highway", was taken up for consideration.

Senator Jensen offered amendment S—5208 filed by Senators Jensen and Connolly on March 12, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5208 was adopted by a voice vote.

Senator Welsh 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. 2322) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hester	Horn	Husak

Jensen	Kersten	Kibbie	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 2:

Hedge	Kinley

Absent or not voting, 5:

Gronstal	Hutchins	Lind	Rife
Sturgeon			

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

Senate File 2271

On motion of Senator Palmer, Senate File 2271, a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures, was taken up for consideration.

Senator Kramer offered amendment S—5214 filed by Senators Kramer and Szymoniak on March 12, 1992, to page 1 of the bill.

Senator Palmer offered amendment S—5244 filed by him from the floor to amendment S—5214 and moved its adoption.

Amendment S—5244 was adopted by a voice vote.

Senator Kramer moved the adoption of amendment S—5214 as amended, which motion prevailed by voice vote.

Senator Hannon asked and received unanimous consent that action on **Senate File 2271** be **deferred.**

Senate File 2004

On motion of Senator Connolly, Senate File 2004, a bill for an act relating to issuance of citations for headlamp violations, with report of committee recommending passage, was taken up for consideration.

Senator Connolly offered amendment S—5187 filed by Senators Connolly, Kinley and Jensen on March 11, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5187 was adopted by a voice vote.

Senator Doyle offered amendment S—5188 filed by him on March 11, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5188 was adopted by a voice vote.

Senator Pate asked and received unanimous consent that action on **Senate File 2004** be **deferred.**

Senate File 2319

On motion of Senator Connolly, Senate File 2319, a bill for an act to provide funding under phase II for school districts and area education agencies to pay the costs of providing additional teaching contract work days, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate File 2319** be **deferred.**

BUSINESS PENDING

Senate File 2004

The Senate resumed consideration of Senate File 2004, previously deferred.

Senator Pate offered amendment S—5252 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5252 was adopted by a voice vote.

Senator Connolly 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. 2004) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Vande Hoef	Varn	Welsh	

Nays, 3:

Drake	Kersten	Tinsman

Absent or not voting, 4:

Lind	McLaren	Rife	Sturgeon

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2343

On motion of Senator Gettings, Senate File 2343, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes, was taken up for consideration.

Senator Kersten offered amendment S—5182 filed by Senators Kersten, et al., on March 10, 1992, to page 7 of the bill and moved its adoption.

Amendment S—5182 was adopted by a voice vote.

Senator Gettings offered amendment S—5181 filed by him on March 10, 1992, to pages 7 and 8 of the bill and moved its adoption.

Amendment S—5181 was adopted by a voice vote.

Senator Fraise offered amendment S—5213 filed by Senators Fraise, et al., on March 12, 1992, to page 11 of the bill and moved its adoption.

Amendment S—5213 was adopted by a voice vote.

Senator Gettings 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. 2343) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Voting present, 1:

Drake

Absent or not voting, 1:

Sturgeon

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

Senate File 2326

On motion of Senator Dieleman, Senate File 2326, a bill for an act authorizing United States armed forces retired, motor vehicle registration plates, was taken up for consideration.

Senator Dieleman offered amendment S—5184 filed by him on March 11, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5184 was adopted by a voice vote.

Senator Kinley took the chair at 3:13 p.m.

Senator Dieleman 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. 2326) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

Senate File 2288

On motion of Senator Horn, Senate File 2288, a bill for an act to repeal the prohibition against school directors, officers, area

education directors, or teachers acting as agents for school textbooks or school supplies, was taken up for consideration.

Senator Horn 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. 2288) the vote was:

Ayes, 38:

Buhr	Connolly	Doyle	Fuhrman
Gettings	Gronstal	Hannon	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Nays, 11:

Borlaug	Boswell	Deluhery	Dieleman
Drake	Fraise	Hagerla	Hedge
Jensen	Taylor	Vande Hoef	

Absent or not voting, 1:

Sturgeon

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

Senate File 2336

On motion of Senator Dieleman, Senate File 2336, a bill for an act requiring revocation of motor vehicle licenses for drug offenses and providing an effective date, was taken up for consideration.

Senator Dieleman offered amendment S—5248 filed by Senators Dieleman, Drake and Fraise from the floor to pages 1, 4 and 5 of the bill and moved its adoption.

Amendment S—5248 was adopted by a voice vote.

Senator Connolly offered amendment S—5192 filed by him on March 11, 1992, to pages 2 and 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 24.

Amendment S—5192 was adopted.

Senator Connolly offered amendment S—5191 filed by him on March 11, 1992, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5191 be adopted?" (S.F. 2336) the vote was:

Ayes, 30:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Kramer	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tinsman	Welsh		

Nays, 20:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Lind	McLaren	Pate
Priebe	Rensink	Rife	Slife
Taylor	Tieden	Vande Hoef	Varn

Amendment S—5191 was adopted.

Senator Lind offered amendment S—5256 filed by him from the floor to page 5 of the bill.

Senator Dieleman raised the point of order that amendment S—5256 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5256 out of order.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2336** be **deferred.**

Senate File 2142

On motion of Senator Horn, Senate File 2142, a bill for an act to establish a comprehensive school transformation program, was taken up for consideration.

Senator Lind offered amendment S—5075 filed by him on February 17, 1992, to pages 1 and 2 of the bill.

President Gronstal took the chair at 4:12 p.m.

Senator Lind moved the adoption of amendment S—5075, which motion prevailed by voice vote.

Senator Connolly offered amendment S—5082 filed by him on February 19, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5082 was adopted by a voice vote.

Senator Horn 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. 2142) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Connolly	Deluhery	Doyle	Gettings
Gronstal	Hannon	Horn	Hutchins
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Pate
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 24:

Borlaug	Boswell	Buhr	Dieleman
Drake	Fraise	Fuhrman	Hagerla
Hedge	Hester	Husak	Jensen
Kramer	McLaren	Palmer	Peterson

Priebe	Rensink	Rife	Riordan
Soorholtz	Taylor	Tieden	Vande Hoef

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

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	150	Commerce
H.F.	2158	Commerce
H.F.	2185	Judiciary
H.F.	2256	Environment & Energy Utilities
H.F.	2367	Education
H.F.	2368	Transportation
H.F.	2370	Human Resources
H.F.	2374	Commerce
H.F.	2385	Environment & Energy Utilities
H.F.	2396	Local Government
H.F.	2401	Ways and Means
H.F.	2413	Transportation

SUBCOMMITTEE ASSIGNMENTS

House File 2195

LOCAL GOVERNMENT: Rittmer, Chair; Fraise and Sorensen

House File 2214

BUSINESS AND LABOR RELATIONS: Peterson, Chair; Running and Slife

House File 2250

BUSINESS AND LABOR RELATIONS: Running, Chair; Fuhrman and Sturgeon

House File 2304

LOCAL GOVERNMENT: Buhr, Chair; Borlaug and Hannon

House File 2378

LOCAL GOVERNMENT: Hannon, Chair; Sorensen and Vande Hoef

House File 2389

STATE GOVERNMENT: Buhr, Chair; Lind, Murphy, Running and Vande Hoef

House File 2390

BUSINESS AND LABOR RELATIONS: Kinley, Chair; Fuhrman and Palmer

PRESENTATION OF VISITOR

Senator Murphy welcomed the Honorable David R. Nagle from Waterloo, United States Representative from the current third congressional district in Iowa.

AMENDMENTS FILED

S—5249	S.F.	2236	Beverly Hannon Elaine Szymoniak Jean Lloyd-Jones
S—5250	S.F.	2345	John W. Jensen James B. Kersten
S—5251	S.F.	2345	Maggie Tinsman Richard Varn
S—5252	S.F.	2004	Paul Pate
S—5253	H.F.	2165	John Peterson
S—5254	S.F.	2346	William W. Dieleman
S—5255	S.F.	2271	Beverly Hannon Elaine Szymoniak
S—5256	S.F.	2336	Jim Lind
S—5257	S.F.	2267	Richard Running
S—5258	S.F.	2244	John Kibbie
S—5259	S.F.	2154	Elaine Szymoniak

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:30 p.m., until 9:00 a.m., Tuesday, March 17, 1992.

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 17, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Don Gordon, pastor of the Church of Christ, Griswold, Iowa.

The Journal of Monday, March 16, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones for the day on request of Senator Hutchins.

SPECIAL GUESTS

Senator Kibbie presented Patrick (Paddy) J. Sheehan, member of the Irish Parliament from Goleen, County Cork, Ireland. Mr. Sheehan represents the Fine Gael Political Party and is a full-time public representative with interests in the field of Agriculture. He will participate in the St. Patrick's Day Parade in Des Moines on March 17, and attended the St. Pat's Parade in Emmetsburg on March 14.

Mr. Sheehan addressed the Senate with brief remarks including praise of the United States for opening its arms to Irish immigrants throughout the years. He also encouraged exchanges between the two countries in the area of industrial development.

He was accompanied by his wife, Elizabeth (Frances) and the following guests: Miss Joy Stowell from Emmetsburg, 1992 Miss Shamrock; Patrick and Rose Reilly of Scotland, an exchange professor at Iowa State University; and Dennis and Mary Speirs of Scotland.

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 March 11, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2377, a bill for an act relating to the kinds of separately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 12, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2323, a bill for an act to provide for the creation of a zebra mussels education and control program by the natural resource commission.

This bill was read first time and **passed on file.**

House File 2335, a bill for an act relating to the purchase of employee annuity contracts by area education agencies.

This bill was read first time and **passed on file.**

House File 2380, a bill for an act relating to railroad crossing violations.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 13, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2289, a bill for an act relating to vocational education in family and consumer sciences and creating a council for home economics education.

This bill was read first time and **passed on file.**

House File 2322, a bill for an act relating to child day care and similar services concerning the state day care advisory committee and statewide resource and referral services.

This bill was read first time and **passed on file.**

House File 2394, a bill for an act relating to information subject to the review or control of the office of citizens' aide.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 16, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2343, a bill for an act relating to soil and water conservation by providing for financial incentives.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hedge until he arrives on request of Senator Rife and Senator Murphy until he arrives on request of Senator Hutchins.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Slife called up the appointment of Jack Nystrom as Director of the Department of Commerce, placed on the Individual Confirmation Calendar on February 25, 1992, and found on page 476 of the Senate Journal.

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

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

Ayes, 39:

Borlaug	Boswell	Buhr	Deluhery

Doyle	Drake	Fuhrman	Gettings
Gronstal	Hagerla	Hester	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 4:

Connolly	Fraise	Peterson	Riordan

Absent or not voting, 7:

Dieleman	Hannon	Hedge	Jensen
Lloyd-Jones	Murphy	Sorensen	

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

Senator Buhr called up the appointment of Diana Lynn Stewart as a member of the Commission on the Status of Women, placed on the Individual Confirmation Calendar on February 25, 1992, and found on page 463 of the Senate Journal.

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

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

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor

Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Hannon	Hedge	Kramer	Lloyd-Jones
Murphy			

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2316

On motion of Senator Szymoniak, Senate File 2316, a bill for an act relating to child support recovery, was taken up for consideration.

Senator Szymoniak offered amendment S—5260 filed by her from the floor to page 10 of the bill and moved its adoption.

Amendment S—5260 was adopted by a voice vote.

Senator Hagerla raised the point of order that under Joint Rule 17, Senate File 2316 should require a fiscal note.

The Chair ruled the point not well taken.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2316** be **deferred.**

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2316** be referred to the committee on **Ways and Means** and returned to the Senate Calendar by 12:01 p.m., March 17, 1992.

Senator Hutchins asked and received unanimous consent that **Senate File 2320** be referred from the Regular Calendar to the committee on **Education** and returned to the Senate Calendar by 2:30 p.m., March 19, 1992.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that the following bills be immediately messaged to the House:

Senate Files 2004, 2119, 2142, 2235, 2239, 2287, 2288, 2301, 2304, 2322, 2326, 2339, 2343 and House File 2061.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2244

On motion of Senator Priebe, Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations, was taken up for consideration.

Senator Priebe offered amendment S—5221 filed by Senators Priebe, et al., on March 12, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Kibbie offered amendment S—5258 filed by him on March 16, 1992, to pages 1-6 of amendment S—5221.

Senator Slife took the chair at 10:42 a.m.

President Gronstal took the chair at 10:50 a.m.

Senator Hutchins asked and received unanimous consent that action on amendment S—5258 to amendment S—5221, amendment S—5221 and **Senate File 2244** be **deferred.**

INTRODUCTION OF BILL

Senate File 2349, by Szymoniak, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

Read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:04 a.m., until 2:30 p.m.

APPENDIX

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2218, the following correction was made:

Amendment S—5194:

1. Page 2, line 5, the word "spas," was changed to ", spas,".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2004, the following correction was made:

1. Page 1, line 7, the words "seventy-two-hour" were changed to the words "seventy-two hour".

JOHN F. DWYER
Secretary of the Senate

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 10, 1992, when the final vote was taken on Senate File 2300.

Had I been present, I would have voted "aye".

MARK R. HAGERLA

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-six fifth grade students from Howe Elementary School, Des Moines, accompanied by Lynn Schuman and Kristy Pevestorf. Senator Kinley.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2085, a bill for an act relating to cooperative associations by providing for the release of membership lists and amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting shareholders, and the manner in which funds of the association can be used.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5264.

Final Vote: Ayes, 15: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2241, a bill for an act relating to the regulation of pet shops.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2262, a bill for an act relating to the organization of cooperative associations.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Priebe, Peterson, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Palmer, Rittmer and Vande Hoef. Nays, none. Absent or not voting, 3: Soorholtz, Miller and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2316, a bill for an act relating to child support recovery.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2269, a bill for an act relating to the collection and administration of taxes, special assessments, and various rates and charges and providing applicability and effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENT

House File 2334

NATURAL RESOURCES: Kibbie, Chair; Dieleman and Rensink

AMENDMENTS FILED

S—5260	S.F.	2316	Elaine Szymoniak
S—5261	S.F.	2267	Linn Fuhrman
S—5262	S.F.	2236	Beverly Hannon Elaine Szymoniak
S—5263	S.F.	2316	Richard Running
S—5264	H.F.	2085	Agriculture
S—5265	S.F.	2297	Richard Varn
S—5266	S.F.	2348	Donald Doyle
S—5267	S.F.	2222	Donald Doyle

AFTERNOON SESSION

The Senate reconvened at 3:22 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2233

On motion of Senator Sturgeon, Senate File 2233, a bill for an act relating to the residency requirement for clerks of the district court, was taken up for consideration.

Senator Sturgeon offered amendment S—5232 filed by him on March 13, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5232 was adopted by a voice vote.

Senator Sturgeon 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. 2233) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Peterson

Absent or not voting, 2:

Lloyd-Jones Soorholtz

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

MOTION TO RECONSIDER WITHDRAWN

Senate File 2097

Senator Horn withdrew the motion to reconsider Senate File 2097, 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, filed by him on February 24, 1992, and found on page 451 of the Senate Journal.

UNFINISHED BUSINESS
(Deferred March 16, 1992)

Senate File 2336

The Senate resumed consideration of Senate File 2336, a bill for an act requiring revocation of motor vehicle licenses for drug offenses and providing an effective date, deferred March 16, 1992.

Senator Dieleman 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. 2336) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer

Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2234

On motion of Senator Sturgeon, Senate File 2234, a bill for an act relating to grandparent visitation rights, was taken up for consideration.

Senator Jensen offered amendment S—5271 filed by him on March 17, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5271 was adopted by a voice vote.

Senator Sturgeon 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. 2234) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon

Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Lloyd-Jones	Priebe	Soorholtz

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

Senate File 2264

On motion of Senator Sturgeon, Senate File 2264, a bill for an act relating to the procedure for bringing appeals by parties in certain post-conviction actions, was taken up for consideration.

Senator Sturgeon 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. 2264) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Lloyd-Jones	Peterson	Soorholtz

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

Senate File 2265

On motion of Senator Sturgeon, Senate File 2265, a bill for an act relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications, was taken up for consideration.

Senator Sturgeon 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. 2265) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 3:

Lloyd-Jones	Palmer	Soorholtz

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to immediately message the following bills to the House:

Senate Files 2097, 2233, 2234, 2264, 2265 and 2336.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Regular Calendar be referred to committee:

S.F.	2225	Local Government
S.F.	2334	Small Business/Economic Development

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2267

On motion of Senator Running, Senate File 2267, a bill for an act relating to prohibited practices by private and public employers and making penalties applicable, was taken up for consideration.

Senator Running asked and received unanimous consent to take up amendment S—5261.

Senator Running offered amendment S—5257 filed by him on March 16, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5257 was adopted by a voice vote.

Senator Fuhrman offered amendment S—5261 filed by him from the floor to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5261 be adopted?" (S.F. 2267) the vote was:

Ayes, 21:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kramer	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Nays, 27:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Lind	Miller
Murphy	Palmer	Peterson	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

Amendment S—5261 lost.

Senator Running 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. 2267) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Lind	Miller
Murphy	Palmer	Peterson	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 21:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kramer	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

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

UNFINISHED BUSINESS
(Deferred March 16, 1992)

Senate File 2271

The Senate resumed consideration of Senate File 2271, a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures, deferred March 16, 1992.

Senator Hannon asked and received unanimous consent to withdraw amendment S—5255 filed by Senators Hannon and Szymoniak on March 16, 1992, to page 1 of the bill.

Senator Palmer 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. 2271) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 2:

Hedge	Kramer

Absent or not voting, 4:

Hester	Lloyd-Jones	Pate	Soorholtz

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2323

On motion of Senator Sturgeon, Senate File 2323, a bill for an act relating to the prevention of the transmission of HIV or the hepatitis B virus to patients, providing penalties, and providing for a repeal, was taken up for consideration.

Senator Sturgeon 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. 2323) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hester	Lloyd-Jones	Soorholtz

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

Senate File 2266

On motion of Senator Sturgeon, Senate File 2266, a bill for an act relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property

involved in order to commit various degrees of these offenses, was taken up for consideration.

Senator Sturgeon 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. 2266) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

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

Senate File 2282

On motion of Senator Sorensen, Senate File 2282, a bill for an act defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Sorensen 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. 2282) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

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

Senate File 2309

On motion of Senator McLaren, Senate File 2309, a bill for an act requiring an agricultural chemical dealer site contamination study, making an appropriation, and providing an effective date, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5274 filed by him from the floor to pages 1-4 of the bill and moved its adoption.

Amendment S—5274 lost by a voice vote.

Senator McLaren 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. 2309) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Vande Hoef
Varn	Welsh		

Nays, 1:

Rosenberg

Voting present, 1:

Tinsman

Absent or not voting, 2:

Lloyd-Jones Soorholtz

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

Senate File 2137

On motion of Senator Jensen, Senate File 2137, a bill for an act relating to motor vehicle certificates of title, by eliminating component part reviews and rebuilt designations, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, and creating a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Jensen asked and received unanimous consent to withdraw amendment S—5228 filed by Senators Jensen, et al., to pages 1-3, 7-8 and to the title page of the bill.

Senator Jensen offered amendment S—5236 filed by Senators Jensen, et al., on March 13, 1992, to pages 1-3, 7-8 and to the title page of the bill and moved its adoption.

Amendment S—5236 was adopted by a voice vote.

Senator Jensen 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. 2137) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Lloyd-Jones Soorholtz

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 Hutchins asked and received unanimous consent to immediately message the following bills to the House:

Senate Files 2137, 2266, 2267, 2271, 2282 and 2323.

MOTION TO RECONSIDER LOST

Senate File 2236

Senator Running called up the motion to reconsider Senate File 2236, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve, filed by him on March 12, 1992, found on page 750 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2236) the vote was:

Ayes, 9:

Boswell	Gronstal	Hannon	Hutchins
Kramer	Riordan	Szymoniak	Tinsman
Varn			

Nays, 39:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kibbie	Kinley	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Taylor
Tieden	Vande Hoef	Welsh	

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

The motion lost.

The motion to reconsider the vote by which Senate File 2236 passed the Senate on March 11, 1992, filed by Senator Hannon on March 12, 1992, and found on page 729 of the Senate Journal, was out of order.

Amendment S—5249 filed by Senators Hannon, Szymoniak and Lloyd-Jones on March 16, 1992, to page 1 of Senate File 2236, was out of order.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2346

On motion of Senator Gettings, Senate File 2346, a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date, was taken up for consideration.

Senator Fraise offered amendment S—5246 filed by him on March 16, 1992, to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 31, nays 12.

Amendment S—5246 was adopted.

Senator Dieleman offered amendment S—5254 filed by him on March 16, 1992, to page 3 and the title page of the bill.

Senator Lind raised the point of order that amendment S—5254 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5254 out of order.

Senator Gettings 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. 2346) the vote was:

Ayes, 41:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 7:

Borlaug	Kersten	Lind	McLaren
Pate	Rife	Taylor	

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 2346** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2350, by committee on Ways and Means, a bill for an act relating to supplemental disproportionate share payments for medical assistance to qualifying hospitals and providing an effective date.

Read first time and **placed on Ways and Means Calendar.**

Senate File 2351, by committee on Appropriations, a bill for an act relating to state budget and financial control by requiring certain financial practices.

Read first time and **placed on Appropriations Calendar.**

APPENDIX

STUDY BILLS RECEIVED

SSB 2284 Appropriations

Relating to state budget and financial control by requiring certain financial practices.

SSB 2285 Ways & Means

Providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 17, 1992, when the votes were taken on the confirmation of Jack Nystrom as Director of the Department of Commerce and Diana Lynn Stewart to the Commission on the Status of Women.

Had I been present, I would have voted "aye".

H. KAY HEDGE

SUBCOMMITTEE ASSIGNMENTS

Senate File 2249

WAYS AND MEANS: Dieleman, Chair; Rosenberg and Taylor

House File 150

COMMERCE: Deluhery, Chair; Doyle, Fuhrman, Priebe and Slife

House File 2158

COMMERCE: Varn, Chair; Doyle, Gettings, Jensen and Slife

House File 2368

TRANSPORTATION: Connolly, Chair; Kersten and Kinley

House File 2401

WAYS AND MEANS: Szymoniak, Chair; Hedge and Rosenberg

House File 2413

TRANSPORTATION: Fraise, Chair; Kinley and Slife

SSB 2284

APPROPRIATIONS: Varn, Chair; Boswell, Lind, Szymoniak and Tieden

SSB 2285

WAYS AND MEANS: Fraise, Chair; Drake and Murphy

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2351 (LSB 6270), a bill for an act relating to state budget and financial control by requiring certain financial practices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boswell, Husak, Buhr, Gettings, Peterson, Rensink, Riordan, Rosenberg, Szymoniak, Varn and Welsh. Nays, 9: Tieden, Connolly, Hagerla, Kersten, Lind, McLaren, Pate, Running and Tinsman. Absent or not voting, 1: Lloyd-Jones.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2350 (SSB 2283), a bill for an act relating to supplemental disproportionate share payments for medical assistance to qualifying hospitals.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2350 and they were attached to the committee report.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.F.	2349	Ways and Means
H.F.	2289	Education
H.F.	2322	Human Resources
H.F.	2323	Natural Resources
H.F.	2335	Education
H.F.	2380	Transportation
H.F.	2394	State Government

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2309 passed the Senate on March 17, 1992.

MICHAEL E. GRONSTAL

AMENDMENTS FILED

S–5268	S.F.	2345	Don Gettings
S–5269	S.F.	2316	Elaine Szymoniak Al Sturgeon
S–5270	S.F.	2072	Richard Varn Linn Fuhrman
S–5271	S.F.	2234	John Jensen
S–5272	S.F.	2316	Linn Fuhrman
S–5273	S.F.	2345	Eugene Fraise
S–5274	S.F.	2309	Ralph Rosenberg
S–5275	S.F.	2284	Sheldon Rittmer
S–5276	S.F.	2295	Richard Running Jim Riordan Allen Borlaug
S–5277	S.F.	2348	Donald V. Doyle

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:50 p.m., until 9:00 a.m., Wednesday, March 18, 1992.

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 18, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Paul R. Axness, pastor of the Luther Memorial Church, Des Moines, Iowa.

The Journal of Tuesday, March 17, 1992, was approved.

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 March 16, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2101, a bill for an act relating to procedures for the provision of water services within two miles of a city.

Senate File 2219, a bill for an act relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies.

ALSO: That the House has on March 16, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2244, a bill for an act relating to notice requirements for hearings on the vacation and closing of roads or railroad crossings.

This bill was read first time and **passed on file.**

House File 2259, a bill for an act relating to placement of political yard signs on agricultural land.

This bill was read first time and **passed on file.**

House File 2299, a bill for an act relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation, or certification in a comprehensive plan to operate a sanitary disposal project.

This bill was read first time and **passed on file.**

House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty.

This bill was read first time and **passed on file.**

House File 2399, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

This bill was read first time and **passed on file.**

House File 2414, a bill for an act relating to the procedures for city development.

This bill was read first time and **passed on file.**

House File 2426, a bill for an act relating to the licensing and inspection of radiation machines used for mammography and providing an applicability date.

This bill was read first time and **passed on file.**

House File 2429, a bill for an act relating to the care of animals and providing a penalty.

This bill was read first time and **passed on file.**

House File 2443, a bill for an act making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he arrives on request of Senator Fuhrman.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2014** be referred from the Regular Calendar to the committee on **Judiciary**.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2300

Senator Murphy withdrew the motion to reconsider Senate File 2300, a bill for an act relating to the department of corrections, its programs, procedures, and facilities, filed by him on March 10, 1992, and found on page 715 of the Senate Journal.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2196

On motion of Senator Boswell, Senate File 2196, a bill for an act requiring sale of the state aircraft pool and providing an appropriation and an effective date, was taken up for consideration.

Senator Boswell 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. 2196) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen

Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, 2:

Kinley	Welsh

Absent or not voting, 2:

McLaren	Running

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

CONSIDERATION OF BILL
(Regular Calendar)

House File 2136

On motion of Senator Fraise, House File 2136, a bill for an act relating to the designated route of interstate 80, with report of committee recommending passage, was taken up for consideration.

Senator Riordan took the chair at 9:41 a.m.

Senator Fraise 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. 2136) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2196** and **House File 2136** be **immediately messaged** to the House.

Senator Kinley took the chair at 9:48 a.m.

MOTION TO RECONSIDER ADOPTED

Senator Riordan called up the motion to reconsider Senate File 2284 filed by him on March 10, 1992, found on page 715 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2284) the vote was:

Ayes, 34:

Boswell	Buhr	Connolly	Deluhery
Fraise	Fuhrman	Gettings	Gronstal
Hannon	Hedge	Horn	Hutchins
Kersten	Kibbie	Kramer	Lind
Miller	Murphy	Palmer	Pate
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 15:

Borlaug	Dieleman	Doyle	Drake
Hagerla	Hester	Husak	Jensen

Kinley	Lloyd-Jones	Peterson	Rensink
Sturgeon	Taylor	Tieden	

Absent or not voting, 1:

McLaren

The motion prevailed.

Senator Riordan moved to reconsider the vote by which Senate File 2284 went to its last reading, which motion prevailed by a voice vote.

Senate File 2284

On motion of Senator Miller, Senate File 2284, a bill for an act relating to the payment of costs associated with a compensation commission's award of damages in a condemnation proceeding, was taken up for reconsideration.

Senator Rittmer offered amendment S—5275 filed by him on March 17, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5275 was adopted by a voice vote.

Senator Miller 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. 2284) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Drake	Fraise	Fuhrman	Gettings
Gronstal	Hannon	Kersten	Kibbie
Kramer	Lind	Miller	Murphy
Palmer	Pate	Rife	Riordan
Rittmer	Rosenberg	Running	Sorensen
Szymoniak	Tinsman	Vande Hoef	

Nays, 26:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Hagerla
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kinley	Lloyd-Jones
Peterson	Priebe	Rensink	Slife
Soorholtz	Sturgeon	Taylor	Tieden
Varn	Welsh		

Absent or not voting, 1:

McLaren

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2300** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2161** be referred from the Regular Calendar to the committee on **Education.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2317

On motion of Senator Varn, Senate File 2317, a bill for an act relating to public access to court records and providing for the Act's applicability, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **Senate File 2317** be **deferred.**

Senate File 2231

On motion of Senator Murphy, Senate File 2231, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information

between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty, was taken up for consideration.

Senator Murphy withdrew amendment S—5126 filed by him on March 3, 1992, to page 3 of the bill.

Senator Murphy offered amendment S—5148 filed by him on March 9, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5148 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that action on **Senate File 2231** be **deferred.**

Senate File 2338

On motion of Senator Dieleman, Senate File 2338, a bill for an act relating to the use of local sales and services tax moneys, was taken up for consideration.

Senator Dieleman 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. 2338) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

Senate File 2342

On motion of Senator Rittmer, Senate File 2342, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date, was taken up for consideration.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2342** be **deferred.**

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 March 16, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2369, a bill for an act authorizing limited liability companies in Iowa and including penalties.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 18, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2407, a bill for an act relating to in-home detention.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:12 a.m., until 3:45 p.m.

APPENDIX

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2097, the following corrections were made:

1. Page 7, line 35, the words and numbers "Sections 200 and 201" were changed to the words and numbers "Sections 8 and 15".

2. Page 8, line 3, the word and numbers "Sections 100, 101," were changed to the word and numbers "Sections 10, 11,".

3. Page 8, line 5, the word and number "Section 101" were changed to the word and number "Section 11".

4. Page 8, line 6, the word and number "section 101" were changed to the word and number "section 11".

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

Senator Tieden welcomed former member of the Senate, Adolph W. Elvers, who served in the Iowa Senate from 1961-1968, who was present in the Senate Chamber.

The Chair welcomed nine twelfth grade students from Monticello High School, Monticello, accompanied by Frank Frostestad. Senator Hannon.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 17, 1992, 8:04 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of House Files 2262 and 2241; recommended passage of House File 2085 as amended; presentation on losses caused by predators by Morris Boswell, Department of

Agriculture; Keith Loynachan, Chariton; Bruce Roose, Keystone; and Jim Collin, Southwestern Community College.

Adjourned: 8:55 a.m.

APPROPRIATIONS

Convened: March 17, 1992, 1:55 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Lloyd-Jones (excused).

Committee Busines: Approved LSB 6270 as a committee bill.

Adjourned: 3:20 p.m.

ETHICS I

Convened: March 4, 1992, 10.15 a.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member, recused).

Committee Business: Approved minutes of February 26, 1992, meeting; public hearing of complaint filed by Senator Jack Rife against Senator Joe Welsh; opening remarks by Chairperson Lloyd-Jones included the statement of charges contained in the complaint, Senator Welsh's response to the charges and a declaration that the purpose of the hearing was to make recommendations concerning the complaint to the full Senate; testimony was presented by the following: Senator Jack Rife, Mr. Serge Garrison, Ms. Mary Maloney, Mr. Tom Miller and Senator Joe Welsh.

Adjourned: 4:45 p.m.

ETHICS I

Convened: March 5, 1992, 9:19 a.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member, recused).

Committee Business: Testimony was presented by the following: Mr. Cal Hultman, Mr. Lowell Junkins, Mr. Jack Dwyer, Senator Hannon, Senator Connolly, Mr. Jim Boose, Mr. John Cacciatore, Mr. Greg Nichols and Senator Joe Welsh; Chairperson Lloyd-Jones ruled without objection by the committee that her own testimony and the testimony of Senator Kramer were outside the scope of relevant testimony which could be presented to Senate Ethics Committee I; a stipulation concerning testimony by Mr. David Lyons, Commissioner of Insurance for the State of Iowa was read by Mr. Wiggins; a deposition by Mr. Michael Fitzgerald, Treasurer of State, was read into the record.

Adjourned: 6:20 p.m.

ETHICS I

Convened: March 6, 1992, 10:50 a.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member, recused).

Committee Business: Committee voted unanimously to adopt the committee's findings of fact prepared by Senator Jean Lloyd-Jones and the Legislative Service Bureau, as amended by the committee; the committee voted unanimously to adopt a resolution, as amended by the committee, relating to the disposition of the complaint filed by Senator Jack Rife against Senator Joe Welsh.

Adjourned: 12:20 p.m.

WAYS AND MEANS

Convened: March 17, 1992, 11:14 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor.

Members Absent: Palmer (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 2269; returned Senate File 2316 to the Senate Calendar without recommendation; amended SSB 2283 and sent to the Senate Calendar without recommendation.

Adjourned: 11:45 a.m.

COMMITTEE REPORTS

COMMERCE

Final Bill Action: HOUSE FILE 2374, a bill for an act relating to reciprocal license fees for nonresident insurance agents.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Jensen, Lind, Palmer, Priebe, Sturgeon and Tieden. Nays, none. Absent or not voting, 3: Gronstal, Kerten and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5287.

Final Vote: Ayes, 17: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, Murphy, Pate, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 3: McLaren, Priebe and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 117

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Riordan, Chair; Hannon and Rittmer

Senate File 2334

SMALL BUSINESS AND ECONOMIC DEVELOPMENT: Riordan, Chair; Kramer and Running

House File 2205

ENVIRONMENT AND ENERGY UTILTIES: Hannon, Chair; Jensen and Sorensen

House File 2322

HUMAN RESOURCES: Szymoniak, Chair; Buhr and Taylor

House File 2359

ENVIRONMENT AND ENERGY UTILTIES: Rosenberg, Chair; Hedge and Miller

House File 2370

HUMAN RESOURCES: Riordan, Chair; Hannon and Rittmer

House File 2374

COMMERCE: Gettings, Chair; Doyle, Varn, Jensen and Slife

House File 2380

TRANSPORTATION: Lloyd-Jones, Chair; Kinley and Slife

House File 2385

ENVIRONMENT AND ENERGY UTILITIES: Sorensen, Chair; Borlaug and Fraise

House File 2394

STATE GOVERNMENT: Welsh, Chair; Dieleman, Horn, Kramer and Soorholtz

House File 2396

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Jensen

AMENDMENTS FILED

S–5278	S.F.	2316	Ralph Rosenberg
S–5279	S.F.	2250	Jim Riordan
S–5280	S.F.	2329	Richard Varn
S–5281	S.F.	2244	John Kibbie Wilmer Rensink Richard Vande Hoef Leonard Boswell
S–5282	S.F.	2316	Elaine Szymoniak Al Sturgeon
S–5283	S.F.	2250	Larry Murphy
S–5284	S.F.	2294	Jim Riordan

			Maggie Tinsman
S—5285	S.F.	2046	Eugene Fraise
S—5286	S.F.	2307	Richard Varn
S—5287	H.F.	2292	State Government
S—5288	S.F.	2302	Ralph Rosenberg
S—5289	S.F.	2302	Ralph Rosenberg
S—5290	S.F.	2348	Ralph Rosenberg
			Richard Varn

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2338** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred March 17, 1992)

Senate File 2244

The Senate resumed consideration of Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations, amendment S—5221 by Senators Priebe, et al., to strike everything after the enacting clause and to the title page of the bill, and amendment S—5258 by Senator Kibbie to amendment S—5221, deferred March 17, 1992.

Senator Kibbie withdrew amendment S—5258 to pages 1-6 of amendment S—5221.

Senator Kibbie offered amendment S—5281 filed by Senators Kibbie, et al., from the floor to pages 1-6 of amendment S—5221.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the day on request of Senator Rife.

BUSINESS PENDING

Senate File 2244

The Senate resumed consideration of Senate File 2244.

Senator Kibbie moved the adoption of amendment S—5281 to pages 1-6 of amendment S—5221 and requested a record roll call.

On the question "Shall amendment S—5281 to amendment S—5221 be adopted?" (S.F. 2244) the vote was:

Ayes, 8:

Boswell	Fuhrman	Gettings	Gronstal
Kibbie	Miller	Rensink	Vande Hoef

Nays, 41:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Varn
Welsh			

Absent or not voting, 1:

Taylor

Amendment S—5281 lost.

Senator Priebe moved the adoption of amendment S—5221, which motion prevailed by a voice vote.

With the adoption of amendment S—5221, the Chair ruled amendment S—5169 filed by Senator Kibbie on March 10, 1992, to pages 1 and 2 of the bill, out of order.

Senator Priebe 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. 2244) the vote was:

Ayes, 43:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 6:

Boswell	Fuhrman	Gettings	Kibbie
Rensink	Vande Hoef		

Absent or not voting, 1:

Taylor

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

Senator Husak took the chair at 4:51 p.m.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2309

Senator Gronstal withdrew the motion to reconsider Senate File 2309, a bill for an act requiring an agricultural chemical dealer site contamination study, making an appropriation, and providing an effective date, filed by him on March 17, 1992, and found on page 829 of the Senate Journal.

President Gronstal took the chair at 4:53 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Pate for the remainder of the day on request of Senator Rife.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2294

On motion of Senator Szymoniak, Senate File 2294, a bill for an act authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division, was taken up for consideration.

Senator Riordan offered amendment S—5284 filed by Senators Riordan and Tinsman from the floor to page 4 of the bill and moved its adoption.

Amendment S—5284 was adopted by a voice vote.

Senator Hagerla offered amendment S—5296 filed by him from the floor to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5296 be adopted?" (S.F. 2294) the vote was:

Ayes, 22:

Borlaug	Boswell	Drake	Fuhrman
Hagerla	Hedge	Hester	Hutchins
Jensen	Kersten	Kramer	Lind
McLaren	Palmer	Rensink	Rife
Rittmer	Slife	Soorholtz	Tieden
Tinsman	Vande Hoef		

Nays, 26:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Absent or not voting, 2:

Pate	Taylor

Amendment S—5296 lost.

Senator Szymoniak 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. 2294) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Hagerla Kersten

Absent or not voting, 2:

Pate Taylor

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

BUSINESS PENDING

Senate File 2231

The Senate resumed consideration of Senate File 2231, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse

investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty, previously deferred.

Senator Murphy 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. 2231) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Pate	Taylor

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

BUSINESS PENDING

Senate File 2342

The Senate resumed consideration of Senate File 2342, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date, previously deferred.

Senator Husak asked and received unanimous consent that action on **Senate File 2342** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2295

On motion of Senator Running, Senate File 2295, a bill for an act relating to the Iowa small business new jobs training program and the Iowa retraining program, was taken up for consideration.

Senator Running offered amendment S—5276 filed by Senators Running, Riordan and Borlaug on March 17, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5276 was adopted by a voice vote.

Senator Running 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. 2295) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Pate Taylor

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

Senate File 2298

On motion of Senator Vande Hoef, Senate File 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Vande Hoef 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. 2298) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Vande Hoef
Varn	Welsh		

Nays, 1:

Tinsman

Absent or not voting, 3:

Lind	Pate	Taylor

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

Senate File 2331

On motion of Senator Sturgeon, Senate File 2331, a bill for an act relating to burglary and establishing penalties, was taken up for consideration.

Senator Sturgeon offered amendment S—5292 filed by Senators Sturgeon and Fuhrman from the floor to strike everything after the enacting clause of the bill.

Senator Fuhrman offered amendment S—5297 filed by him from the floor to amendment S—5292 and moved its adoption.

Amendment S—5297 was adopted by a voice vote.

Senator Sturgeon moved the adoption of amendment S—5292 as amended, which motion prevailed by voice vote.

Senator Sturgeon 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. 2331) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Pate Taylor

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

Senate File 2256

On motion of Senator Sorensen, Senate File 2256, a bill for an act relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of administrative

law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings, was taken up for consideration.

Senator Sorensen offered amendment S—5199 filed by him on March 12, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5199 was adopted by a voice vote.

Senator Sorensen offered amendment S—5200 filed by him on March 12, 1992, to page 6 of the bill and moved its adoption.

Amendment S—5200 was adopted by a voice vote.

Senator Lind asked and received unanimous consent that action on **Senate File 2256** be **deferred.**

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to immediately message the following bills to the House:

Senate Files 2331, 2244, 2309, 2294, 2231, 2295 and 2298.

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 March 16, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2272, a bill for an act relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the Act's applicability.

APPENDIX

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE RESOLUTION 103, a resolution relating to the designation of October 14, 1992, as W. William Edwards Deming Day.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink and Slife. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2214, a bill for an act relating to an insurance division study regarding legal burdens imposed on employers related to workers' compensation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink and Slife. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: SENATE CONCURRENT RESOLUTION 117, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Riordan, Hannon, Borlaug, Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2334, a bill for an act relating to unfair and discriminatory practices in employment of persons with disabilities.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5294.

Final Vote: Ayes, 12: Riordan, Hannon, Borlaug, Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ANNOUNCEMENT OF APPOINTMENT

President Gronstal announced the following appointment:

IPERS Advisory Board
Code 97B.8

Senator Jack Kibbie, 3/18/92 - 6/30/93.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2244	Transportation
H.F.	2259	State Government
H.F.	2299	Environment & Energy Utilities
H.F.	2369	Judiciary
H.F.	2382	Natural Resources
H.F.	2399	Human Resources
H.F.	2407	Judiciary
H.F.	2414	Local Government
H.F.	2426	Human Resources
H.F.	2429	Agriculture

AMENDMENTS FILED

S—5291	S.F.	2250	Larry Murphy
S—5292	S.F.	2331	Al Sturgeon Linn Fuhrman
S—5293	S.F.	2347	Berl Priebe
S—5294	S.F.	2334	Small Business & Economic Development
S—5295	S.F.	2350	William Dieleman

S—5296	S.F.	2294	Mark Hagerla
S—5297	S.F.	2331	Linn Fuhrman
S—5298	S.F.	2351	Mike Connolly
			Wally E. Horn
			Jim Kersten
			Dale Tieden
			John Kibbie
			Richard Drake
S—5299	S.F.	2256	Jim Lind
S—5300	S.F.	2342	Emil Husak
S—5301	S.F.	2302	Ralph Rosenberg
S—5302	S.F.	2302	Ralph Rosenberg

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:00 p.m., until 9:00 a.m., Thursday, March 19, 1992.

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 19, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Craig Johnson, pastor of the First Evangelical Free Church, Boone, Iowa.

The Journal of Wednesday, March 18, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Pate for the remainder of the week on request of Senator Borlaug; Senator Taylor for the day on request of Senator Rife and Senator Soorholtz until he arrives on request of Senator Rife.

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 March 17, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2216, a bill for an act relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date.

Senate File 2221, a bill for an act providing for the composition of the renewable fuel advisory committee.

ALSO: That the House has on March 17, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2424, a bill for an act relating to the limitations on the use of the customer contribution fund.

This bill was read first time and **passed on file.**

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

March 15, 1992

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Mr. Dwyer:

Janice M. Johnson of Waverly, has resigned her position as a member of the Small Business Advisory Council effective immediately. Therefore, pursuant to Iowa Code Section 2.32(4) (1991) the appointment of a member to fill this position has been deferred because no candidate has been selected at this time.

ALSO:

Pursuant to Iowa Code Section 2.32(4) (1991) the appointments for the State Foster Care Review Board are being deferred pending the uncertain status of this board.

Sincerely,
TERRY E. BRANSTAD
Governor

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointee on the En Bloc Confirmation Calendar:

Bonnie B. Dull as a member of the Commission on Community Action Agencies.

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

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

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Lind	Pate	Running	Soorholtz
Taylor			

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2269

On motion of Senator Rosenberg, House File 2269, a bill for an act relating to the collection and administration of taxes, special assessments, and various rates and charges and providing applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg 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. 2269) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Lind	Pate	Running	Soorholtz
Taylor			

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

UNFINISHED BUSINESS
(Deferred March 10, 1992)

Senate File 2209

The Senate resumed consideration of Senate File 2209, a bill for an act relating to viable water systems, deferred March 10, 1992.

Senator Deluhery 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. 2209) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Lind	Pate	Running	Soorholtz
Taylor			

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

UNFINISHED BUSINESS
(Deferred March 10, 1992)

Senate File 2222

The Senate resumed consideration of Senate File 2222, a bill for an act authorizing the licensing of video lottery games in a county after a favorable referendum, deferred March 10, 1992.

Senator Fuhrman offered amendment S—5176 filed by Senators Fuhrman, Taylor and Dieleman on March 10, 1992, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5176 be adopted?" (S.F. 2222) the vote was:

Ayes, 28:

Borlaug	Boswell	Connolly	Dieleman
Drake	Fuhrman	Gettings	Gronstal
Hannon	Hedge	Hester	Jensen
Kramer	Lloyd-Jones	McLaren	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn

Nays, 18:

Buhr	Deluhery	Doyle	Fraise
Hagerla	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Miller
Murphy	Palmer	Rife	Running
Sturgeon	Welsh		

Absent or not voting, 4:

Lind	Pate	Soorholtz	Taylor

Amendment S—5176 was adopted.

With the adoption of amendment S—5176, the Chair ruled amendment S—5267 filed by Senator Doyle on March 17, 1992, to pages 1 and 2 of the bill, out of order.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2222** be **deferred.**

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 2269** and **Senate File 2209** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Peterson until he returns on request of Senator Hutchins.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2351

On motion of Senator Varn, Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices, was taken up for consideration.

President pro tempore Lloyd-Jones took the chair at 10:10 a.m.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2351** be **deferred.**

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 March 13, 1992, passed the following bill in which the concurence of the Senate is asked:

House File 2428, a bill for an act relating to including out-of-state liquor, wine, or beer licensees or permittees in Iowa's dramshop Act.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 17, 1992, passed the following bills in which the concurence of the Senate is asked:

House File 2341, a bill for an act relating to public nuisances, by providing for the classification of county and municipal infractions.

This bill was read first time and **passed on file.**

House File 2375, a bill for an act relating to authorizing deductibles for policies of insurance providing workers' compensation coverage.

This bill was read first time and **passed on file.**

House File 2418, a bill for an act relating to the procedures of the department of personnel regarding grievance and discipline resolution, departmental records, and the deferred compensation program for governmental employees.

This bill was read first time and **passed on file.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 118, by Welsh and Connolly, a concurrent resolution to honor pharmacist Robert J. Osterhaus of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association.

Read first time and **passed on file.**

COMMUNICATIONS FROM THE GOVERNOR

The following communications from the Governor were presented:

Mr. John Dwyer
Secretary of the Senate
State Capitol Building
LOCAL

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration the following Governor's appointees as members of state boards, departments and commissions pursuant to 1991 Code of Iowa sections and 1991 Iowa Code Supplement sections:

February 11, 1992

William B. Trent, Jr., Muscatine, Muscatine County, for appointment to the Iowa Economic Development Board pursuant to Section 15.103 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

February 14, 1992

Gretchen H. Tegeler, Des Moines, Polk County, for appointment as the Director of the Department of Management pursuant to Section 8.4 for a term beginning immediately and to serve at the pleasure of the Governor.

March 15, 1992

To the Accountancy Examining Board pursuant to Section 116.3 for terms beginning May 1, 1992, and ending April 30, 1995:

John Cain, Sheldon, O'Brien County, for reappointment; Jean E. Kruse, Cedar Rapids, Linn County, for appointment and Dorothy L. Votroubek, Davenport, Scott County, for reappointment.

Dale L. Renaud, Bondurant, Polk County, for reappointment as Administrator of the Division of Veterans Affairs pursuant to Section 35A.8. Upon reconfirmation, Dale L. Renaud will continue to serve at the pleasure of the Governor, subject to reconfirmation during the 1996 session of the General Assembly.

For reappointment to the Agricultural Development Authority pursuant to Section 175.3 for terms beginning May 1, 1992, and ending April 30, 1998:

Mark Leonard, Holstein, Ida County; Lois Schnoor, Maquoketa, Jackson County and Sharon Sievers, Des Moines, Polk County.

Edward F. Seitzinger, Des Moines, Polk County, for reappointment to the Alcoholic Beverages Commission pursuant to Section 123.5 for a term beginning May 1, 1992, and ending April 30, 1997.

For appointment to the Architectural Examining Board for terms beginning May 1, 1992, and ending April 30, 1995:

Carolyn E. Olsen, Minden, Pottawattamie County, and Norman H. Rudi, Ames, Story County.

Alan L. Thompson, Ames, Story County, for appointment to the Barber Examining Board pursuant to Section 147.14(1) for a term beginning May 1, 1992, and ending April 30, 1995:

For reappointment to the Board of Behavioral Science Examiners pursuant to Section 147.14(13) for terms beginning May 1, 1992, and ending April 30, 1995:

Mary M. Conway, Emmetsburg, Palo Alto County; Janelle Cowles, Des Moines, Polk County, and Stanton L. Visser, Rock Valley, Sioux County.

For appointment to the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Section 154A.2 for terms beginning May 1, 1992, and ending April 30, 1995:

Ronald G. Richer, Urbandale, Polk County, and Elmer G. Stockdale, Iowa Falls, Hardin County.

To the Board of Nursing Examiners pursuant to Section 147.14(3) for terms beginning May 1, 1992, and ending April 30, 1995:

Regene L. Osborne, Sioux City, Woodbury County, for appointment and Guy Richardson, Jefferson, Greene County, for reappointment.

Kittie D. Weston-Knauer, Des Moines, Polk County, for appointment to the Board of Parole pursuant to Section 904A.3 for a term beginning May 1, 1992, and ending April 30, 1996.

For reappointment to the Board of Physician Assistant Examiners pursuant to Section 147.14(2) for terms beginning May 1, 1992, and ending April 30, 1995:

Dr. Robert Carleton, Morning Sun, Louisa County, and Elizabeth A. Coyte, Redfield, Dallas County.

Ronald C. Evans, DC, Waukee, Dallas County, for reappointment to the Chiropractic Examining Board pursuant to Section 147.14(8) for a term beginning May 1, 1992, and ending April 30, 1995.

Beverly Ann Everson, Shell Rock, Butler County, for appointment to the City Development Board pursuant to Section 368.9 for a term beginning May 1, 1992, and ending April 30, 1998.

John C. Wellman, Des Moines, Polk County, for reappointment to the Commission for the Blind pursuant to Section 601L.2 for a term beginning May 1, 1992, and ending April 30, 1995:

For reappointment to the Commission of Elder Affairs pursuant to Section 249D.11 for terms beginning May 1, 1992, and ending April 30, 1996:

Vennetta M. Fiedler, Spencer, Clay County, and Marguerite E. Stockstad, Dunlap, Harrison County.

For reappointment to the Commission on Community Action Agencies pursuant to Section 601K.92A for terms beginning May 1, 1992, and ending April 30, 1995:

Lois H. Eichacker, Ft. Madison, Lee County; Merl L. McFarlane, Oelwein, Fayette County, and Stephanie A. Stebens, Davenport, Scott County.

For appointment to the Commission on the Deaf pursuant to Section 601K.112 for terms beginning May 1, 1992, and ending April 30, 1995:

Kim N. Kischer-Larson, Cedar Falls, Black Hawk County and Marvin W. Tuttle, Sr., Des Moines, Polk County.

To the Commission on the Status of African-Americans pursuant to Section 601K.142 for terms beginning May 1, 1992, and ending April 30, 1996:

Gerald L. Fields, Sioux City, Woodbury County, for reappointment; Ronald N. Langston, Des Moines, Polk County, for appointment; Ada E. Tredwell, Waterloo, Black Hawk County, for reappointment; Maude E. White, Des Moines, Polk County, for reappointment and LaMetta K. Wynn, Clinton, Clinton County, for appointment.

For reappointment to the Commission on the Status of Women pursuant to Section 601K.52 for terms beginning May 1, 1992, and ending April 30, 1996:

Naomi L. Christensen, Hastings, Mills County; Michael D. Montgomery, Knoxville, Marion County; Mark H. Snell, Clear Lake, Cerro Gordo, County; Diana Lynn Stewart, Oelwein, Fayette County, and George L. Stigler, Waterloo, Black Hawk County.

Susanne E. Wolrab, Cedar Rapids, Linn County, for appointment to the Cosmetology Examining Board pursuant to Section 147.14(1) for a term beginning May 1, 1992, and ending April 30, 1995.

For reappointment to the Credit Union Review Board pursuant to Section 533.53 for terms beginning May 1, 1992, and ending April 30, 1995:

Marcia J. Benit, Spirit Lake, Emmet County, and Barbara A. Nixon, Fairfield, Jefferson County.

To the Dental Examining Board pursuant to Section 147.14(4) for terms beginning May 1, 1992, and ending April 30, 1995:

Jerry C. Prahl, D.D.S., Sioux City, Woodbury County, for reappointment; James A. Raecker, D.D.S., Waterloo, Black Hawk County, for reappointment and Dr. Fred Albert Riddle, Jr., Iowa City, Johnson County, for appointment.

Margaret B. Tait, Ames, Story County, for appointment to the Dietetic Examining Board pursuant to Section 147.14(11) for a term beginning May 1, 1992, and ending April 30, 1995.

William L. Lepley, Des Moines, Polk County, for reappointment as the Director of the Department of Education pursuant to Section 256.8. Upon reconfirmation, Dr. Lepley will continue to serve at the pleasure of the Governor, subject to reconfirmation during the 1996 session of the General Assembly.

Charles H. Sweeney, Des Moines, Polk County, for reappointment as Director of the Department of Inspections and Appeal pursuant to Section 10A.102. Upon reconfirmation, Mr. Sweeney will continue to serve at the pleasure of the Governor, subject to reconfirmation during the 1996 session of the General Assembly.

Inga Bumbary-Langston, Des Moines, Polk County, for reappointment as Director of the Iowa State Civil Rights Commission pursuant to Section 601A.3.

This appointment was due for reconfirmation during the 1991 General Assembly, but was deferred because Ms. Bumbary-Langston was on leave of absence. Therefore, upon reconfirmation, Ms. Bumbary-Langston will continue to serve at the pleasure of the Governor, subject to reconfirmation during the 1995 session of the General Assembly.

Philip Smith, Bowie, Maryland, for reappointment as Director of the Office for State-Federal Relations pursuant to Section 7F.1. Upon reconfirmation, Mr. Smith will continue to serve at the pleasure of the Governor, subject to reconfirmation during the 1996 session of the General Assembly.

James A. Althaus, Des Moines, Polk County, for reappointment to the Employment Appeal Board pursuant to Section 10A.601 for a term beginning May 1, 1992, and ending April 30, 1998.

To the Engineering and Land Surveying Examining Board pursuant to Section 114.3 for terms beginning May 1, 1992, and ending April 30, 1995:

Dwayne C. Garber, Beaman, Marshall County, for appointment and Cheryl J. Richardson, Waukee, Dallas County, for reappointment.

For reappointment to the Indigent Defense Advisory Commission pursuant to Section 13B.2A for terms beginning May 1, 1992, and ending April 30, 1995:

The Honorable Carlynn D. Grupp, Mason City, Cerro Gordo County; the Honorable A. Patricia Houlihan, Des Moines, Polk County, and Richard P. TeKippe, New Hampton, Chickasaw County.

Paul J. Frank, Oelwein, Buchanan County, for reappontment to the Investment Board of the IPERS pursuant to Section 97B.8 for a term beginning May 1, 1992, and ending April 30, 1998.

For appointment to the Iowa Board of Veterinary Medicine pursuant to Section 169.5 for terms beginning May 1, 1992, and ending April 30, 1995:

Donald R. Jacobi, DVM, Harlan, Shelby County, and Norma D. Lyon, Toledo, Tama County.

For appointment to the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board pursuant to Section 455G.4:

Bruce G. Kelley, Des Moines, Polk County, for a term beginning immediately and ending April 30, 1993, and Cathy A. Rottinghaus, Cedar Falls, Black Hawk County, for a term beginning immediately and ending April 30, 1995.

For reappointment to the Iowa Economic Development Board pursuant to Section 15.103 for terms beginning May 1, 1992, and ending April 30, 1996:

William C. Metz, Sioux City, Woodbury County, and Joan Y. Phillips, Manning, Carroll County.

Cindy Raspiller, Cedar Rapids, Linn County, for reappointment to the Iowa Emergency Response Commission pursuant to Section 30.2 for a term beginning May 1, 1992, and ending April 30, 1995.

For reappointment to the Iowa Grain Indemnity Fund Board pursuant to Section 543A.4 for terms beginning May 1, 1992, and ending April 30, 1995:

Terry Evans, Corning, Adams County, and Bruce A. Yungclas, Webster, Hamilton County.

Judith B. Nye, Cedar Rapids, Linn County, for reappointment to the Iowa Higher Education Loan Authority pursuant to Section 261A.5 for a term beginning May 1, 1992, and ending April 30, 1998.

For reappointment to the Iowa Law Enforcement Academy Council pursuant to Section 80B.6 for terms beginning May 1, 1992, and ending April 30, 1996:

Marda M. Howard, New Virginia, Warren County, and Dana R. Peterson, West Des Moines, Polk County.

Richard P. Sulzbach, Sioux City, Woodbury County, for reappointment to the Iowa Lottery Board pursuant to Section 99E.5 for a term beginning May 1, 1992, and ending April 30, 1996.

Joseph H. Harper, Blue Grass, Scott County, for reappointment to the Iowa Railway Finance Authority pursuant to Section 307B.6 for a term beginning May 1, 1992, and ending April 30, 1998.

Jeffrey W. Courter, Des Moines, Polk County, for appointment to the Iowa State Civil Rights Commission pursuant to Section 601A.3 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

Jacqueline K. Thompson, Ottumwa, Wapello County, for appointment to the Job Service Advisory Council pursuant to Section 96.11 to fulfill an unexpired term beginning immediately and ending April 30, 1993.

For reappointment to the Landscape Architectural Examining Board pursuant to Section 118A.3 for terms beginning May 1, 1992, and ending April 30, 1995:

Alfred C. Bohling, Columbus Junction, Louisa County, and Diana E. Hoogestraat, Glenwood, Mills County.

To the Medical Examining Board pursuant to Section 147.14(2) for terms beginning May 1, 1992, and ending April 30, 1995:

James M. Caterine, M.D., Waukee, Dallas County, for appointment; Dr. George G. Spellman, Sr., Sioux City, Woodbury County, for reappointment and Dr. Johanna B. Whalen, Davenport, Scott County, for reappointment.

To the Mental Health and Mental Retardation Commission pursuant to Section 225C.5 for terms beginning May 1, 1992, and ending April 30, 1995:

Eugene T. Chism, Cedar Rapids, Linn County, for appointment; Barbara J. Lips, Fayette, Fayette County for appointment; Jean E. Oxley, Marion, Linn County, for reappointment; Linda W. Rouse, Leon, Decatur County, for appointment and James A. Thomas, Glenwood, Mills County, for reappointment.

James W. Barr, Fort Madison, Lee County, for appointment to the Mortuary Science Examining Board pursuant to Section 147.14(1) for a term beginning May 1, 1992, and ending April 30, 1995.

For appointment to the Optometry Examining Board pursuant to Section 147.14(6) for terms beginning May 1, 1992, and ending April 30, 1995:

Jane F. Ecklund, Jefferson, Greene County, and Dr. Robert H. Sharp, Atlantic, Cass County.

For appointment to the Pharmacy Examining Board pursuant to Section 147.14(5) for terms beginning May 1, 1992, and ending April 30, 1995:

Phyllis A. Miller, Leon, Decatur County, and Ronald B. Reiff, Missouri Valley, Harrison County.

To the Physical and Occupational Therapy Examining Board pursuant to Section 147.14(10) for terms beginning May 1, 1992, and ending April 30, 1995:

Diana R. Brower, St. Ansgar, Mitchell County, for appointment and Ken C. Leo, North Liberty, Johnson County, for reappointment.

Terry K. Lichty, DPM, Waterloo, Black Hawk County, for reappointment to the Podiatry Examining Board pursuant to Section 147.14(1) for a term beginning May 1, 1992, and ending April 30, 1995.

For reappointment to the Prevention of Disabilities Policy Council pursuant to Section 225B.3 for terms beginning May 1, 1992, and ending April 30, 1995:

David A. Olson, Cedar Rapids, Linn County; Jerry D. Stilwell, West Des Moines, Polk County, and Carol A. Watson, Iowa City, Johnson County.

For reappointment to the Psychology Examining Board pursuant to Section 147.14(7) for terms beginning May 1, 1992, and ending April 30, 1995:

Cynthia Marie Lyon, Independence, Buchanan County, and Dr. Dan L. Rogers, Fort Dodge, Webster County.

For reappointment to the Public Employment Relations Board pursuant to Section 20.5 for terms beginning May 1, 1992, and ending April 30, 1996:

David D. Knock, Des Moines, Polk County, and M. Sue Warner, Johnston, Polk County.

For reappointment to the Real Estate Appraiser Examining Board pursuant to Section 117B.4 for terms beginning May 1, 1992, and ending April 30, 1995:

Arthur J. Frahm, Des Moines, Polk County; Patsy A. Hastings, Jefferson, Greene County, and Arne F. Waldstein, Alta, Buena Vista County.

Jerry F. Duggan, Council Bluffs, Pottawattamie County, for reappointment to the Real Estate Commission pursuant to Section 117.8 for a term beginning May 1, 1992, and ending April 30, 1995.

Earl L. Howard, Bloomfield, Davis County, for reappointment to the Respiratory Care Advisory Committee pursuant to Section 135F.13 for a term beginning May 1, 1992, and ending April 30, 1995.

Victoria F. Payseur, West Des Moines, Polk County, for appointment to the School Budget Review Committee pursuant to Section 257.30 for a term beginning May 1, 1992, and ending April 30, 1995.

For reappointment to the Small Business Advisory Council pursuant to Section 15.108(7) for terms beginning May 1, 1992, and ending April 30, 1996:

Doris A. Hansen, Sioux City, Woodbury County, and Robert M. Kreamer, Des Moines, Polk County.

For appointment to the Social Work Examining Board pursuant to Section 147.14(1):

Raymond E. Franklin, Marion, Linn County, to fulfill an unexpired term beginning immediately and ending April 30, 1993; Patricia L. Kelley, Iowa City, Johnson County, for a term beginning May 1, 1992, and ending April 30, 1995, and Kathleen M. Morgan, Des Moines, Polk County, for a term beginning May 1, 1992, and ending April 30, 1995.

For appointment to the Speech Pathology and Audiology Examining Board pursuant to Section 147.14(9) for terms beginning May 1, 1992, and ending April 30, 1995:

Alan K. Heidecker, Sioux Center, Sioux County, and Dorothy L. McKee, Decorah, Winneshiek County.

To the State Board of Education pursuant to Section 256.3:

Carlton W. Callison, Burlington, Des Moines County, for reappointment to a term beginning May 1, 1992, and ending April 30, 1998; Betty L. Dexter, Davenport, Scott County, for reappointment to a term beginning May 1, 1992, and ending April 30, 1998, and Gregory D. McClain, Cedar Falls, Black Hawk County, for appointment to fulfill an unexpired term beginning immediately and ending April 30, 1994.

To the State Board of Examiners for Nursing Home Administrators pursuant to Section 135E.2 for terms beginning May 1, 1992, and ending April 30, 1995:

Warren D. Rippey, Des Moines, Polk County, for reappointment, and Patricia E. Tiarks, Sidney, Fremont County, for appointment.

Richard P. Canella, Fort Madison, Lee County, for reappointment to the State Racing and Gaming Commission pursuant to Section 99D.5 to serve a three-year term at the pleasure of the Governor beginning May 1, 1992, and ending April 30, 1995.

Jack H. Miller, Runnells, Polk County, for reappointment to the State Soil Conservation Committee pursuant to Section 467A.4 for a term beginning May 1, 1992, and ending April 30, 1998.

For appointment to the State Transportation Commission pursuant to Section 307.3 for terms beginning May 1, 1992, and ending April 30, 1996:

Janice M. Johnson, Waverly, Bremer County, and Bonnie L. Vetter, Spencer, Clay County.

To the Wallace Technology Transfer Foundation of Iowa pursuant to Section 28.154 for terms beginning May 1, 1992, and ending April 30, 1996:

Perry J. Chapin, Des Moines, Polk County, for reappointment and Russell W. Teig, Jewell, Hamilton County, for appointment.

Sincerely,
TERRY E. BRANSTAD
Governor

Communications were read first time and referred to committee on **Rules and Administration.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:39 a.m., until 3:45 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 18, 1992, 2:30 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink and Slife.

Members Absent: Taylor (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 2214 and Senate Resolution 103.

Adjourned: 2:45 p.m.

COMMERCE

Convened: March 18, 1992, 1:31 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Jensen, Lind, Palmer, Priebe, Sturgeon and Tieden.

Members Absent: Gronstal (excused), Kersten and Varn.

Committee Business: Recommended passage of House File 2374.

Adjourned: 1:35 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: March 18, 1992, 2:26 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn.

Members Absent: Soorholtz (excused).

Committee Business: Presentation by Gretchen Tegler, DOM, on DNR staffing; recommended passage of Senate File 2290 as amended.

Adjourned: 3:10 p.m.

ETHICS II

Convened: March 12, 1992, 1:30 p.m.

Members Present: Gettings, Chair; Rosenberg, Vice Chair; Slife, Ranking Member; Hedge, Husak and DeKoster (citizen member).

Members Absent: Knutson (citizen member).

Committee Business: That in respect to the complaints filed against Senators Tinsman, Kinley, Kramer, Priebe, Drake and Lloyd-Jones by Senator Welsh, the facts presented and investigation conducted by independent legal counsel, did not support a finding that any further proceedings on the complaints were warranted. The committee therefore dismissed all complaints.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: March 18, 1992, 3:09 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Horn, Murphy, Riordan, Sturgeon, Szymoniak and Tinsman.

Members Absent: Hagerla, Ranking Member; Kramer (excused), Rittmer and Taylor (excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:10 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: March 18, 1992, 1:40 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Pate (excused).

Committee Business: Recommended passage of Senate Concurrent Resolution 117; recommended passage of Senate File 2334 as amended; presentation by the Heartland Seed Capital Fund.

Adjourned: 2:20 p.m.

STATE GOVERNMENT

Convened: March 18, 1992, 11:18 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: McLaren (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of House File 2292 as amended.

Adjourned: 11:44 a.m.

TRANSPORTATION

Convened: March 18, 1992, 3:15 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kinley, Lloyd-Jones and Pate.

Members Absent: Kersten, Slife (excused) and Welsh.

Committee Business: Assigned bills to subcommittees; presentation by the DOT on Amtrack rail and passenger service through central Iowa and Illinois.

Adjourned: 3:52 p.m.

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 his approval on this 19th day of March, 1992:

Senate Files 2272 and 2219.

JOHN F. DWYER
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS

Senate File 2161

EDUCATION: Running, Chair; Deluhery and Rensink

Senate File 2320

EDUCATION: Connolly, Chair; Horn and Tieden

Senate File 2349

WAYS AND MEANS: Szymoniak, Chair; Hester and Palmer

House File 2185

JUDICIARY: Sturgeon, Chair; Pate and Peterson

House File 2244

TRANSPORTATION: Fraise, Chair; Gettings and Jensen

House File 2247

EDUCATION: Horn, Chair; Tinsman and Varn

House File 2256

ENVIRONMENT AND ENERGY UTILITIES: Hannon, Chair; Fraise and Soorholtz

House File 2259

STATE GOVERNMENT: Running, Chair; Drake, Gronstal, Priebe and Soorholtz

House File 2289

EDUCATION: Running, Chair; Deluhery and Kramer

House File 2323

NATURAL RESOURCES: Kibbie, Chair; Dieleman and Tieden

House File 2335

EDUCATION: Horn, Chair; Connolly and Tieden

House File 2344

JUDICIARY: Peterson, Chair; Drake and Miller

House File 2367

EDUCATION: Connolly, Chair; Kibbie and Tieden

House File 2369

JUDICIARY: Varn, Chair; Deluhery and Slife

House File 2382

NATURAL RESOURCES: Rensink, Chair; Riordan and Sturgeon

House File 2407

JUDICIARY: Rosenberg, Chair; Fuhrman and Horn

House File 2414

LOCAL GOVERNMENT: Fraise, Chair; Miller and Vande Hoef

House File 2429

AGRICULTURE: Priebe, Chair; Doyle and Soorholtz

SUBCOMMITTEE ASSIGNMENT
(Reassigned)

Senate File 2225

LOCAL GOVERNMENT: Szymoniak, Chair; Buhr and Jensen

COMMITTEE REPORTS

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: SENATE FILE 2290, a bill for an act relating to the extension of the effective date for the equipping of a sanitary landfill with a leachate control system and relating to the provision of solid waste collection services by a city.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5304.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Sorensen and Varn. Nays, none. Absent or not voting, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2369, a bill for an act authorizing limited liability companies in Iowa and including penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Fuhrman, Deluhery, Hagerla, Hester, Miller, Murphy, Slife and Varn. Nays, none. Absent or not voting, 5: Connolly, Drake, Horn, Pate and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5303	S.F.	2201	Larry Murphy
S—5304	S.F.	2290	Environment & Energy Utilities
S—5305	S.F.	2351	Richard Varn
S—5306	H.F.	2033	Elaine Szymoniak
S—5307	S.F.	2351	Mike Connolly
S—5308	S.F.	2316	Florence Buhr
S—5309	S.F.	2251	John Peterson Larry Murphy
S—5310	S.F.	2154	Wally Horn

AFTERNOON SESSION

The Senate reconvened at 3:55 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

The Senate stood at ease at 4:16 p.m. until the fall of the gavel.

The Senate resumed session at 4:58 p.m., President Gronstal presiding.

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 March 19, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2135, a bill for an act relating to the collection of delinquent sanitary sewer charges.

This bill was read first time and **passed on file.**

House File 2388, a bill for an act relating to the employment of administrators by school districts and area education agencies.

This bill was read first time and **passed on file.**

House File 2435, a bill for an act relating to the administration of the Wallace technology transfer foundation.

This bill was read first time and **passed on file.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lloyd-Jones until she arrives on request of Senator Varn.

UNFINISHED BUSINESS
(Deferred March 18, 1992)

Senate File 2256

The Senate resumed consideration of Senate File 2256, a bill for an act relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of administrative law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings, deferred March 18, 1992.

Senator Lind offered amendment S—5299 filed by him on March 18, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5299 was adopted by a voice vote.

Senator Sorensen 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. 2256) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Lloyd-Jones	Pate	Taylor	Welsh

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

BUSINESS PENDING

Senate File 2351

The Senate resumed consideration of Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices, previously deferred.

Senator Varn offered amendment S—5312 filed by Senators Varn, et al., from the floor to pages 1, 2, 5, 6 and 11 of the bill and moved its adoption.

Amendment S—5312 was adopted by a voice vote.

Senator Connolly offered amendment S—5298 filed by Senators Connolly, et al., on March 18, 1992, to pages 6-11 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5298 be adopted?" (S.F. 2351) the vote was:

Ayes, 17:

Connolly	Doyle	Drake	Hannon
Horn	Kersten	Kibbie	Peterson
Priebe	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Tieden	Tinsman
Welsh			

Nays, 30:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hedge	Hester
Husak	Hutchins	Jensen	Kinley
Kramer	Lind	McLaren	Miller
Murphy	Palmer	Rensink	Rife

Rittmer	Slife	Sturgeon	Szymoniak
Vande Hoef	Varn		

Absent or not voting, 3:

Lloyd-Jones	Pate	Taylor

Amendment S—5298 lost.

Senator McLaren offered amendment S—5314 filed by Senators McLaren and Tinsman from the floor to page 1 of the bill and moved its adoption.

Amendment S—5314 was adopted by a voice vote.

Senator Varn offered amendment S—5305 filed by him from the floor to pages 6-9 of the bill.

Senator Lind offered amendment S—5322 filed by him from the floor to amendment S—5305 and moved its adoption.

Amendment S—5322 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—5305 as amended, which motion prevailed by voice vote.

Senator Connolly offered amendment S—5307 filed by him from the floor to page 9 of the bill.

Senator Welsh offered amendment S—5323 filed by him from the floor to amendment S—5307 and moved its adoption.

Amendment S—5323 was adopted by a voice vote.

Senator Varn raised the point of order that amendment S—5307 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5307 as amended out of order.

Senator Varn 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. 2351) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 5:

Connolly	Doyle	Horn	Rosenberg
Running			

Absent or not voting, 3:

Lloyd-Jones	Pate	Taylor

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

Senator Hutchins asked and received unanimous consent that **Senate File 2351** be **immediately messaged** to the House.

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 March 19, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2434, a bill for an act relating to eliminating the Iowa economic development network, the regional coordinating councils, and the regional economic development centers, establishing a regional business and industry services program, and providing contracts to be entered into with each community college to employ a business and industry services specialist.

This bill was read first time and **passed on file.**

INTRODUCTION OF BILLS

Senate File 2352, by committee on Ways and Means, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

Read first time and **placed on Ways and Means Calendar.**

Senate File 2353, by committee on Ways and Means, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties.

Read first time and **placed on Ways and Means Calendar.**

Senate File 2354, by committee on Ways and Means, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

Read first time and **placed on Ways and Means Calendar.**

APPENDIX

CERTIFICATES OF RECOGNITION

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

William and Clarice Kell, Olin — For celebrating their 50th wedding anniversary. Senator Hannon (3-4-92).

Kirk Rathjen, Marengo — For winning the Iowa State High School Wrestling Championship at 171 lbs, Class 1A. First person in Iowa Valley High School history to reach 100 career victories. Senator Varn (3-18-92).

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2256 passed the Senate on March 19, 1992.

RICHARD V. RUNNING

MR. PRESIDENT: I move to reconsider the vote by which amendment S–5299 to Senate File 2256 was adopted by the Senate on March 19, 1992.

RICHARD V. RUNNING

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	118	Rules & Administration
H.F.	2135	Local Government
H.F.	2341	Judiciary
H.F.	2375	Commerce
H.F.	2418	State Government
H.F.	2424	Environment & Energy Utilities
H.F.	2428	State Government
H.F.	2435	Small Business/Economic Development

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions.

Recommendation: AMEND WITH AMENDMENT S—5313 AND THE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Connolly, Horn, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2207. a bill for an act conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care law and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5311.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Slife and Varn. Nays, none. Absent or not voting, 3: Connolly, Pate and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2225, a bill for an act relating to smoking in a public place, imposing court costs, and allowing cities to impose civil and criminal penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5316.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, 1: Buhr.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 167, a bill for an act relating to membership of county compensation boards.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen and Vande Hoef. Nays, 1: Sorensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2181, a bill for an act relating to purchasing regulations for officers and managers of memorial halls, county hospitals, and monuments.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2195, a bill for an act providing that certain counties need not maintain a county jail or space for the district court.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2232, a bill for an act relating to contract bidding requirements for a city.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5315.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2285, a bill for an act relating to the permanent appointment of employees assigned through a personnel interchange program.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: HOUSE FILE 2203, a bill for an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Riordan, Rosenberg and Tieden. Nays, none. Absent or not voting, 3: Priebe, Rensink and Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2323, a bill for an act to provide for the creation of a zebra mussels education and control program by the natural resource commission.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Riordan, Rosenberg and Tieden. Nays, none. Absent or not voting, 3: Priebe, Rensink and Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Palmer, Kibbie, Hester, Dieleman, Hagerla, Hedge, Riordan, Rosenberg and Tieden. Nays, none. Absent or not voting, 3: Priebe, Rensink and Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates.

Recommendation: Amend with amendment S—5325 and the bill without recommendation.

Final Vote: Ayes, 9: Husak, Connolly, Deluhery, Drake, Fraise, McLaren, Murphy, Palmer and Szymoniak. Nays, 3: Hedge, Fuhrman and Rosenberg. Pass, 2: Dieleman and Hester. Absent, 1: Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2352 (SSB 2256), a bill for an act redefining wine coolers and spirit coolers for purposes of the applicability of certain taxes, setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Rosenberg and Szymoniak. Nays, 1: Murphy. Absent or not voting, 3: McLaren, Palmer and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2353 (formerly Senate File 2340), a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 3: McLaren, Palmer and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2354 (formerly Senate File 2297), a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance

companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 3: McLaren, Palmer and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5311	H.F.	2207	Judiciary
S–5312	S.F.	2351	Richard Varn Jim Lind Leonard Boswell Dale Tieden
S–5313	S.F.	2320	Education
S–5314	S.F.	2351	Derryl McLaren Maggie Tinsman
S–5315	H.F.	2232	Local Government
S–5316	S.F.	2225	Local Government
S–5317	S.F.	2201	Larry Murphy
S–5318	S.F.	2302	Richard Varn
S–5319	S.F.	2302	Beverly Hannon Ralph Rosenberg
S–5320	S.F.	2302	Beverly Hannon Ralph Rosenberg
S–5321	S.F.	2334	Jim Riordan Richard Vande Hoef Mary Kramer Albert Sorensen John Kibbie Emil Husak Harry Slife Leonard Boswell
S–5322	S.F.	2351	Jim Lind
S–5323	S.F.	2351	Joe Welsh
S–5324	S.F.	2055	Larry Murphy

			Florence Buhr
S—5325	S.F.	2249	Ways and Means

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:52 p.m., until 9:00 a.m., Friday, March 20, 1992.

JOURNAL OF THE SENATE

SIXTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 20, 1992

The Senate met in regular session at 9:05 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Gary Van Heuklom, pastor of the First Reformed Church, Sibley, Iowa.

The Journal of Thursday, March 19, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the day on request of Senator Hedge.

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 March 18, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2138, a bill for an act relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 17, 1992)

Senate File 2316

The Senate resumed consideration of Senate File 2316, a bill for an act relating to child support recovery, deferred March 17, 1992, referred to the committee on Ways and Means on March 17, 1992, with report of committee without recommendation.

Senator Fuhrman offered amendment S—5272 filed by him on March 17, 1992, to page 9 of the bill and moved its adoption.

Amendment S—5272 was adopted by a voice vote.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S—5269 filed by Senators Szymoniak and Sturgeon on March 17, 1992, to page 21 of the bill.

Senator Szymoniak offered amendment S—5282 filed by Senators Szymoniak and Sturgeon on March 18, 1992, to page 21 of the bill and moved its adoption.

Amendment S—5282 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2316** be **deferred.**

UNFINISHED BUSINESS
(Deferred March 18, 1992)

Senate File 2342

The Senate resumed consideration of Senate File 2342, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date, deferred March 18, 1992.

Senator Husak withdrew amendment S—5300 filed by him on March 18, 1992, to page 1 of the bill.

Senator Rittmer 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. 2342) the vote was:

Ayes, 41:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn			

Nays, 6:

Boswell	Fraise	Husak	Hutchins
Jensen	Welsh		

Absent or not voting, 3:

Pate	Rosenberg	Taylor

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rosenberg until he arrives on request of Senator Horn.

BUSINESS PENDING

Senate File 2316

The Senate resumed consideration of Senate File 2316, a bill for an act relating to child support recovery, previously deferred.

With the adoption of amendment S—5282, the Chair ruled amendment S—5263 filed by Senator Running on March 17, 1992, to page 21 of the bill, out of order.

Senator Buhr offered amendment S—5308 filed by her on March 19, 1992, to page 1 of the bill and called for a division: Lines 2-5 as division S—5308A; and lines 6-8 as division S—5308B.

Senator Buhr withdrew division S—5308A.

Senator Buhr moved the adoption of division S—5308B, which motion prevailed by voice vote.

Action on Senate File 2316 was deferred.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2251

On motion of Senator Murphy, Senate File 2251, a bill for an act relating to the duties of the lieutenant governor, was taken up for consideration.

Senator Peterson offered amendment S—5309 filed by Senators Peterson and Murphy on March 19, 1992, to strike everything after the enacting clause of the bill, moved its adoption and requested a non record roll call.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26 nays 22.

Amendment S—5309 was adopted.

Senator Murphy 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. 2251) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins

Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 22:

Borlaug	Doyle	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Priebe	Rensink	Rife	Riordan
Rittmer	Slife	Soorholtz	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 2:

Pate	Taylor

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

Senate File 2274

On motion of Senator Varn, Senate File 2274, a bill for an act relating to the confidentiality of the names of the siblings of an adoptee in adoption records, was taken up for consideration.

Senator Varn 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. 2274) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 2:

Pate Taylor

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

Senate File 2121

On motion of Senator Connolly, Senate File 2121, a bill for an act relating to the establishment of a bone marrow donor program, including the establishment of a bone marrow donation fund, and providing for the appropriation of moneys in the fund, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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. 2121) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings Pate Taylor

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

Senate File 2327

On motion of Senator Buhr, Senate File 2327, a bill for an act relating to health maintenance and preferred provider organizations and the participation of enrollees and providers in the operations of the organizations, was taken up for consideration.

Senator Buhr offered amendment S—5196 filed by her on March 11, 1992, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5196 was adopted by a voice vote.

Senator Buhr 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. 2327) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Hester	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Sorensen	Sturgeon
Szymoniak	Vande Hoef	Varn	Welsh

Nays, 12:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Jensen	Kramer	Rensink
Rife	Slife	Tieden	Tinsman

Absent or not voting, 2:

Pate	Taylor

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 Hutchins asked and received unanimous consent that **Senate Files 2342, 2251, 2274** and **2121** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2316

The Senate resumed consideration of Senate File 2316, a bill for an act relating to child support recovery, previously deferred.

Senator Rosenberg offered amendment S—5278 filed by him on March 18, 1992, to pages 7 and 15 of the bill and moved its adoption.

Amendment S—5278 was adopted by a voice vote.

Senator Szymoniak 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. 2316) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Pate	Taylor

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2332

On motion of Senator Kibbie, Senate File 2332, a bill for an act relating to campaign finance disclosure regarding the definition of "commissioner", the contents of the statement of organization, and the date for filing disclosure reports, was taken up for consideration.

Senator Kibbie 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. 2332) the vote was:

Ayes, 47:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Buhr	Pate	Taylor

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2316** and **2332** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Running called up the motion to reconsider Senate File 2256 filed by him on March 19, 1992, found on page 886 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2256) the vote was:

Ayes, 27:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 19:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Rensink
Rife	Rittmer	Slife	Soorholtz
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 4:

Dieleman	Palmer	Pate	Taylor

The motion prevailed.

Senator Running moved to reconsider the vote by which Senate File 2256 went to its last reading, which motion prevailed by a voice vote.

CONSIDERATION OF BILL

Senate File 2256

On motion of Senator Running, Senate File 2256, a bill for an act relating to the duties of the department of inspections and appeals including those pertaining to surety or bid bonds for targeted small businesses; requests for provision of administrative law judges; the licensure of manufacturers and distributors of bingo supplies and equipment and of qualified organizations conducting games of skill or chance or a raffle; the licensure of health facilities with special classifications; nursing home inspections; the collection of delinquent fees from health care facilities; the payment of the costs of hearings by franchisers; hearings on the valuation of abandoned railroad property; permissible uses for gambling devices; and the payment of costs of parole revocation proceedings, was taken up for reconsideration.

Senator Running called up the motion to reconsider the vote by which amendment S—5299 to Senate File 2256 was adopted by the Senate on March 19, 1992, filed by him on March 19, 1992, and found on page 886 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that action on the motion to reconsider amendment S—5299 and **Senate File 2256** be **deferred.**

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 March 16, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2412, a bill for an act relating to educational finance matters.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 18, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2075, a bill for an act providing for registration of acupuncturists and imposing a fee and a penalty.

This bill was read first time and **passed on file.**

House File 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 19, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

This bill was read first time and **passed on file.**

APPENDIX

STUDY BILL RECEIVED

SSB 2286 Ways & Means

Relating to the refund or abatement of property taxes paid or owed by a religious institution on parsonage property and providing an effective date.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 19, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Taylor, Ranking Member (excused).

Committee Business: Assigned bills to subcommittees; amended Senate File 2320 and referred the bill to the calendar without recommendation.

Adjourned: 2:20 p.m.

JUDICIARY

Convened: March 19, 1992, 11:14 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Slife and Varn.

Members Absent: Pate and Peterson (both excused).

Committee Business: Recommended passage of House File 2207 as amended and recommended passage of House File 2369.

Adjourned: 11:54 a.m.

LOCAL GOVERNMENT

Convened: March 19, 1992, 2:24 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Jensen, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of House Files 2181, 2195, 2285 and 167; recommended passage of House Files 2232 and 2225 as amended.

Adjourned: 3:01 p.m.

NATURAL RESOURCES

Convened: March 19, 1992, 2:20 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Riordan, Rosenberg and Tieden.

Members Absent: Priebe, Rensink and Sturgeon.

Committee Business: Recommended passage of House Files 2203, 2323, and 2334.

Adjourned: 2:45 p.m.

WAYS AND MEANS

Convened: March 19, 1992, 3:10 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Rosenberg and Szymoniak.

Members Absent: McLaren, Palmer and Taylor (excused).

Committee Business: Amended and approved SSB 2256 as a committee bill; approved Senate Files 2297 and 2340 as committee bills; recommended passage of Senate File 2310 as amended; deferred action on Senate File 2249.

Adjourned: 3:45 p.m.

WAYS AND MEANS

Convened: March 19, 1992, 4:34 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg and Szymoniak.

Members Absent: Taylor, Ranking Member (excused).

Committee Business: Amended Senate File 2249 and referred the bill to the calendar without recommendation.

Adjourned: 4:55 p.m.

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 his approval on this 20th day of March, 1992:

Senate Files 2221 and 2216.

JOHN F. DWYER
Secretary of the Senate

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5299 to Senate File 2256 was adopted by the Senate on March 19, 1992.

JIM LIND

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2327 passed the Senate on March 20, 1992.

JIM LIND

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2327 passed the Senate on March 20, 1992.

FLORENCE D. BUHR

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2351, the following corrections were made:

1. Page 13, line 28, the words "Sections 5 through 10 and section 18" were changed to the words "Sections 7 through 12 and section 20".

2. Page 13, line 31, the words "sections 15, 16, and 17" were changed to the words "sections 17, 18, and 19".

Amendment S—5322:

1. Page 1, line 16, the number "8.57" was changed to the number "8.57,".

JOHN F. DWYER
Secretary of the Senate

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Brent William Borchers, Sheldon — For attaining the coveted rank of Eagle Scout. Senator Vande Hoef (3-21-92).

SUBCOMMITTEE ASSIGNMENTS

House File 2418

STATE GOVERNMENT: Running, Chair; Doyle, Drake, Kramer and Sorensen

House File 2426

HUMAN RESOURCES: Buhr, Chair; Horn and Kramer

House File 2428

STATE GOVERNMENT: Welsh, Chair; Horn, Lind, Running and Soorholtz

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2075	State Government
H.F.	2388	Education
H.F.	2400	Ways and Means
H.F.	2412	Education
H.F.	2434	Small Business/Economic Development
H.F.	2452	Judiciary

AMENDMENTS FILED

S—5326	S.F.	2329	Al Sturgeon
S—5327	S.F.	2329	Richard Varn
S—5328	S.F.	2329	Al Sturgeon Richard Running
S—5329	S.F.	2250	Jim Riordan
S—5330	S.F.	2354	Richard Varn Harry Slife Jim Kersten Donald Doyle
S—5331	S.F.	2354	Richard Varn
S—5332	S.F.	2154	Wally Horn
S—5333	S.F.	2311	Al Sturgeon
S—5334	S.F.	2315	Ralph Rosenberg
S—5335	S.F.	2211	Jim Riordan

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 11:22 a.m., until 10:00 a.m., Monday, March 23, 1992.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 23, 1992

The Senate met in regular session at 10:12 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Tom Evans, pastor of the Eagle Grove Lutheran Church, Eagle Grove, Iowa.

The Journal of Friday, March 20, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Pate until he arrives on request of Senator Rife and Senator Lloyd-Jones for March 23, 1992, through March 25, 1992, on request of Senator Hutchins.

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 March 19, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2282, a bill for an act defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation.

ALSO: That the House has on March 20, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2327, a bill for an act relating to waiving the right to vehicular traffic enforcement in mobile home parks.

This bill was read first time and **passed on file.**

House File 2392, a bill for an act relating to the time requirement for filing reports and paying taxes after a boxing or wrestling match has been conducted.

This bill was read first time and **passed on file.**

House File 2415, a bill for an act relating to the performance of special health services or intrusive nonemergency medical services for students by nonadministrative personnel.

This bill was read first time and **passed on file.**

House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund.

This bill was read first time and **passed on file.**

House File 2450, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates.

This bill was read first time and **passed on file.**

House File 2454, a bill for an act relating to efficiency in government, and making appropriations.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence were granted as follows:

Senator Sorensen until he arrives on request of Senator Hutchins.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate Files 2029** and **2062** be referred from the Regular Calendar to the committee on **Appropriations.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2290

On motion of Senator Miller, Senate File 2290, a bill for an act relating to the extension of the effective date for the equipping of a sanitary landfill with a leachate control system and relating to the provision of solid waste collection services by a city, with report of committee on Environment and Energy Utilities recommending amendment and passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5304 filed by the committee on Environment and Energy Utilities on March 19, 1992, to page 1 and to the title page of the bill and moved its adoption.

Amendment S—5304 was adopted by a voice vote.

Senator Miller 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. 2290) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Lloyd-Jones	Pate	Sorensen	Sturgeon

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

Senate File 2293

On motion of Senator Miller, Senate File 2293, a bill for an act relating to cities subject to civil service, was taken up for consideration.

Senator Miller 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. 2293) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Lloyd-Jones	Pate	Sorensen	Sturgeon

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2290** and **2293** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2055

On motion of Senator Murphy, Senate File 2055, a bill for an act requiring availability of maternity leave and family leave for use by public and private employees, with report of committee recommending passage, was taken up for consideration.

Senator Murphy offered amendment S—5324 filed by Senators Murphy and Buhr on March 19, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Riordan took the chair at 11:16 a.m.

Senator Murphy asked and received unanimous consent that action on amendment S—5324 and **Senate File 2055** be **deferred.**

ADOPTION OF RESOLUTION
(Regular Calendar)

Senate Resolution 103

On motion of Senator Running, Senate Resolution 103, a resolution relating to the designation of October 14, 1992, as W. William Edwards Deming Day, with report of committee recommending passage, was taken up for consideration.

Senator Running moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2341

On motion of Senator Hannon, Senate File 2341, a bill for an

act relating to the establishment of a child support amnesty program, was taken up for consideration.

Senator Husak took the chair at 11:33 a.m.

President Gronstal took the chair at 11:43 a.m.

Senator Hannon 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. 2341) the vote was:

Ayes, 38:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hannon	Hedge
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Varn	Welsh		

Nays, 10:

Borlaug	Gettings	Hagerla	Hester
Lind	McLaren	Rensink	Rife
Soorholtz	Vande Hoef		

Absent or not voting, 2:

Lloyd-Jones	Pate

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

Senator Hutchins asked and received unanimous consent that **Senate File 2341** be **immediately messaged** to the House.

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 March 23, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2249, a bill for an act relating to the regulation of milk and increasing certain fees.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:05 p.m., until 1:30 p.m.

APPENDIX

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions and departments to Senate standing committees as indicated for investigation on March 23, 1992:

AGRICULTURE

Jack H. Miller — State Soil Conservation Committee.

Bruce A. Yungclas and Terry Evans — Iowa Grain Indemnity Fund Board.

Mark Leonard, Sharon Sievers and Lois Schnoor — Agricultural Development Authority.

BUSINESS AND LABOR RELATIONS

David D. Knock and N. Sue Warner — Public Employment Relations Board.

James A. Althaus — Employment Appeal Board.

Jacqueline K. Thompson — Job Service Advisory Council.

COMMERCE

Marcia J. Benit and Barbara A. Nixon — Credit Union Review Board.

EDUCATION

Judith B. Nye — Iowa Higher Education Loan Authority.

Victoria F. Payseur — School Budget Review Committee.

William L. Lepley — Director of the Department of Education.

Betty L. Dexter, Carlton W. Callison and Gregory D. McClain — State Board of Education.

ENVIRONMENT AND ENERGY UTILITIES

Bruce G. Kelley and Cathy A. Rottinghaus — Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

HUMAN RESOURCES

Marguerite E. Stockstad and Vennetta M. Fiedler — Commission of Elder Affairs.

Marvin W. Tuttle, Sr. and Kim N. Kischer-Larson — Commission on the Deaf.

Stephanie A. Stebens, Lois H. Eichacker and Merl L. McFarlane — Commission on Community Action Agencies.

John C. Wellman — Commission for the Blind.

Stanton L. Visser, Janelle Cowles and Mary M. Conway — Board of Behavioral Science Examiners.

George L. Stigler, Diana Lynn Stewart, Mark H. Snell, Michael D. Montgomery and Naomi L. Christensen — Commission on the Status of Women.

Carol A. Watson, David A. Olson and Jerry D. Stilwell — Prevention of Disabilities Policy Council.

Elizabeth A. Coyte and Dr. Robert Carleton — Board of Physician Assistant Examiners.

James A. Thomas, Linda W. Rouse, Jean E. Oxley, Barbara J. Lips and Eugene T. Chism — Mental Health and Mental Retardation Commission.

JUDICIARY

Kittie D. Weston-Knauer — Board of Parole.

Richard P. TeKippe, A. Patricia Houlihan and Carlynn D. Grupp — Indigent Defense Advisory Commission.

Inga Bumbary-Langston — Director of the Iowa State Civil Rights Commission.

Jeffrey W. Courter — Iowa State Civil Rights Commission.

LOCAL GOVERNMENT

Beverly Ann Everson — City Development Board.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Philip Smith — Director of the Office for State-Federal Relations.

Perry J. Chapin and Russell W. Teig — Wallace Technology Transfer Foundation of Iowa.

Doris A. Hansen and Robert M. Kreamer — Small Business Advisory Council.

Joan Y. Phillips, William C. Metz and William B. Trent — Iowa Economic Development Board.

STATE GOVERNMENT

Susanne E. Wolrab — Cosmetology Examining Board.

Ronald C. Evans — Chiropratic Examining Board.

Alan L. Thompson — Barber Examining Board.

Carolyn E. Olsen and Norman H. Rudi — Architectural Examining Board.

Edward F. Steitzinger — Alcoholic Beverages Commission.

Maude E. White, Ada E. Tredwell, LaMetta K. Wynn, Gerald L. Fields and Ronald N. Langston — Commission on the Status of African-Americans.

Dorothy L. Votroubek, Jean E. Kruse and John Cain — Accountancy Examining Board.

Dr. Johanna B. Whalen, James M. Caterine, M.D., and Dr. George G. Spellman, Sr. — Medical Examining Board.

Richard P. Sulzbach — Iowa Lottery Board.

Diana E. Hoogestraat and Alfred C. Bohling — Landscape Architectual Examining Board.

Charles H. Sweeney — Director of the Department of Inspections and Appeals.

Elmer G. Stockdale and Ronald C. Richer — Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Dwayne C. Garber and Cheryl J. Richardson — Engineering and Land Surveying Examining Board.

Cindy Raspiller — Iowa Emergency Response Commission.

Margaret B. Tait — Dietetic Examining Board.

Dr. Fred Albert Riddle, Jr., James A. Raecker and Jerry C. Prahl - Dental Examining Board.

Cynthia Marie Lyon and Dr. Dan L. Rogers — Psychology Examining Board.

Terry K. Lichty — Podiatry Examining Board.

Ken C. Leo and Diana R. Brower — Physical and Occupational Therapy Examining Board.

Ronald B. Reiff and Phyllis A. Miller — Pharmacy Examining Board.

Jane F. Ecklund and Dr. Robert H. Sharp — Optometry Examining Board.

Patricia E. Tiarks and Warren D. Rippey — State Board of Examiners for Nursing Home Administrators.

Guy Richardson and Regene L. Osborne — Board of Nursing Examiners.

James W. Barr — Mortuary Science Examining Board.

Norma D. Lyon and Donald R. Jacobi — Iowa Board of Veterinary Medicine.

Paul J. Frank - Investment Board of the IPERS.

Administrator of the Division of Veterans Affairs — Dale L. Renaud.

Dorothy L. McKee and Alan K. Heidecker — Speech Pathology and Audiology Examining Board.

Raymond E. Franklin, Kathleen M. Morgan and Patricia L. Kelley — Social Work Examining Board.

Earl L. Howard — Respiratory Care Advisory Committee.

Jerry F. Duggan — Real Estate Commission.

Arne F. Waldstein, Patsy A. Hasting and Arthur J. Frahm — Real Estate Appraiser Examining Board.

Richard P. Canella — State Racing and Gaming Commission.

Gretchen H. Tegeler — Director of the Department of Management.

TRANSPORTATION

Janice M. Johnson and Bonnie L. Vetter — State Transportation Commission.

Dana R. Peterson and Marda M. Howard — Iowa Law Enforcement Academy Council.

WAYS AND MEANS

Joseph H. Harper — Iowa Railway Finance Authority.

BILL HUTCHINS, Chair

PETITIONS

The following petitions supporting continuation of the Iowa Regional Library System were presented and placed on file by:

Senator Hannon from 28 residents of Linn County.
Senator Priebe from 50 residents of Hancock County.
Senator Taylor from 145 residents of Hardin County.

The following petitions opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices were presented and placed on file by:

Senator Husak from 344 residents of Iowa.
Senator Rensink from 1,103 residents of Sioux and O'Brien Counties.

The following petitions were presented and placed on file by:

Senator Drake from 12 residents of Washington County favoring sixty percent voter approval for school bond proposals.

Senator Jensen from 28 residents of Bremer County opposing any increase in property taxes.

Senator Dieleman from 90 residents of Iowa favoring Senate File 530, which passed the Senate on April 29, 1991.

BILL 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 his approval on this 23rd day of March, 1992:

Senate File 2101.

JOHN F. DWYER
Secretary of the Senate

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 20, 1992, 8:35 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Assigned governor's appointees to standing committees.

Adjoured: 8:45 a.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty eighth and ninth grade students from Shirane, Yamanashi Japan and Winterset and St. Charles, Iowa. Senator Riordan.

CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Coach Tom Estes and the Sioux Center High School boys' basketball team — For participation in the 1992 Class 1-A Boys' State high school basketball tournament. Senator Rensink (3-20-92).

Matt McLaren, Farragut — For participation in the 1992 Boys' State high school basketball tournament. Senator McLaren (3-23-92).

Jay McLaren, Farragut — For participation in the 1992 Boys' State high school basketball tournament. Senator McLaren (3-23-92).

Farragut High School boy's basketball team — For participation in the 1992 Boys' State high school basketball tournament. Senator McLaren (3-23-92).

AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President Gronstal presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 30 present, 10 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boswell until he arrives on request of Senator Hutchins.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Buhr called up the appointment of Gerald R. Anderson as Director of the Department of General Services, placed on the Individual Confirmation Calendar on February 25, 1992, and found on page 464 of the Senate Journal.

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

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

Ayes, 40:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lind	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Running
Slife	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 10:

Boswell	Kersten	Kramer	Lloyd-Jones
Murphy	Rensink	Rosenberg	Soorholtz
Taylor	Welsh		

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

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2241

On motion of Senator Varn, Senate File 2241, a bill for an act establishing a structured fines pilot program and providing an effective date, was taken up for consideration.

Senator Connolly offered amendment S—5207 filed by him on March 12, 1992, to pages 2-4 of the bill and moved its adoption.

Amendment S—5207 was adopted by a voice vote.

Senator Varn 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. 2241) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Kersten	Lloyd-Jones	Rensink	Rosenberg
Welsh			

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

Senate File 2197

On motion of Senator Sorensen, Senate File 2197, a bill for an act relating to state and local foster care review boards, was taken up for consideration.

Senator Rosenberg offered amendment S—5160 filed by him on March 10, 1992, to page 5 of the bill and moved its adoption.

Amendment S—5160 was adopted by a voice vote.

Senator Sorensen 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. 2197) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Kersten	Lloyd-Jones	Welsh

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

Senate File 2302

On motion of Senator Rosenberg, Senate File 2302, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, including certain assaults involving minors expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties, was taken up for consideration.

Senator Rosenberg offered amendment S—5289 filed by him on March 18, 1992, to pages 1-4 and to the title page of the bill and called for a division: page 1, lines 2-47 as division S—5289A; page 1, lines 48-50 and page 2, lines 1 and 2 as division S—5289B.

Senator Rosenberg moved the adoption of division S—5289A, which motion prevailed by voice vote.

Senator Rosenberg asked and received unanimous consent that action on division S—5289B be deferred.

Senator Hagerla offered amendment S—5178 filed by Senators Hagerla and Varn on March 10, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5178 lost by a voice vote.

Senator Varn withdrew amendment S—5318 filed by him on March 19, 1992, to page 1 and the title page of the bill.

Senator Hannon offered amendment S—5319 filed by Senators Hannon and Rosenberg on March 19, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5319 was adopted by a voice vote.

Senator Hannon offered amendment S—5320 filed by Senators Hannon and Rosenberg on March 19, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5320 was adopted by a voice vote.

Senator Lind offered amendment S—5337 filed by him from the floor to pages 1 and 2 of the bill.

Senator Hannon took the chair at 2:43 p.m.

Senator Lind withdrew amendment S—5337.

With the adoption of division S—5289A, the Chair ruled amendment S—5288 filed by Senator Rosenberg on March 18, 1992, to page 3 of the bill, out of order.

Senator Rosenberg offered amendment S—5302 filed by him on March 18, 1992, to pages 3-5 of the bill and called for a division: lines 2-3 and lines 6-7 as division S—5302A; lines 4 and 5 as division S—5302B.

With the adoption of division S—5289A, the Chair ruled division S—5302B, out of order.

Senator Rosenberg moved the adoption of division S—5302A, which motion prevailed by voice vote.

Senator Rosenberg offered amendment S—5301 filed by him on March 18, 1992, to pages 3 and 4 of the bill and called for a division: lines 2-13 as division S—5301A; lines 14-22 as division S—5301B.

With the adoption of division S—5289A, the Chair ruled division S—5301B out of order.

Senator Rosenberg withdrew division S—5301A.

Senator Rosenberg moved the adoption of division S—5289B to the title page of the bill, previously deferred.

Division S—5289B was adopted by a voice vote.

Senator Rosenberg offered amendment S—5341 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5341 was adopted by a voice vote.

Senator Rosenberg 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. 2302) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Lloyd-Jones

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

President Gronstal took the chair at 3:16 p.m.

Senate File 2329

On motion of Senator Sturgeon, Senate File 2329, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision, was taken up for consideration.

Senator Varn withdrew amendment S—5280 filed by him on March 18, 1992, to strike everything after the enacting clause of the bill.

Senator Sturgeon offered amendment S—5326 filed by him on March 20, 1992, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5326 be adopted?" (S.F. 2329) the vote was:

Ayes, 32:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hagerla
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lind	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 17:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hedge	Hester	Jensen
Kersten	Kramer	McLaren	Rensink
Rife	Rittmer	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Lloyd-Jones

Amendment S—5326 was adopted.

Senator Sturgeon asked and received unanimous consent to withdraw amendment S—5211 filed by Senators Sturgeon and Running on March 12, 1992, to pages 1 and 2 of the bill.

Senator Sturgeon offered amendment S—5328 filed by Senators Sturgeon and Running on March 20, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5328 was adopted by a voice vote.

Senator Varn offered amendment S—5327 filed by him on March 20, 1992, to page 2 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5327 be adopted?" (S.F. 2329) the vote was:

Ayes, 15:

Fraise	Gronstal	Hannon	Hutchins
Kibbie	Kinley	Lind	Miller
Murphy	Pate	Riordan	Rittmer
Slife	Varn	Welsh	

Nays, 34:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fuhrman	Gettings	Hagerla	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kramer	McLaren	Palmer
Peterson	Priebe	Rensink	Rife
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 1:

Lloyd-Jones

Amendment S—5327 lost.

Senator Sturgeon 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. 2329) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Miller	Murphy	Palmer
Peterson	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 23:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Priebe	Rensink
Rife	Rittmer	Slife	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 1:

Lloyd-Jones

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2241, 2197, 2302** and **2329** be **immediately messaged** to the House.

MOTION TO RECONSIDER LOST

Senate File 2327

Senator Buhr called up the motion to reconsider Senate File 2327, a bill for an act relating to health maintenance and preferred provider organizations and the participation of enrollees and providers in the operations of the organizations, filed by her on March 20, 1992, found on page 907 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2327) the vote was:

Ayes, 13:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Kersten	Kramer	Lind
McLaren	Pate	Rife	Rittmer
Slife			

Nays, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Riordan
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Absent or not voting, 1:

Lloyd-Jones

The motion lost.

The motion to reconsider Senate File 2327, filed by Senator Lind on March 20, 1992, and found on page 907 of the Senate Journal, was out of order.

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 March 23, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2395, a bill for an act relating to workers' compensation, by establishing a second injury fund task force, continuing assessment of a surcharge on workers' compensation benefits paid in the state, and authorizing adoption of administrative rules.

This bill was read first time and **passed on file.**

House File 2441, a bill for an act providing for licensure of massage therapists and imposing fees and civil penalties.

This bill was read first time and **passed on file.**

APPENDIX

SUBCOMMITTEE ASSIGNMENTS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 23, 1992, to investigate the appointment and reappointment of the following Governor's appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

MARK LEONARD: Miller, Chair; Hester and McLaren
LOIS SCHNOOR: Rittmer, Chair; Miller and Doyle
SHARON SIEVERS: Palmer, Chair; Fraise and Hedge

As members of the Iowa Grain Indemnity Fund Board:

TERRY EVANS: Doyle, Chair; Hester and McLaren
BRUCE A. YUNGCLAS: Vande Hoef, Chair; Doyle and Fraise

As a member of the State Soil Conservation Committee:

JACK H. MILLER: Riordan, Chair; Palmer and Soorholtz

COMMERCE

As members of the Credit Union Review Board:

MARCIA J. BENIT: Doyle, Chair; Gronstal and Fuhrman
BARBARA A. NIXON: Jensen, Chair; Gettings and Priebe

EDUCATION

As Director of the Department of Education:

WILLIAM L. LEPLEY, Connolly, Chair; Horn and Tieden

As a member of the Iowa Higher Education Loan Authority:

JUDITH B. NYE: Horn, Chair; Deluhery and Rensink

As a member of the School Budget Review Committee:

VICTORIA F. PAYSEUR: Szymoniak, Chair; Murphy and Kramer

As members of the State Board of Education:

CARLTON W. CALLISON: Deluhery, Chair; Running and Lind
BETTY L. DEXTER: Deluhery, Chair; Horn and Rensink
GREGORY D. McCLAIN: Kibbie Chair; Horn and Lind

ENVIRONMENT AND ENERGY UTILITIES

As members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

BRUCE G. KELLEY: Rosenberg, Chair; Deluhery and Jensen
CATHY A. ROTTINGHAUS: Rosenberg, Chair; Deluhery and Jensen

LOCAL GOVERNMENT

As a member of the City Development Board:

BEVERLY ANN EVERSON: Jensen, Chair; Fraise and Hannon

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

As Director of the Office for State-Federal Relations:

PHILIP SMITH: Riordan, Chair; Running and Rittmer.

As members of the Iowa Economic Development Board:

WILLIAM C. METZ: Miller, Chair; Peterson and Vande Hoef
JOAN Y. PHILLIPS: Hannon, Chair; Miller and Pate
WILLIAM B. TRENT: Riordan, Chair; Running and Rittmer

As members of the Small Business Advisory Council:

DORIS A. HANSEN: Sorensen, Chair; Miller and Kramer
ROBERT M. KREAMER: Peterson, Chair; Kramer and Running

As members of the Wallace Technology Transfer Foundation of Iowa:

PERRY J. CHAPIN: Kibbie, Chair; Riordan and Kramer
RUSSELL W. TEIG: Sorensen, Chair; Borlaug and Kibbie

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

MARDA M. HOWARD: Lloyd-Jones, Chair; Welsh and Pate
DANA R. PETERSON: Kinley, Chair; Connolly and Slife

As members of the State Transportation Commission:

JANICE M. JOHNSON: Jensen, Chair; Gettings and Dieleman
BONNIE L. VETTER: Gettings, Chair; Fraise and Kersten

WAYS AND MEANS

As a member of the Iowa Railway Finance Authority:

JOSEPH H. HARPER: Deluhery, Chair; Drake and Fraise

STUDY BILL RECEIVED

SSB 2287 Ways & Means

Relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2075

STATE GOVERNMENT: Buhr, Chair; Murphy, Priebe, Soorholtz and Vande Hoef

House File 2299

ENVIRONMENT AND ENERGY UTILITIES: Sorensen, Chair; Fraise and Hedge

House File 2375

COMMERCE: Doyle, Chair; Gettings, Jensen, Slife and Varn

House File 2399

HUMAN RESOURCES: Sturgeon, Chair; Buhr and Rittmer

House File 2424

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Kersten and Miller

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F. 2249 Ways and Means

H.F.	2327	Transportation
H.F.	2392	State Government
H.F.	2415	Education
H.F.	2454	Appropriations

AMENDMENTS FILED

S—5336	S.F.	2345	Mike Connolly
S—5337	S.F.	2302	Jim Lind
S—5338	S.F.	2320	Mike Connolly
S—5339	S.F.	2320	Mike Connolly
S—5340	S.F.	2354	William Palmer
S—5341	S.F.	2302	Ralph Rosenberg
S—5342	S.F.	2201	Paul D. Pate
S—5343	H.F.	2343	Derryl McLaren
			Donald Doyle
			Berl Priebe
			Dale Tieden
			Jack Hester
			Leonard Boswell
			Mary Kramer
S—5344	S.F.	2347	Emil Husak
			Derryl McLaren

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:46 p.m., until 9:00 a.m., Tuesday, March 24, 1992.

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 24, 1992

The Senate met in regular session at 9:14 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Arno Melz, pastor of the Christ Lutheran Church, Waterloo, Iowa.

The Journal of Monday, March 23, 1992, was approved.

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 March 23, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2010, a bill for an act relating to windsurfing by defining a sailboard and exempting sailboards from certain registration and equipment requirements.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2250

On motion of Senator Murphy, Senate File 2250, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology, was taken up for consideration.

Senator Riordan offered amendment S—5279 filed by him on March 18, 1992, to page 1 and to the title page of the bill.

Senator Riordan offered amendment S—5329 filed by him on March 20, 1992, to amendment S—5279 and moved its adoption.

Amendment S—5329 was adopted by a voice vote.

Senator Murphy raised the point of order that amendment S—5279 as amended was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5279 as amended in order.

Senator Riordan asked and received unanimous consent that action on amendment S—5279 as amended be deferred.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2250** be **deferred** (amendment S—5279 as amended pending.)

Senate File 2249

On motion of Senator Kibbie, Senate File 2249, a bill for an act relating to pari-mutual racing and excursion boat gambling and providing effective dates, with report of committee on Ways and Means recommending amendment and the bill without recommendation on March 19, 1992, was taken up for further consideration (amendments S—5222 and S—5215 pending on March 16, 1992).

Senator Dieleman offered amendment S—5325 filed by the committee on Ways and Means on March 19, 1992, to strike everything after the enacting clause and to the title page of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5325 be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Boswell	Connolly	Dieleman	Fuhrman
Hannon	Hedge	Hester	Husak
Hutchins	Jensen	Peterson	Rensink
Riordan	Rittmer	Sorensen	Taylor
Vande Hoef	Varn		

Nays, 29:

Borlaug	Buhr	Deluhery	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Horn	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Rife	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Tieden
Tinsman			

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones Welsh

Amendment S—5325 lost.

Senator Dieleman offered amendment S—5238 filed by him on March 16, 1992, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5238 be adopted?" (S.F. 2249) the vote was:

Ayes, 17:

Boswell	Dieleman	Drake	Fuhrman
Hannon	Hedge	Hester	Husak
Jensen	Peterson	Priebe	Rensink
Rosenberg	Sorensen	Taylor	Vande Hoef
Varn			

Nays, 30:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hagerla	Horn	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Rife	Riordan	Rittmer
Slife	Soorholtz	Sturgeon	Szymoniak
Tieden	Tinsman		

Absent or not voting, 3:

Lloyd-Jones	Running	Welsh

Amendment S—5238 lost.

Senator Dieleman offered amendment S—5241 filed by him on March 16, 1992, to pages 1 and 4 of the bill.

Senator Lind raised the point of order that amendment S—5241 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5241 in order.

Senator Dieleman moved the adoption of amendment S—5241 and requested a record roll call.

On the question "Shall amendment S—5241 be adopted?" (S.F. 2249) the vote was:

Ayes, 15:

Boswell	Dieleman	Fuhrman	Hagerla
Hedge	Hester	Jensen	Peterson
Rensink	Rife	Rosenberg	Running
Taylor	Vande Hoef	Varn	

Nays, 30:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gronstal
Hannon	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Riordan	Rittmer
Slife	Soorholtz	Sturgeon	Szymoniak
Tieden	Tinsman		

Voting present, 1:

Priebe

Absent or not voting, 4:

Gettings	Lloyd-Jones	Sorensen	Welsh

Amendment S—5241 lost.

Senator Kinley offered amendment S—5239 filed by him on March 16, 1992, to pages 1-4 of the bill.

Senator Priebe called for a division of amendment S—5239: page 1, lines 2 and 3 as division S—5239A; page 1, lines 4-8 as division S—5239B; page 1, lines 9-22 as division S—5239C; and page 1, lines 23-50 and page 2 as division S—5239D.

Senator Priebe asked and received unanimous consent that action on division S—5239A be deferred.

Senator Kinley moved the adoption of division S—5239B, which motion prevailed by voice vote.

Senator Kinley asked and received unanimous consent that action on division S—5239C be deferred.

Senator Dieleman raised the point of order that division S—5239D was not germane to the bill.

The Chair ruled the point not well taken and division S—5239D in order.

Senator Sturgeon took the chair at 11:22 a.m.

Senator Kinley moved the adoption of division S—5239D and requested a record roll call.

On the question "Shall division S—5239D be adopted?" (S.F. 2249) the vote was:

Ayes, 19:

Buhr	Gronstal	Horn	Hutchins
Kersten	Kinley	Kramer	Lind
Miller	Murphy	Palmer	Priebe
Rife	Riordan	Slife	Soorholtz
Szymoniak	Taylor	Tieden	

Nays, 30:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Hedge	Hester	Husak	Jensen
Kibbie	McLaren	Pate	Peterson
Rensink	Rittmer	Rosenberg	Running
Sorensen	Sturgeon	Tinsman	Vande Hoef
Varn	Welsh		

Absent or not voting, 1:

Lloyd-Jones

Division S—5239D lost.

Senator Kinley withdrew divisions S—5239A and S—5239C, previously deferred.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2249** be **deferred** (amendments S—5222 and S—5215 pending).

Senate File 2307

On motion of Senator Varn, Senate File 2307, a bill for an act relating to the establishment of an Iowa statewide health insurance plan, was taken up for consideration.

Senator Varn offered amendment S—5286 filed by him on March 18, 1992, to page 5 and the title page of the bill and moved its adoption.

Amendment S—5286 was adopted by a voice vote.

Senator Varn 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. 2307) the vote was:

Ayes, 28:

Boswell	Buhr	Deluhery	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hagerla	Hannon	Horn	Husak
Hutchins	Jensen	Kibbie	Miller

Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 18:

Borlaug	Drake	Fuhrman	Hedge
Hester	Kersten	Lind	McLaren
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Voting present, 1:

Kramer

Absent or not voting, 3:

Connolly	Kinley	Lloyd-Jones

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

Senator Hutchins asked and received unanimous consent that **Senate File 2307** be **immediately messaged** to the House.

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 March 17, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2384, a bill for an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education by making changes in the transportation and athletic participation provisions under open enrollment; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the

reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; making other related changes; and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 23, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2403, a bill for an act relating to the notice to be given to owners of certain property held by banking or other financial organizations.

This bill was read first time and **passed on file.**

House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:34 p.m., until 2:30 p.m.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 23 and March 24, 1992, to investigate the appointment and reappointment of the following Governor's appointees:

BUSINESS AND LABOR RELATIONS

As a member of the Employment Appeal Board:

JAMES A. ALTHAUS: Buhr, Chair; Running and Taylor

As a member of the Job Service Advisory Council:

JACQUELINE K. THOMPSON: Peterson, Chair; Palmer and Rensink

As members of the Public Employment Relations Board:

DAVID D. KNOCK: Slife, Chair; Kinley and Buhr
M. SUE WARNER: Palmer, Chair; Fuhrman and Sturgeon

HUMAN RESOURCES

As members of the Board of Behavioral Science Examiners:

MARY M. CONWAY: Kramer, Chair; Szymoniak and Tinsman
JANELLE COWLES: Tinsman, Chair; Sturgeon and Buhr
STANTON L. VISSER: Sturgeon, Chair; Riordan and Kramer

As members of the Board of Physician Assistant Examiners:

DR. ROBERT CARLETON: Riordan, Chair; Sturgeon and Taylor
ELIZABETH A. COYTE: Taylor, Chair; Buhr and Hannon

As a member of the Commission for the Blind:

JOHN C. WELLMAN: Taylor, Chair; Horn and Buhr

As members of the Commission of Elder Affairs:

VENNETTA M. FIEDLER: Rittmer, Chair; Horn and Riordan
MARGUERITE E. STOCKSTAD: Hagerla, Chair; Szymoniak and Riordan

As members of the Commission on Community Action Agencies:

LOIS H. EICHACKER: Murphy, Chair; Riordan and Taylor
MERL L. McFARLANE: Murphy, Chair; Riordan and Hagerla
STEPHANIE A. STEBENS: Hannon, Chair; Szymoniak and Rittmer

As members of the Commission on the Deaf:

KIM N. KISCHER-LARSON: Riordan, Chair; Rittmer and Kramer
MARVIN W. TUTTLE, SR.: Hagerla, Chair; Buhr and Tinsman

As members of the Commission on the Status of Women:

NAOMI L. CHRISTENSEN: Szymoniak, Chair; Hannon and Hagerla
MICHAEL D. MONTGOMERY: Sturgeon, Chair; Buhr and Kramer
MARK H. SNELL: Tinsman, Chair; Murphy and Riordan
DIANA LYNN STEWART: Kramer, Chair; Tinsman and Sturgeon
GEORGE L. STIGLER: Buhr, Chair; Murphy and Kramer

As members of the Mental Health and Mental Retardation Commission:

EUGENE T. CHISM: Horn, Chair; Murphy and Rittmer
BARBARA J. LIPS: Rittmer, Chair; Sturgeon and Szymoniak
JEAN E. OXLEY: Hannon, Chair; Horn and Taylor
LINDA W. ROUSE: Buhr, Chair; Murphy and Rittmer
JAMES A. THOMAS: Sturgeon, Chair; Riordan and Tinsman

As members of the Prevention of Disabilities Policy Council:

DAVID A. OLSON: Horn, Chair; Hannon and Tinsman
JERRY D. STILWELL: Hannon, Chair; Szymoniak and Kramer
CAROL A. WATSON: Kramer, Chair; Horn and Murphy

JUDICIARY

As a member of the Board of Parole:

KITTIE D. WESTON-KNAUER: Sturgeon, Chair; Rosenberg and Slife

As Director of the Iowa State Civil Rights Commission:

INGA BUMBARY-LANGSTON: Murphy, Chair; Deluhery and Pate

As members of the Indigent Defense Advisory Commission:

CARLYNN D. GRUPP: Horn, Chair; Hagerla and Murphy
A. PATRICIA HOULIHAN: Hester, Chair; Peterson and Drake
RICHARD P. TeKIPPE: Fuhrman, Chair; Pate and Miller

As a member of the Iowa State Civil Rights Commission:

JEFFREY W. COURTER: Rosenberg, Chair; Varn and Drake

STATE GOVERNMENT

As members of the Accountancy Examining Board:

JOHN CAIN: Vande Hoef, Chair; Kibbie and McLaren
JEAN E. KRUSE: Horn, Chair; Running and Pate
DOROTHY L. VOTROUBEK: Drake, Chair; Horn and Sorensen

As Administrator of the Division of Veterans Affairs:

DALE L. RENAUD: Dieleman, Chair; Kibbie and Soorholtz

As a member of the Alcoholic Beverages Commission:

EDWARD F. SEITZINGER: Horn, Chair; Buhr and Soorholtz

As members of the Architectural Examining Board:

CAROLYN E. OLSEN: McLaren, Chair; Sorensen and Welsh
NORMAN H. RUDI: Sorensen, Chair; Drake and Priebe

As a member of the Barber Examining Board:

ALAN L. THOMPSON: Running, Chair; Horn and Rife

As members of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers:

RONALD G. RICHER: Kramer, Chair; Buhr and Rife
ELMER G. STOCKDALE: Priebe, Chair; Soorholtz and Vande Hoef

As members of the Board of Nursing Examiners:

REGENE L. OSBORNE: Doyle, Chair; Vande Hoef and Priebe
GUY RICHARDSON: Sorensen, Chair; Priebe and Kramer

As a member of the Chiropractic Examining Board:

RONALD C. EVANS: Sorensen, Chair; Murphy and Vande Hoef

As members of the Commission on the Status of African-Americans:

GERALD L. FIELDS: Doyle, Chair; Sorensen and Vande Hoef
RONALD N. LANGSTON: Buhr, Chair; Kramer and Horn
ADA E. TREDWELL: Lind, Chair; Dieleman and Horn
MAUDE E. WHITE: Kramer, Chair; Buhr and Lind
LaMETTA K. WYNN: Drake, Chair; Horn and Lind

As a member of the Cosmetology Examining Board:

SUSANNE E. WOLRAB: Running, Chair; Horn and Pate

As members of the Dental Examining Board:

JERRY C. PRAHL, D.D.S.: Doyle, Chair; Vande Hoef and Welsh
JAMES A. RAECKER, D.D.S.: Lind, Chair; Pate and Running
DR. FRED ALBERT RIDDLE, JR.: Lloyd-Jones, Chair; Running and Pate

As a member of the Dietetic Examining Board:

MARGARET B. TAIT: Sorensen, Chair; Kramer and Welsh

As Director of the Department of Inspections and Appeals:

CHARLES H. SWEENEY: Buhr, Chair; Running and Pate

As Director of the Department of Management:

GRETCHEN H. TEGELER: Buhr, Chair; Running and Soorholtz

As members of the ENGINEERING AND LAND SURVEYING EXAMINING BOARD:

DWAYNE C. GARBER: Soorholtz, Chair; Priebe and Horn
CHERYL J. RICHARDSON: Welsh, Chair; Lind and Murphy

As a member of the Investment Board of the IPERS:

PAUL J. FRANK: Murphy, Chair; Kibbie and Drake

As members of the Iowa Board of Veterinary Medicine:

DONALD R. JACOBI: Soorholtz, Chair; McLaren and Priebe
NORMA D. LYON: Priebe, Chair; Soorholtz and Sorensen

As a member of the Iowa Emergency Response Commission:

CINDY RASPILLER: Running, Chair; Pate and Horn

As a member of the Iowa Lottery Board:

RICHARD P. SULZBACH: Doyle, Chair; Welsh and Lind

As members of the Landscape Architectural Examining Board:

ALFRED C. BOHLING: Rife, Chair; Drake and Doyle
DIANA E. HOOGESTRAAT: McLaren, Chair; Horn and Murphy

As members of the Medical Examining Board:

JAMES M. CATERINE, M.D.: Kramer, Chair; Buhr and Horn
DR. GEORGE G. SPELLMAN, SR.: Doyle, Chair; Buhr and Vande Hoef
DR. JOHANNA B. WHALEN: Rife, Chair; Drake and Buhr

As a member of the Mortuary Science Examining Board:

JAMES W. BARR: Soorholtz, Chair; Priebe and Welsh

As members of the Optometry Examining Board:

JANE F. ECKLUND: Sorensen, Chair; Priebe and Lind
DR. ROBERT H. SHARP: Pate, Chair; McLaren and Running

As members of the Pharmacy Examining Board:

PHYLLIS A. MILLER: Dieleman, Chair; Doyle and Drake
RONALD B. REIFF: Running, Chair; Buhr and Kramer

As members of the Physical and Occupational Therapy Examining Board:

DIANA R. BROWER: Murphy, Chair; Horn and Vande Hoef
KEN C. LEO: Horn, Chair; Lloyd-Jones and Lind

As a member of the Podiatry Examining Board:

TERRY K. LICHTY: Lind, Chair; Rife and Welsh

As members of the Psychology Examining Board:

CYNTHIA MARIE LYON: Soorholtz, Chair; Murphy and Welsh
DR. DAN L. ROGERS: Priebe, Chair; Kramer and Sorensen

As members of the Real Estate Appraiser Examining Board:

ARTHUR J. FRAHM: Drake, Chair; Priebe and Kramer
PATSY A. HASTINGS: Sorensen, Chair; Murphy and Kramer
ARNE F. WALDSTEIN: McLaren, Chair; Soorholtz and Priebe

As a member of the Real Estate Commission:

JERRY F. DUGGAN: McLaren, Chair; Dieleman and Welsh

As a member of the Respiratory Care Advisory Committee:

EARL L. HOWARD: Buhr, Chair; Kramer and Vande Hoef

As members of the Social Work Examining Board:

RAYMOND E. FRANKLIN: Running, Chair; Pate and Welsh
PATRICIA L. KELLEY: Lloyd-Jones, Chair; Welsh and Vande Hoef

KATHLEEN M. MORGAN: Buhr, Chair; Kramer and Lind

As members of the Speech Pathology and Audiology Examining Board:

ALAN K. HEIDECKER: Vande Hoef, Chair; Rife and Buhr
DOROTHY L. McKEE: Murphy, Chair; Doyle and Vande Hoef

As members of the State Board of Examiners for Nursing Home Administrators:

WARREN D. RIPPEY: Buhr, Chair; Kramer and Priebe
PATRICIA E. TIARKS: McLaren, Chair; Drake and Horn

As a member of the State Racing and Gaming Commission:

RICHARD P. CANELLA: Doyle, Chair; Gronstal and Lind

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2329, the following corrections were made:

1. Page 3, line 23, the words "Section 102" were changed to the words "Section 6".

2. Page 3, line 25, the words "Sections 1, 100, 2, and 101" were changed to the words "Sections 2, 3, 4, and 5".

ALSO:

In engrossing Senate File 2241, the following correction was made:

1. Page 3, line 2, the words "section 6" were changed to the words "section 4".

JOHN F. DWYER
Secretary of the Senate

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 23, 1992, 4:55 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Lloyd-Jones (excused).

Committee Business: Amended LSB 5205 and ordered redrafted for final approval as a committee bill.

Adjourned: 6:19 p.m.

CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Chris Strecker and Tracey Strecker, Primghar — For attaining the coveted rank of Eagle Scouts. Senator Vande Hoef (3-23-92).

Coach Mitch Osborn and the Palmer-Pomeroy High School boys' basketball team — For placing third in the 1992 Class 1-A Boys' State high school basketball tournament. Senator Fuhrman (3-21-92).

COMMITTEE REPORT

AGRICULTURE

Final Bill Action: HOUSE FILE 2209, a bill for an act relating to agricultural land tenure studies.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan and Vande Hoef. Nays, none. Absent or not voting, 1: Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

H.F. 2384 Education

AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Gronstal presiding.

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 March 23, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2436, a bill for an act relating to the detention of persons alleged to be seriously mentally impaired or to be chronic substance abusers.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 24, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2194, a bill for an act relating to the establishment of a special classification of residential care facilities to provide accommodations for certain elderly persons.

This bill was read first time and **passed on file.**

House File 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances.

This bill was read first time and **passed on file.**

House File 2391, a bill for an act defining public road rights-of-way.

This bill was read first time and **passed on file.**

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 119, by Riordan, a concurrent resolution relating to protecting the global environment.

Read first time and **passed on file.**

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

The Senate stood at ease at 2:45 p.m. until the fall of the gavel.

The Senate resumed session at 2:50 p.m., President Gronstal presiding.

BUSINESS PENDING

Senate File 2249

The Senate resumed consideration of Senate File 2249, a bill for an act relating to pari-mutual racing and excursion boat gambling and providing effective dates, previously deferred (amendments S—5222 and S—5215 pending).

The Senate resumed consideration of amendment S—5222 by Senator Murphy to pages 2 and 3 of the bill, deferred on March 16, 1992.

Senator Murphy offered amendment S—5247 filed by Senators Murphy and Priebe on March 16, 1992, to amendment S—5222 and moved its adoption.

Amendment S—5247 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that action on amendment S—5222 as amended be deferred.

Senator Kibbie moved the adoption of amendment S—5215 by Senators Kibbie, Lind and McLaren to page 3 of the bill, offered and pending on March 16, 1992, and requested a record roll call.

On the question "Shall amendment S—5215 be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Borlaug	Gettings	Gronstal	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kramer	Lind	McLaren
Miller	Murphy	Pate	Rensink
Riordan	Running	Slife	Tieden

Nays, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Jensen	Kinley	Palmer	Peterson
Rife	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Welsh		

Voting present, 1:

Priebe

Absent or not voting, 3:

Lloyd-Jones	Soorholtz	Varn

Amendment S—5215 lost.

Senator Dieleman offered amendment S—5217 filed by him on March 12, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5217 lost by a voice vote.

Senator Dieleman offered amendment S—5220 filed by him on March 12, 1992, to pages 3 and 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5220 be adopted?" (S.F. 2249) the vote was:

Ayes, 17:

Boswell	Dieleman	Doyle	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Hester	Peterson	Rensink	Rosenberg
Running	Sorensen	Taylor	Vande Hoef
Varn			

Nays, 30:

Borlaug	Buhr	Connolly	Deluhery
Drake	Gettings	Gronstal	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Rife	Riordan	Rittmer
Slife	Sturgeon	Szymoniak	Tieden
Tinsman	Welsh		

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones Soorholtz

Amendment S—5220 lost.

Senator Dieleman offered amendment S—5216 filed by him on March 12, 1992, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5216 be adopted?" (S.F. 2249) the vote was:

Ayes, 18:

Boswell	Dieleman	Doyle	Fuhrman
Hagerla	Hannon	Hedge	Hester
Jensen	Pate	Peterson	Rensink
Rosenberg	Running	Sorensen	Taylor
Vande Hoef	Varn		

Nays, 27:

Borlaug	Buhr	Connolly	Deluhery
Drake	Fraise	Gettings	Gronstal
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Lind	McLaren
Miller	Murphy	Palmer	Rife
Rittmer	Slife	Sturgeon	Szymoniak
Tieden	Tinsman	Welsh	

Voting present, 1:

Priebe

Absent or not voting, 4:

Kramer	Lloyd-Jones	Riordan	Soorholtz

Amendment S—5216 lost.

Senator Dieleman offered amendment S—5233 filed by him on March 13, 1992, to page 4 of the bill and moved its adoption.

Amendment S—5233 lost by a voice vote.

Senator Dieleman offered amendment S—5240 filed by him on March 16, 1992, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5240 be adopted?" (S.F. 2249) the vote was:

Ayes, 15:

Boswell	Dieleman	Fuhrman	Hagerla
Hannon	Hedge	Hester	Jensen
Peterson	Rensink	Running	Sorensen
Taylor	Vande Hoef	Varn	

Nays, 32:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Rife	Riordan
Rittmer	Rosenberg	Slife	Sturgeon
Szymoniak	Tieden	Tinsman	Welsh

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

Amendment S—5240 lost.

Senator Dieleman offered amendment S—5242 filed by him on March 16, 1992, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5242 be adopted?" (S.F. 2249) the vote was:

Ayes, 16:

Boswell	Dieleman	Drake	Fuhrman
Hagerla	Hannon	Hedge	Jensen
Peterson	Rensink	Riordan	Rosenberg
Sorensen	Taylor	Vande Hoef	Varn

Nays, 31:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hester	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Rife	Rittmer
Running	Slife	Sturgeon	Szymoniak
Tieden	Tinsman	Welsh	

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones Soorholtz

Amendment S—5242 lost.

Senator Connolly offered amendment S—5224 filed by him on March 13, 1992, to page 4 of the bill.

Senator Connolly offered amendment S—5243 filed by him on March 16, 1992, to amendment S—5224 and moved its adoption.

Amendment S—5243 was adopted by a voice vote.

Senator Sturgeon took the chair at 4:18 p.m.

President Gronstal took the chair at 4:24 p.m.

Senator Connolly moved the adoption of amendment S—5224 as amended.

A non record roll call was requested.

The ayes were 15, nays 26.

Amendment S—5224 lost.

Senator Connolly offered amendment S—5225 filed by him on March 13, 1992, to page 4 of the bill and moved its adoption.

Amendment S—5225 lost by a voice vote.

Senator Connolly offered amendment S—5226 filed by him on March 13, 1992, to page 4 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5226 be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Gettings	Hagerla	Hannon
Hedge	Hester	Jensen	Murphy
Peterson	Priebe	Rensink	Rosenberg
Running	Sorensen	Sturgeon	Vande Hoef
Varn	Welsh		

Nays, 26:

Borlaug	Doyle	Drake	Fraise
Fuhrman	Gronstal	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	McLaren	Miller
Palmer	Pate	Rife	Riordan
Rittmer	Slife	Szymoniak	Taylor
Tieden	Tinsman		

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

Amendment S—5226 lost.

Senator Dieleman offered amendment S—5237 filed by him on March 16, 1992, to page 4 of the bill and moved its adoption.

Amendment S—5237 was adopted by a voice vote.

Senator Welsh offered amendment S—5360 filed by Senators Welsh, et al., from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5360 was adopted by a voice vote.

With the adoption of amendment S—5360, the Chair ruled amendment S—5222 as amended by Senator Murphy to pages 2 and 3 of the bill, previously deferred, out of order.

Senator Drake filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5215 to Senate File 2249 failed to be adopted by the Senate on March 24, 1992.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 28, nays 19.

The motion prevailed and amendment S—5215 by Senators Kibbie, Lind and McLaren to page 3 of the bill, was taken up for reconsideration.

Senator Kibbie moved the adoption of amendment S—5215.

A record roll call was requested.

On the question "Shall amendment S—5215 be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Borlaug	Buhr	Deluhery	Drake
Fraise	Gettings	Gronstal	Hester
Horn	Husak	Hutchins	Kersten
Kibbie	Kramer	Lind	McLaren
Miller	Pate	Rensink	Rife

Slife	Szymoniak	Tieden	Tinsman
Welsh			

Nays, 22:

Boswell	Connolly	Dieleman	Doyle
Fuhrman	Hagerla	Hannon	Hedge
Jensen	Kinley	Murphy	Palmer
Peterson	Riordan	Rittmer	Rosenberg
Running	Sorensen	Sturgeon	Taylor
Vande Hoef	Varn		

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones	Soorholtz

Amendment S—5215 was adopted.

Senator Kibbie 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. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Borlaug	Buhr	Connolly	Deluhery
Drake	Fraise	Gettings	Gronstal
Horn	Husak	Hutchins	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Palmer	Pate	Rife
Riordan	Running	Slife	Szymoniak
Tieden	Welsh		

Nays, 21:

Boswell	Dieleman	Doyle	Fuhrman
Hagerla	Hannon	Hedge	Hester
Jensen	Kersten	Murphy	Peterson
Rensink	Rittmer	Rosenberg	Sorensen

Sturgeon Taylor Tinsman Vande Hoef
Varn

Voting present, 1:

Priebe

Absent or not voting, 2:

Lloyd-Jones Soorholtz

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

Senator Hutchins asked and received unanimous consent that **Senate File 2249** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2355, by committee on Appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

Read first time and **placed on Appropriations Calendar.**

INTRODUCTION OF RESOLUTION

Senate Resolution 105, by committee on Agriculture, a resolution to request that the Legislative Council establish an interim committee to study the care and feeding of swine.

Read first time and **placed on calendar.**

APPENDIX

NOTICE OF HEARING

Dale L. Renaud, appointed by the Governor as Administrator of the Veterans Affairs Division, will appear before the Senate State Government investigating committee on March 30, 1992, at 12:15 p.m., Room 22, State Capitol Building.

JACK KIBBIE, Chair
SENATE INVESTIGATING COMMITTEE

SUBCOMMITTEE ASSIGNMENTS

Senate File 2062

APPROPRIATIONS: Peterson, Chair; Buhr and McLaren

House File 2135

LOCAL GOVERNMENT: Rittmer, Chair; Fraise and Sorensen

House File 2327

TRANSPORTATION: Fraise, Chair; Dieleman and Slife

House File 2384

EDUCATION: Murphy, Chair; Deluhery and Kramer

House File 2388

EDUCATION: Connolly, Chair; Horn and Rensink

House File 2392

STATE GOVERNMENT: Priebe, Chair; Doyle, Rife, Soorholtz and Sorensen

House File 2412

EDUCATION: Horn, Chair; Connolly and Tieden

House File 2415

EDUCATION: Horn, Chair; Connolly and Tieden

House File 2434

SMALL BUSINESS/ECONOMIC DEVELOPMENT: Riordan, Chair; Borlaug, Hannon, Kibbie and Kramer

House File 2435

SMALL BUSINESS/ECONOMIC DEVELOPMENT: Riordan, Chair; Borlaug, Hannon, Kibbie and Kramer

LSB 6281

AGRICULTURE: Priebe, Chair

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE RESOLUTION 105, a resolution to request that the Legislative Council establish an interim committee to study the care and feeding of swine.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 15: Priebe, Peterson, Soorholtz, Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Final Bill Action: SENATE FILE 2355 (LSB 5205), a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boswell, Husak, Tieden, Buhr, Connolly, Lind, Pate, Peterson, Rensink, Riordan, Szymoniak, Tinsman, Varn and Welsh. Nays, 1: Hagerla. Absent or not voting, 6: Gettings, Kersten, Lloyd-Jones, McLaren, Rosenberg and Running.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 2028, a bill for an act requiring institutions of higher education to establish policies relating to sexual abuse and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Connolly, Horn, Taylor, Deluhery, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, 1: Dieleman. Absent or not voting, 2: Kramer and Lind.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2247, a bill for an act modifying eligibility requirements within the postsecondary enrollment options Act, including students identified as gifted and talented children.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Connolly, Horn, Taylor, Deluhery, Dieleman, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 5: Kibbie, Kramer, Lind, Murphy and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5361.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 2: Kramer and Lind.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2335, a bill for an act relating to the purchase of employee annuity contracts by area education agencies.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 2: Kramer and Lind.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 24, 1992.

Had I been present, I would have voted "aye" on Senate File 2307.

MIKE CONNOLLY

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

AGRICULTURE

Pursuant to Senate Rule 59, the committee on Agriculture assigned to investigate the following Governor's reappointments, completed its investigations on March 24, 1992, and recommended the appointees be confirmed:

Mark Leonard, Lois Schnoor and Sharon Sievers as members of the Agricultural Development Authority.

Terry Evans and Bruce A. Yungclas as members of the Iowa Grain Indemnity Fund Board.

Jack H. Miller as a member of the State Soil Conservation Committee.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on March 23, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2216 — Relating to the deadline for reaching a collective bargaining agreement by community colleges, allowing for waiver of the deadline by mutual agreement, and providing an effective date.

SENATE FILE 2219 — Relating to probate law changes regarding certain investments by fiduciaries, the definition of fiduciary, and the bonding requirements for banks and trust companies.

SENATE FILE 2221 — Providing for the composition of the renewable fuel advisory committee.

SENATE FILE 2272 — Relating to the transfers of real estate interests by trustees, limiting claims against such real estate transfers, and providing for the act's applicability.

Sincerely,
TERRY E. BRANSTAD
Governor

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	119	Environment & Energy Utilities
H.F.	2010	Natural Resources
H.F.	2194	Human Resources
H.F.	2372	Judiciary
H.F.	2391	Transportation
H.F.	2395	Business & Labor Relations
H.F.	2403	State Government
H.F.	2417	Environment & Energy Utilities
H.F.	2436	Judiciary
H.F.	2439	Environment & Energy Utilities

AMENDMENTS FILED

S—5345	S.F.	2225	Jim Lind
S—5346	H.F.	2203	Jim Riordan
S—5347	S.F.	2006	Jim Lind
S—5348	S.F.	2250	Beverly Hannon
S—5349	H.F.	2085	Eugene Fraise Emil Husak Derryl McLaren
S—5350	S.F.	2250	Beverly Hannon
S—5351	S.F.	2250	William D. Palmer
S—5352	S.F.	2347	Berl Priebe Leonard Boswell Sheldon Rittmer Donald V. Doyle Emil J. Husak

			John Peterson
			John Soorholtz
S—5353	S.F.	2348	Richard Varn
S—5354	S.F.	2055	Larry Murphy
			Linn Fuhrman
			Harry Slife
			Mary E. Kramer
			Florence Buhr
S—5355	S.F.	2348	Elaine Szymoniak
			Ralph Rosenberg
S—5356	S.F.	2292	Larry Murphy
S—5357	S.F.	2306	Al Sturgeon
S—5358	S.F.	2159	Derryl McLaren
			Leonard Boswell
			Berl Priebe
			Jack Hester
			Jim Kersten
			Eugene Fraise
S—5359	S.F.	2268	Derryl McLaren
			Donald Doyle
			Berl Priebe
			Leonard Boswell
			Jack Hester
			Dale Tieden
			John Soorholtz
S—5360	S.F.	2249	Joe Welsh
			Jim Lind
			Berl Priebe
			Michael Gronstal
			John Soorholtz
S—5361	H.F.	2287	Education
S—5362	S.F.	2334	Florence Buhr

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:25 p.m., until 8:00 a.m., Wednesday, March 25, 1992.

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 25, 1992

The Senate met in regular session at 8:05 a.m., Senator Connolly presiding.

Prayer was offered by the Honorable Linn Fuhrman, member of the Senate from Buena Vista County, Aurelia, Iowa.

The Journal of Tuesday, March 24, 1992, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent and a quorum present.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2130

On motion of Senator Riordan, Senate File 2130, a bill for an act relating to targeted small business procurement procedures and local purchases, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—5142 filed by the committee on Small Business and Economic Development on March 5, 1992, to pages 1-3 and the title page of the bill.

Senator Riordan asked and received unanimous consent that action on amendment S—5142 and **Senate File 2130** be **deferred**.

The Senate stood at ease at 8:37 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:15 a.m., President Gronstal 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 March 24, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

This bill was read first time and **passed on file.**

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2345

On motion of Senator Gettings, Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, was taken up for consideration.

Senator Gettings offered amendment S—5268 filed by him on March 17, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5268 was adopted by a voice vote.

Senator Jensen offered amendment S—5250 filed by Senators Jensen and Kersten on March 16, 1992, to pages 4-6 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until she arrives on request of Senator Rife.

BUSINESS PENDING

Senate File 2345

The Senate resumed consideration of Senate File 2345.

Senator Jensén moved the adoption of amendment S—5250 and requested a record roll call.

On the question "Shall amendment S—5250 be adopted?" (S.F. 2345) the vote was:

Ayes, 23:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kinley	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, 24:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Miller	Murphy
Peterson	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Varn

Absent or not voting, 3:

Kramer	Lloyd-Jones	Welsh

Amendment S—5250 lost.

Senator Drake offered amendment S—5366 filed by him from the floor to page 6 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5366 be adopted?" (S.F. 2345) the vote was:

Ayes, 21:

Borlaug	Drake	Fraise	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Lind	McLaren	Pate

Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 2:

Kramer	Lloyd-Jones

Amendment S—5366 lost.

Senator Tinsman offered amendment S—5251 filed by Senators Tinsman and Varn on March 16, 1992, to page 9 of the bill and moved its adoption.

Amendment S—5251 was adopted by a voice vote.

Senator Lind offered amendment S—5367 filed by him from the floor to pages 13 and 16 of the bill and moved its adoption.

Amendment S—5367 was adopted by a voice vote.

Senator Rittmer offered amendment S—5363 filed by Senators Rittmer, et al., from the floor to page 15 of the bill.

Senator Gettings raised the point of order that amendment S—5363 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5363 in order.

Senator Rittmer moved the adoption of amendment S—5363 and requested a record roll call.

On the question "Shall amendment S—5363 be adopted?" (S.F. 2345) the vote was:

Ayes, 40:

Buhr	Connolly	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
McLaren	Miller	Murphy	Palmer
Pate	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Vande Hoef	Varn	Welsh

Nays, 8:

Borlaug	Boswell	Deluhery	Gettings
Peterson	Rensink	Tieden	Tinsman

Absent or not voting, 2:

Kramer	Lloyd-Jones

Amendment S—5363 was adopted.

Senator Fraise offered amendment S—5273 filed by him on March 17, 1992, to pages 15-16 of the bill and moved its adoption.

Amendment S—5273 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Riordan until he returns on request of Senator Horn.

BUSINESS PENDING

Senate File 2345

The Senate resumed consideration of Senate File 2345.

Senator Connolly offered amendment S—5336 filed by him on March 23, 1992, to page 17 of the bill and moved its adoption.

Amendment S—5336 was adopted by a voice vote.

Senator Kersten offered amendment S—5365 filed by him from the floor to pages 1-3 and 15-16 of the bill and called for a division: lines 2-18 as division S—5365A and lines 19-20 as division S—5365B.

Senator Kersten withdrew division S—5365B.

Senator Kersten moved the adoption of division S—5365A.

A record roll call was requested.

On the question "Shall division S—5365A be adopted?" (S.F. 2345) the vote was:

Ayes, 20:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Miller
Murphy	Palmer	Peterson	Priebe
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 3:

Kramer	Lloyd-Jones	Riordan

Division S—5365A lost.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2345** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2289

On motion of Senator Hagerla, Senate File 2289, a bill for an act relating to notice of filing of petitions seeking to establish

guardianships and conservatorships, was taken up for consideration.

Senator Hagerla 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. 2289) the vote was:

Ayes, 46:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Borlaug	Kramer	Lloyd-Jones	Riordan

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

Senate File 29

On motion of Senator Sturgeon, Senate File 29, a bill for an act relating to juvenile justice expenses, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon 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. 29) the vote was:

Ayes, 46:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Borlaug	Kramer	Lloyd-Jones	Riordan

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2289** and **29** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2345

The Senate resumed consideration of Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, previously deferred.

Senator Varn offered amendment S—5370 filed by him from the floor to page 13 of the bill and moved its adoption.

Amendment S—5370 was adopted by a voice vote.

Senator Connolly took the chair at 10:53 a.m.

President Gronstal took the chair at 11:10 a.m.

Senator Gettings 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. 2345) the vote was:

Ayes, 35:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hannon	Hedge
Horn	Husak	Hutchins	Kibbie
Kinley	Lind	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 11:

Drake	Fuhrman	Hagerla	Hester
Jensen	Kersten	McLaren	Rife
Taylor	Tieden	Vande Hoef	

Absent or not voting, 4:

Kramer	Lloyd-Jones	Priebe	Riordan

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

Senator Hutchins asked and received unanimous consent that **Senate File 2345** be **immediately messaged** to the House.

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 March 25, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2376, a bill for an act relating to the disposition of fees and charges collected by the real estate commission.

This bill was read first time and **passed on file.**

House File 2440, a bill for an act relating to certain controlled substance offenses, increasing criminal penalties for certain offenses, creating an offense concerning the use of persons under the age of eighteen in the drug trade and establishing criminal penalties and a mandatory minimum sentence, providing a mandatory term of imprisonment, and providing for motor vehicle license revocation proceedings.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:15 a.m., until 4:30 p.m.

APPENDIX

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate on March 18, 19, 20 and 23, 1992. Had I been present, I would have voted "aye" on the following bills:

Senate Files 2121, 2209, 2231, 2256, 2274, 2294, 2295, 2298, 2316, 2327, 2331, 2332, 2342, 2351, 2293 and 2341 and House File 2269.

I would have voted "nay" on Senate Files 2251 and 2290.

PAUL PATE

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 24, 1992, 8:17 a.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, McLaren, Miller, Palmer, Riordan, Rittmer and Vande Hoef.

Members Absent: none.

Committee Business: Presentation of an agreement to operate a wildlife damage program in Iowa; recommended passage of House File 2209; approved LSB 6281 as a committee resolution; recommended confirmation of governor's appointees.

Adjourned: 8:39 a.m.

APPROPRIATIONS

Convened: March 24, 1992, 2:45 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Hagerla, Lind, Pate, Peterson, Rensink, Riordan, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Gettings, Kersten, Lloyd-Jones, McLaren, Rosenberg and Running (all excused).

Committee Business; Approved LSB 5205 as amended as a committee bill.

Adjourned: 2:47 p.m.

EDUCATION

Convened: March 24, 1992, 1:35 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Kramer and Lind (both excused).

Committee Business: Assigned bills and governor's appointees to subcommittees; recommended passage of House Files 2247, 2335 and 2028; recommended passage of House File 2287 as amended.

Adjourned: 2:24 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2249, the following corrections were made:

1. Page 5, line 35, the numbers "5, 6, 7, 9, 10, 11, 12, and 14" were changed to the numbers "5, 7, 8, 10, 11, 12, 14, and 16".

2. Page 6, line 1, the words "Sections 8" were changed to the words "Section 9".

3. Page 6, line 3, the words "section 8" were changed to the words "section 9".

ALSO: That in engrossing Senate File 2345, the following correction was made:

1. Page 20, line 8, the words "Sections 20 and 21"were changed to the words "Sections 24 and 26".

JOHN F. DWYER
Secretary of the Senate

MINISTER OF THE DAY

Father John A. Vahulskas, Jr., pastor of the Sacred Heart Catholic Church in Early, who was scheduled to offer the opening prayer on March 25, was present but unable to give the prayer because the Senate convened an hour earlier than its usual practice.

LINN FUHRMAN

CERTIFICATE OF RECOGNITION

The secretary of the senate issued a certificate of recognition as follows:

Coach Jim Elkhoff and the Hull Western Christian Indians boys' basketball team — For placing third in the 1992 Class 2-A Boys' State high school basketball tournament. Senator Rensink (3-23-92).

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 119

ENVIRONMENT & ENERGY UTILITIES: Hannon, Chair; Hedge and Varn

House File 2010

NATURAL RESOURCES: Riordan, Chair; Hagerla and Rosenberg

House File 2341

JUDICIARY: Deluhery, Chair; Pate and Peterson

House File 2372

JUDICIARY: Peterson, Chair; Slife and Sturgeon

House File 2391

TRANSPORTATION: Dieleman, Chair; Connolly and Jensen

House File 2403

STATE GOVERNMENT: Sorensen, Chair; Dieleman, McLaren, Priebe and Vande Hoef

House File 2417

ENVIRONMENT & ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Jensen

House File 2436

JUDICIARY: Sturgeon, Chair; Hester and Rosenberg

HOUSE FILE 2439

ENVIRONMENT & ENERGY UTILITIES: Varn, Chair; Hannon and Hedge

House File 2452

JUDICIARY: Rosenberg, Chair; Fuhrman, Slife, Sturgeon and Varn

House File 2454

APPROPRIATIONS: Buhr, Chair; Kersten and Varn

AMENDMENTS FILED

S—5363	S.F.	2345	Sheldon Rittmer George Kinley Mike Connolly Richard F. Drake
S—5364	H.F.	2450	Wally Horn
S—5365	S.F.	2345	Jim Kersten
S—5366	S.F.	2345	Richard Drake
S—5367	S.F.	2345	Jim Lind
S—5368	S.F.	2225	Jim Lind
S—5369	S.F.	2354	Richard Varn
S—5370	S.F.	2345	Richard Varn
S—5371	H.F.	2274	Berl Priebe
S—5372	H.F.	2343	Berl Priebe
S—5373	S.F.	2317	Harry Slife Richard Running Linn Fuhrman Wally Horn
S—5374	S.F.	2268	Berl Priebe

AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., Senator Dieleman presiding.

The Senate stood at ease at 4:42 p.m. until the fall of the gavel.

The Senate resumed session at 5:25 p.m., Senator Connolly presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 24, 1992)

Senate File 2250

The Senate resumed consideration of Senate File 2250, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology, and amendment S—5279 as amended by Senator Riordan to page 1 and the title page of the bill, deferred on March 24, 1992.

Senator Riordan withdrew amendment S—5279 as amended.

Senator Hannon withdrew amendment S—5348 filed by her on March 24, 1992, to page 1 of the bill.

Senator Murphy offered amendment S—5283 filed by him on March 18, 1992, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 25, nays 20.

Amendment S—5283 was adopted.

With the adoption of amendment S—5283, the Chair ruled amendment S—5291 filed by Senator Murphy on March 18, 1992, to page 1 of the bill, out of order.

Senator Husak offered amendment S—5376 filed by Senators Husak, et al., from the floor to page 1 of the bill.

Senator Palmer asked and received unanimous consent that action on amendment S—5376 be deferred.

With the withdrawal of amendment S—5279 as amended, the following amendments to amendment S—5279 were out of order: amendment S—5350 filed by Senator Hannon on March 24, 1992, and amendment S—5351 filed by Senator Palmer on March 24, 1992.

Senator Hutchins asked and received unanimous consent that action on **Senate File 2250** be **deferred** (amendment S—5376 pending).

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2348

On motion of Senator Rosenberg, Senate File 2348, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date, was taken up for consideration.

Senator Vande Hoef offered amendment S—5378 filed by Senators Vande Hoef and Taylor from the floor to pages 1, 13 and 15 of the bill and called for a division: lines 2-7 and 11-21 as division S—5378A and lines 8-10 as division S—5378B.

Senator Vande Hoef moved the adoption of division S—5378A, which motion lost by voice vote.

Senator Vande Hoef moved the adoption of division S—5378B and requested a record roll call.

On the question "Shall division S—5378B be adopted?" (S.F. 2348) the vote was:

Ayes, 20:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Nays, 26:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Absent or not voting, 4:

Jensen	Kinley	Lloyd-Jones	Soorholtz

Division S—5378B lost.

Senator Gronstal took the chair at 6:10 p.m.

Senator Vande Hoef offered amendment S—5375 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5375 was adopted by a voice vote.

Senator Vande Hoef offered amendment S—5380 filed by Senators Vande Hoef and Taylor from the floor to pages 9 and 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5380 be adopted?" (S.F. 2348) the vote was:

Ayes, 15:

Borlaug	Drake	Fuhrman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Rensink
Slife	Taylor	Tieden	

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Hutchins	Kibbie	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Absent or not voting, 6:

Kinley	Lloyd-Jones	Rife	Rittmer
Soorholtz	Vande Hoef		

Amendment S—5380 lost.

Senator Rosenberg offered amendment S—5290 filed by Senators Rosenberg and Varn on March 18, 1992, to pages 5 and 18 of the bill.

Senator Varn offered amendment S—5353 filed by him on March 24, 1992, to amendment S—5290 and moved its adoption.

Amendment S—5353 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—5290 as amended, which motion prevailed by voice vote.

Senator Vande Hoef offered amendment S—5379 filed by Senators Vande Hoef and Taylor from the floor to pages 14, 20 and 21 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5379 be adopted?" (S.F. 2348) the vote was:

Ayes, 20:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Priebe
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Miller	Murphy
Palmer	Pate	Peterson	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz

Amendment S—5379 lost.

Senator Szymoniak offered amendment S—5355 filed by Senators Szymoniak and Rosenberg on March 24, 1992, to page 15 of the bill.

Senator Vande Hoef raised the point of order that amendment S—5355 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5355 in order.

Senator Szymoniak moved the adoption of amendment S—5355, which motion prevailed by voice vote.

Senator Vande Hoef offered amendment S—5377 filed by Senators Vande Hoef and Taylor from the floor to pages 15 and 20 of the bill and moved its adoption.

Amendment S—5377 lost by a voice vote.

Senator Doyle withdrew amendment S—5266 filed by him on March 17, 1992, to page 19 of the bill.

Senator Doyle offered amendment S—5277 filed by him on March 17, 1992, to page 19 of the bill and moved its adoption.

Amendment S—5277 was adopted by a voice vote.

Senator Rosenberg 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. 2348) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2311

On motion of Senator Sturgeon, Senate File 2311, a bill for an act relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries, was taken up for consideration

Senator Sturgeon offered amendment S—5333 filed by him on March 20, 1992, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5333 was adopted by a voice vote.

Senator Sturgeon 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. 2311) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Kinley	Lloyd-Jones	Running	Soorholtz

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

BUSINESS PENDING

Senate File 2250

The Senate resumed consideration of Senate File 2250, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology, and amendment S—5376 by Senators Husak, et al., to page 1 of the bill, previously deferred.

Senator Palmer offered amendment S—5381 filed by him from the floor to amendment S—5376 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5381 be adopted?" (S.F. 2250) the vote was:

Ayes, 21:

Buhr	Connolly	Dieleman	Fuhrman
Gettings	Hagerla	Hedge	Horn
Jensen	Kersten	Lind	McLaren

Palmer	Peterson	Priebe	Rensink
Rife	Sorensen	Sturgeon	Taylor
Varn			

Nays, 26:

Borlaug	Boswell	Deluhery	Doyle
Drake	Fraise	Gronstal	Hannon
Hester	Husak	Hutchins	Kibbie
Kramer	Miller	Murphy	Pate
Riordan	Rittmer	Rosenberg	Running
Slife	Szymoniak	Tieden	Tinsman
Vande Hoef	Welsh		

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz

Amendment S—5381 lost.

Senator Husak moved the adoption of amendment S—5376.

A record roll call was requested.

On the question "Shall amendment S—5376 be adopted?" (S.F. 2250) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 37:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Hutchins	Jensen	Kibbie	McLaren
Miller	Pate	Peterson	Priebe
Rensink	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Vande Hoef	Varn
Welsh			

Nays, 10:

Connolly	Hester	Kersten	Kramer
Lind	Murphy	Palmer	Rife
Riordan	Tinsman		

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz

Amendment S—5376 was adopted.

Senator Murphy 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. 2250) the vote was:

Ayes, 25:

Boswell	Deluhery	Dieleman	Doyle
Fraise	Gettings	Gronstal	Hannon
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Miller	Murphy
Priebe	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Taylor	Vande Hoef
Welsh			

Nays, 22:

Borlaug	Buhr	Connolly	Drake
Fuhrman	Hagerla	Hedge	Kersten
Kramer	Lind	McLaren	Palmer
Pate	Peterson	Rensink	Rife
Riordan	Rittmer	Slife	Tieden
Tinsman	Varn		

Absent or not voting, 3:

Kinley	Lloyd-Jones	Soorholtz

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2348** be **immediately messaged** to the House.

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2376	Commerce
H.F.	2440	Judiciary
H.F.	2457	Appropriations

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

COMMERCE

Pursuant to Senate Rule 59, the committee on Commerce assigned to investigate the following Governor's appointments, completed its investigations on March 25, 1992, and recommended the appointees be confirmed:

Marcia J. Benit and Barbara A. Nixon for reappointment as members of the Credit Union Review Board.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Pursuant to Senate Rule 59, the committee on Small Business and Economic Development assigned to investigate the following Governor's appointments, completed its investigations on March 25, 1992, and recommended the appointees be confirmed:

Philip Smith for reappointment as Director of the Office for State-Federal Relations.

William C. Metz and Joan Y. Phillips for reappointment and William B. Trent for appointment as members of the Iowa Economic Development Board.

Doris A. Hansen and Robert M. Kreamer for reappointment as members of the Small Business Advisory Council.

Perry J. Chapin for reappointment and Russell W. Teig for appointment as members of the Wallace Technology Transfer Foundation of Iowa.

TRANSPORTATION

Pursuant to Senate Rule 59, the committee on Transportation assigned to investigate the following Governor's appointments, completed its investigations on March 25, 1992, and recommended the appointees be confirmed:

Janice M. Johnson and Bonnie L. Vetter for appointment as members of the State Transportation Commission.

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law.

Recommendation: DO PASS.

Final Vote: Ayes, 6: Running, Sturgeon, Buhr, Kinley, Palmer and Peterson. Nays, 4: Fuhrman, Rensink, Slife and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2395, a bill for an act relating to workers' compensation, by establishing a second injury fund task force, continuing assessment of a surcharge on workers' compensation benefits paid in the state, and authorizing adoption of administrative rules.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Slife and Taylor. Nays, 1: Rensink.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: HOUSE FILE 150, a bill for an act relating to the transfer of funds by enacting the uniform Act and providing civil remedies.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Deluhery, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 2: Kinley and Lind.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 323, a bill for an act relating to exempting a financial institution from providing evidence of financial security when making an application for registration as a travel agency.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Deluhery, Slife, Doyle, Gettings, Gronstal, Jensen, Palmer, Tieden and Varn. Nays, 5: Fuhrman, Kersten, Lind, Priebe and Sturgeon. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2158, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Deluhery, Kinley, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2375, a bill for an act relating to authorizing deductibles for policies of insurance providing workers' compensation coverage.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Deluhery, Slife, Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn. Nays, none. Absent or not voting, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: HOUSE FILE 2205, a bill for an act relating to solid waste.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2275, a bill for an act relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2299, a bill for an act relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation, or certification in a comprehensive plan to operate a sanitary disposal project.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Rosenberg, Deluhery, Fraise, Hannon, Miller, Sorensen and Varn. Nays, 5: Jensen, Borlaug, Hedge, Kersten and Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2359, a bill for an act relating to an animal feed milling industry exemption from payment and to reassessment of the temporary air toxics fee.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none. Absent or not voting, 1: Borlaug.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2385, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rosenberg, Deluhery, Jensen, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none. Absent or not voting, 1: Borlaug.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2424, a bill for an act relating to the limitations on the use of the customer contribution fund.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rosenberg, Deluhery, Jensen, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz and Sorensen. Nays, none. Absent or not voting, 2: Borlaug and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2194, a bill for an act relating to the establishment of a special classification of residential care facilities to provide accommodations for certain elderly persons.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2322, a bill for an act relating to child day care and similar services concerning the state day care advisory committee and statewide resource and referral services.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Szymoniak, Taylor and Tinsman. Nays, 1: Sturgeon.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2399, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2426, a bill for an act relating to the licensing and inspection of radiation machines used for mammography and providing an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *HOUSE FILE 2244, a bill for an act relating to notice requirements for hearings on the vacation and closing of roads or railroad crossings.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Fraise, Connolly, Drake, Gettings, Jensen, Pate, Slife and Welsh. Nays, none. Absent or not voting, 4: Dieleman, Kersten, Kinley and Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on House File 2244 and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2277, a bill for an act relating to motorcycle trailer registration plates and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Fraise, Connolly, Drake, Gettings, Jensen, Kersten, Pate, Slife and Welsh. Nays, none. Absent or not voting, 3: Dieleman, Kinley and Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *HOUSE FILE 2327, a bill for an act relating to waiving the right to vehicular traffic enforcement in mobile home parks.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Fraise, Connolly, Drake, Gettings, Jensen, Pate and Slife. Nays, none. Absent or not voting, 5: Dieleman, Kersten, Kinley, Lloyd-Jones and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on House File 2327 and they were attached to the committee report.

ALSO:

Final Bill Action: *HOUSE FILE 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Fraise, Connolly, Drake, Gettings, Jensen, Kersten, Pate, Slife and Welsh. Nays, none. Absent or not voting, 3: Dieleman, Kinley and Lloyd-Jones.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on House File 2413 and they were attached to the committee report.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2311 passed the Senate on March 25, 1992.

RICHARD VANDE HOEF

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2311 passed the Senate on March 25, 1992.

BERL E. PRIEBE

AMENDMENTS FILED

S—5375	S.F.	2348	Richard Vande Hoef Ralph Rosenberg
S—5376	S.F.	2250	Emil Husak Eugene Fraise Wally Horn Ray Taylor John Kibbie Richard Vande Hoef John Jensen Berl Priebe Richard Running Alvin Miller Albert Sorensen Beverly Hannon Allen Borlaug Joe Welsh Elaine Szymoniak Leonard Boswell William W. Dieleman Donald Doyle Don Gettings Paul Pate Jack Hester
S—5377	S.F.	2348	Richard Vande Hoef Ray Taylor
S—5378	S.F.	2348	Richard Vande Hoef Ray Taylor
S—5379	S.F.	2348	Richard Vande Hoef Ray Taylor
S—5380	S.F.	2348	Richard Vande Hoef Ray Taylor
S—5381	S.F.	2250	William Palmer
S—5382	S.F.	2229	Richard Varn
S—5383	S.F.	2315	Ray Taylor
S—5384	S.F.	2353	William Dieleman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:15 p.m., until 8:00 a.m., Thursday, March 26, 1992.

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 26, 1992

The Senate met in regular session at 8:05 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Jasper County, Sully, Iowa.

The Journal of Wednesday, March 25, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kibbie until he arrives and Senator Doyle for today and March 27, 1992, on request of Senator Hutchins.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2347

On motion of Senator Husak, Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, was taken up for consideration.

Senator Priebe offered amendment S—5293 filed by him on March 18, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5293 was adopted by a voice vote.

Senator Husak offered amendment S—5344 filed by Senators Husak and McLaren on March 23,1992, to pages 2, 9, 12, 20 and 21 of the bill and moved its adoption.

Amendment S—5344 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5352 filed by Senators Priebe, et al., on March 24, 1992, to page 7 of the bill.

Senator Priebe offered amendment S—5387 filed by Senators Priebe, et al., from the floor to page 9 of the bill and moved its adoption.

Amendment S—5387 was adopted by a voice vote.

Senator McLaren offered amendment S—5390 filed by him from the floor to pages 9-12 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hannon until she arrives on request of Senator Horn.

BUSINESS PENDING

Senate File 2347

The Senate resumed consideration of Senate File 2347.

Senator McLaren moved the adoption of amendment S—5390.

A record roll call was requested.

On the question "Shall amendment S—5390 be adopted?" (S.F. 2347) the vote was:

Ayes, 20:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Jensen	Kersten	Kinley
Kramer	Lind	McLaren	Palmer
Pate	Rensink	Rife	Slife
Soorholtz	Taylor	Tinsman	Vande Hoef

Nays, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hester	Horn	Husak	Hutchins
Lloyd-Jones	Miller	Murphy	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Sturgeon	Szymoniak	Tieden
Varn	Welsh		

Absent or not voting, 4:

Doyle	Hannon	Kibbie	Sorensen

Amendment S—5390 lost.

Senator Vande Hoef offered amendment S—5388 filed by Senators Vande Hoef and Priebe from the floor to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5388 be adopted?" (S.F. 2347) the vote was:

Ayes, 22:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Peterson	Rensink	Rife	Rittmer
Slife	Sorensen	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Lloyd-Jones	Miller	Murphy	Palmer
Priebe	Riordan	Rosenberg	Running
Soorholtz	Sturgeon	Szymoniak	Varn
Welsh			

Absent or not voting, 3:

Doyle	Kibbie	Kinley

Amendment S—5388 lost.

Senator McLaren offered amendment S—5389 filed by Senators McLaren, Tieden and Priebe from the floor to page 15 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 23, nays 25.

Amendment S—5389 lost by a voice vote.

Senator Vande Hoef offered amendment S—5391 filed by him from the floor to page 8 of the bill.

President Gronstal took the chair at 9:26 a.m.

Senator Vande Hoef withdrew amendment S—5391.

Senator Hannon asked and received unanimous consent that action on **Senate File 2347** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2315

On motion of Senator Rosenberg, Senate File 2315, a bill for an act relating to the enforcement of the civil rights law, was taken up for consideration.

Senator Taylor offered amendment S—5383 filed by him on March 25, 1992, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5383 be adopted?" (S.F. 2315) the vote was:

Ayes, 16:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	McLaren	Rensink	Rife
Rittmer	Taylor	Tieden	Vande Hoef

Nays, 32:

Boswell	Buhr	Connolly	Deluhery
Fraise	Gettings	Gronstal	Hannon

Horn	Husak	Hutchins	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Absent or not voting, 2:

Doyle	Kibbie

Amendment S—5383 lost.

Senator Rosenberg offered amendment S—5334 filed by him on March 20, 1992, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5334 be adopted?" (S.F. 2315) the vote was:

Ayes, 22:

Boswell	Buhr	Connolly	Deluhery
Fraise	Gronstal	Hannon	Horn
Hutchins	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Riordan
Rosenberg	Running	Sorensen	Szymoniak
Varn	Welsh		

Nays, 25:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Priebe	Rensink
Rife	Rittmer	Slife	Soorholtz
Sturgeon	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 3:

Doyle	Gettings	Kibbie

Amendment S—5334 lost.

Senator Fuhrman offered amendment S—5164 filed by him on March 10, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5164 lost by a voice vote.

Senator Drake filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5334 to Senate File 2315 failed to be adopted by the Senate on March 26, 1992.

The motion prevailed by a voice vote and amendment S—5334 by Senator Rosenberg to page 1 of the bill, was taken up for reconsideration.

Senator Rosenberg moved the adoption of amendment S—5334.

A non record roll call was requested.

The ayes were 27, nays 11.

Amendment S—5334 was adopted.

Senator Rosenberg 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. 2315) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 5:

Dieleman	Fuhrman	Jensen	Taylor
Vande Hoef			

Absent or not voting, 2:

Doyle	Kibbie

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

Senator Hutchins asked unanimous consent that Senate File 2315 be immediately messaged to the House.

The Chair ruled the following motion to reconsider filed by Senator Taylor from the floor out of order because Senator Taylor did not vote on the prevailing side of Senate File 2315:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2315 passed the Senate on March 26, 1992.

RAY TAYLOR

Senator Hutchins asked and received unanimous consent that **Senate File 2315** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2347

The Senate resumed consideration of Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, previously deferred.

Senator Hannon offered amendment S—5395 filed by her from the floor to page 20 of the bill.

President pro tempore Lloyd-Jones took the chair at 10:15 a.m.

Senator Hannon moved the adoption of amendment S—5395.

A record roll call was requested.

On the question "Shall amendment S—5395 be adopted?" (S.F. 2347) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rosenberg	Running

Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 19:

Borlaug	Drake	Fuhrman	Hester
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 2:

Doyle	Kibbie

Amendment S—5395 was adopted.

Senator Priebe offered amendment S—5399 filed by Senators Priebe, McLaren and Husak from the floor to page 19 of the bill and moved its adoption.

Amendment S—5399 was adopted by a voice vote.

Senator Husak 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. 2347) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Doyle	Kibbie

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

Senator Hutchins asked and received unanimous consent that **Senate File 2347** be **immediately messaged** to the House.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2311

Senator Priebe withdrew the motion to reconsider Senate File 2311, a bill for an act relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries, filed by him on March 25, 1992, and found on page 998 of the Senate Journal.

Senator Vande Hoef withdrew the motion to reconsider Senate File 2311, filed by him on March 25, 1992, and found on page 998 of the Senate Journal.

Senator Hutchins asked and received unanimous consent that **Senate File 2311** be **immediately messaged** to the House.

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 March 25, 1992, **insisted on** its amendment to **House File 2061**, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, and that the members of the **Conference Committee** on part of the House are: The Representative from Greene, Mr. Blanshan, Chair; the Representative from Polk, Ms. Carpenter; the Representative from Delaware, Mr. Hanson; the Representative from Dubuque, Mr. Knapp; the Representative from Polk, Mr. Renaud.

ALSO: That the House has on March 25, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2459, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property

and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 10:40 a.m., until 4:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 25, 1992, 2:35 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; recommended passage of governor's appointees; recommended passage of House Files 2250 and 2395; recommended passage of House File 2390 as amended.

Adjourned: 3:05 p.m.

COMMERCE

Convened: March 25, 1992, 1:37 p.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Doyle, Fuhrman, Gettings, Gronstal, Jensen, Kersten, Lind, Palmer, Priebe, Sturgeon, Tieden and Varn.

Members Absent: none.

Committee Business: Recommended passage of House Files 150, 2375, 323 and 2158; recommended confirmation of governor's appointees.

Adjourned: 2:23 p.m.

ENVIRONMENT AND ENERGY UTILITIES

Convened: March 25, 1992, 2:41 p.m.

Members Present: Rosenberg, Chair; Deluhery, Vice Chair; Jensen, Ranking Member; Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn.

Members Absent: none.

Committee Business: Recommended passage of House Files 2330 (as amended), 2439, 2205, 2256 (as amended), 2275, 2424, 2417, 2359, 2385 and 2299; recommended confirmation of governor's appointees.

Adjourned: 3:33 p.m.

HUMAN RESOURCES

Convened: March 25, 1992, 3:40 p.m.

Members Present: Hannon, Chair; Buhr, Vice Chair; Hagerla, Ranking Member; Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman.

Members Absent: none.

Committee Business: Recommended passage of House Files 2426, 2370 (as amended), 2399, 2194 (as amended), 242 (as amended) and 2322; recommended passage of governor's appointees.

Adjourned: 4:40 p.m.

JUDICIARY

Convened: March 25, 1992, 4:49 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Recommended passage of House File 2025 as amended.

Adjourned: 5:24 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: March 25, 1992, 1:35 p.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Pate, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: none.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 2:30 p.m.

TRANSPORTATION

Convened: March 25, 1992, 3:40 p.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Pate, Slife and Welsh.

Members Absent: Kinley and Lloyd-Jones (both excused).

Committee Business: Assigned bills and governor's appointees to subcommittees; recommended passage of House Files 2327, 2244, 2413 and 2277; recommended confirmation of governor's appointees.

Adjourned: 4:05 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2348, the following correction was made:

1. Page 23, line 16, the words "section 18" were changed t the words "section 21".

ALSO: That in engrossing Senate File 2311, the following corrections were made:

1. Page 4, line 5, the words "section 100" were changed to the words "section 5".

2. Page 4, line 7, the words "Sections 1, 3, and 200" were changed to the words "Sections 1, 3, and 6".

JOHN F. DWYER
Secretary of the Senate

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 his approval on this 26th day of March, 1992:

Senate Files 2138 and 2282.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-five students from Dallas Center Christian School, Dallas Center, accompanied by Jim Meyers. Senator Riordan.

Fifty students from Rockford Senior High School, Rockford, accompanied by Robert Druckrey and Doug Halsted. Senator Borlaug.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 26, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2101 — Relating to procedures for the provision of water services within two miles of a city.

STUDY BILLS RECEIVED

SSB 2288 Appropriations

Relating to and making appropriations of petroleum overcharge funds.

SSB 2289 Appropriations

Relating to state budgeting processes.

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following Governor's appointments, completed its investigations on March 25, 1992, and recommended the appointees be confirmed:

Bruce G. Kelley and Cathy A. Rottinghaus for appointment as members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments, completed its investigations on March 25, 1992, and recommended the appointees be confirmed:

Mary M. Conway, Janelle Cowles and Stanton L. Visser for reappointment as members of the Board of Behavioral Science Examiners.

Dr. Robert Carleton and Elizabeth A. Coyte for reappointment as members of the Board of Physician Assistant Examiners.

John C. Wellman for reappointment as a member of the Commission for the Blind.

Vennetta M. Fiedler and Marguerite E. Stockstad for reappointment as members of the Commission of Elder Affairs.

Lois H. Eichacker, Merl L. McFarlane and Stephanie A. Stebens for reappointment as members of the Commission on Community Action Agencies.

Kim N. Kischer-Larson and Marvin W. Tuttle, Sr. for appointment as members of the Commission on the Deaf.

Naomi L. Christensen, Michael D. Montgomery, Mark H. Snell, Diana Lynn Stewart and George L. Stigler for reappointment as members of the Commission on the Status of Women.

Eugene T. Chism for appointment, Barbara J. Lips for appointment, Jean E. Oxley for reappointment, Linda W. Rouse for appointment and James A. Thomas for reappointment as members of the Mental Health and Mental Retardation Commission.

David A. Olson, Jerry D. Stilwell and Carol A. Watson for reappointment as members of the Prevention of Disabilities Policy Council.

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 2390, a bill for an act relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, and amusement park permit and inspection fees.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5397.

Final Vote: Ayes, 10: Running, Sturgeon, Fuhrman, Buhr, Kinley, Palmer, Peterson, Rensink, Slife and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: HOUSE FILE 2412, a bill for an act relating to educational finance matters.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2415, a bill for an act relating to the performance of special health services or intrusive nonemergency medical services for students by nonadministrative personnel.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ENVIRONMENT AND ENERGY UTILITIES

Final Bill Action: HOUSE FILE 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5393.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2330, a bill for an act relating to the required purchase by electric utilities of megawatts of power.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5394.

Final Vote: Ayes, 12: Rosenberg, Deluhery, Jensen, Borlaug, Fraise, Hannon, Hedge, Kersten, Miller, Soorholtz, Sorensen and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES (Reports are corrected from March 25, 1992 Senate Journal, pages 995 and 996, to include amendments):

Final Bill Action: HOUSE FILE 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5400.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2194, a bill for an act relating to the establishment of a special classification of residential care facilities to provide accommodations for certain elderly persons.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5402.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5401.

Final Vote: Ayes, 12: Hannon, Buhr, Hagerla, Horn, Kramer, Murphy, Riordan, Rittmer, Sturgeon, Szymoniak, Taylor and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2025, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5392.

Final Vote: Ayes, 15: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2249, a bill for an act relating to the regulation of milk and increasing certain fees.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg and Taylor. Nays, none. Absent or not voting, 2: McLaren and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2401, a bill for an act updating the Iowa Code reference to the federal Internal Revenue Code and providing retroactive applicability and effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2356 (formerly Senate File 2349), a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, 1: Fuhrman.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5385	H.F.	2205	John W. Jensen
S—5386	H.F.	2385	John W. Jensen
S—5387	S.F.	2347	Berl E. Priebe Emil Husak Leonard Boswell John Peterson Sheldon Rittmer H. Kay Hedge John Soorholtz
S—5388	S.F.	2347	Richard Vande Hoef John Kibbie
S—5389	S.F.	2347	Derryl McLaren Dale Tieden Berl Priebe
S—5390	S.F.	2347	Derryl McLaren
S—5391	S.F.	2347	Richard Vande Hoef
S—5392	H.F.	2025	Judiciary
S—5393	H.F.	2256	Environment & Energy Utilities
S—5394	H.F.	2330	Environment & Energy Utilities
S—5395	S.F.	2347	Beverly Hannon
S—5396	S.F.	2130	Jim Riordan
S—5397	H.F.	2390	Business & Labor Relations
S—5398	S.F.	2353	Leonard Boswell
S—5399	S.F.	2347	Berl Priebe Derryl McLaren Emil Husak
S—5400	H.F.	242	Human Resources

S—5401	H.F.	2370	Human Resources
S—5402	H.F.	2194	Human Resources
S—5403	S.F.	2346	House amendment
S—5404	S.F.	2131	Albert Sorensen
S—5405	S.F.	2130	Jim Riordan
S—5406	H.F.	2334	Jim Riordan
S—5407	H.F.	2126	Linn Fuhrman

AFTERNOON SESSION

The Senate reconvened at 4:46 p.m., Senator Connolly presiding.

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 March 26, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2346, a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date (S—5403).

ALSO: That the House has on March 26, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds appropriated, allocated, or given for fish, game, and wildlife protection purposes.

This resolution was read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2356, by committee on Ways and Means, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

Read first time and **placed on Ways and Means Calendar.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 30 present, 20 absent and a quorum present.

The Senate stood at ease at 4:53 p.m. until the fall of the gavel.

The Senate resumed session at 5:00 p.m., Senator Connolly presiding.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senate File 2350

On motion of Senator Dieleman, Senate File 2350, a bill for an act relating to supplemental disproportionate share payments for medical assistance to qualifying hospitals and providing an effective date, was taken up for consideration.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2350** be **deferred.**

Senate File 2353

On motion of Senator Running, Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, was taken up for consideration.

Senator Running asked and received unanimous consent that action on **Senate File 2353** be **deferred.**

Senate File 2354

On motion of Senator Varn, Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **Senate File 2354** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2247

On motion of Senator Hannon, Senate File 2247, a bill for an act relating to the prohibition of the use of corporal punishment by foster parents and allowing the use of reasonable physical force to control foster children in certain circumstances, was taken up for consideration.

Senator Hannon 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. 2247) the vote was:

Ayes, 33:

Boswell	Buhr	Connolly	Deluhery
Fraise	Gettings	Gronstal	Hagerla
Hannon	Horn	Husak	Hutchins
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 14:

Borlaug	Dieleman	Drake	Fuhrman
Hedge	Hester	Jensen	Kersten
Pate	Rensink	Sorensen	Taylor
Tieden	Vande Hoef		

Absent or not voting, 3:

Doyle	Kibbie	Palmer

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

Senate File 2201

On motion of Senator Rosenberg, Senate File 2201, a bill for an act prohibiting discriminatory practices based upon a person's

sexual orientation, with report of committee recommending passage, was taken up for consideration.

Senator Vande Hoef offered amendment S—5230 filed by him on March 13, 1992, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 12, nays 29.

Amendment S—5230 lost by a voice vote.

Senator Taylor offered amendment S—5202 filed by him on March 12, 1992, to page 1 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5202 be adopted?" (S.F. 2201) the vote was:

Ayes, 13:

Borlaug	Dieleman	Gettings	Hagerla
Hedge	Hester	Husak	Jensen
Pate	Rensink	Taylor	Tieden
Vande Hoef			

Nays, 36:

Boswell	Buhr	Connolly	Deluhery
Drake	Fraise	Fuhrman	Gronstal
Hannon	Horn	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Absent or not voting, 1:

Doyle

Amendment S—5202 lost.

Senator Dieleman offered amendment S—5198 filed by him on March 12, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5198 was adopted by a voice vote.

Senator Murphy offered amendment S—5317 filed by him on March 19, 1992, to pages 2-8 of the bill and called for a division: Page 1, lines 2-19 and lines 23-50, and page 2, lines 1-5 as division S—5317A; page 1, lines 20-22 as division S—5317B.

Senator Murphy moved the adoption of division S—5317A, which motion prevailed by a voice vote.

Senator Murphy asked and received unanimous consent that action on division S—5317B be deferred.

With the adoption of division S—5317A, the Chair ruled the following amendments out of order:

S—5209 filed by Senators Taylor, et al., on March 12, 1992, to page 3 of the bill.

S—5303 filed by Senator Murphy on March 19, 1992, to pages 3-8 of the bill.

Senator Dieleman offered amendment S—5204 filed by him on March 12, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5204 was adopted by a voice vote.

Senator Pate offered amendment S—5342 filed by him on March 23, 1992, to pages 3-5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5342 be adopted?" (S.F. 2201) the vote was:

Ayes, 22:

Borlaug	Dieleman	Drake	Gettings
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kinley	McLaren
Miller	Palmer	Pate	Priebe
Rensink	Rittmer	Sorensen	Taylor
Tieden	Vande Hoef		

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Fraise	Fuhrman	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kramer
Lind	Lloyd-Jones	Murphy	Peterson

Riordan	Rosenberg	Running	Slife
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Absent or not voting, 3:

Doyle	Rife	Soorholtz

Amendment S—5342 lost.

Senator Taylor offered amendment S—5210 filed by Senators Taylor, et al., on March 12, 1992, to page 5 of the bill.

President Gronstal took the chair at 6:02 p.m.

Senator Taylor moved the adoption of amendment S—5210, which motion lost by a voice vote.

Senator Dieleman offered amendment S—5197 filed by him on March 12, 1992, to page 5 of the bill, moved its adoption and requested a non record roll call.

The ayes were 18, nays 25.

Amendment S—5197 lost.

Senator Taylor offered amendment S—5201 filed by him on March 12, 1992, to page 7 of the bill and moved its adoption.

Amendment S—5201 lost by a voice vote.

Senator Murphy moved the adoption of division S—5317B to pages 2, 3 and 5-8 of the bill, previously deferred, which motion prevailed by a voice vote.

Senator Rosenberg 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. 2201) the vote was:

Ayes, 28:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fuhrman	Gronstal
Hannon	Horn	Hutchins	Kibbie
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson

Riordan	Rosenberg	Slife	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 21:

Dieleman	Fraise	Gettings	Hagerla
Hedge	Hester	Husak	Jensen
Kersten	Kinley	McLaren	Priebe
Rensink	Rife	Rittmer	Running
Soorholtz	Sorensen	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Doyle

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

Senator Rosenberg filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2201 passed the Senate on March 26, 1992.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2201) the vote was:

Ayes, 11:

Borlaug	Dieleman	Gettings	Hagerla
Hester	Husak	Jensen	Pate
Rensink	Taylor	Vande Hoef	

Nays, 38:

Boswell	Buhr	Connolly	Deluhery
Drake	Fraise	Fuhrman	Gronstal
Hannon	Hedge	Horn	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Absent or not voting, 1:

Doyle

The motion lost.

The following motions to reconsider Senate File 2201 filed from the floor were out of order:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2201 passed the Senate on March 26, 1992.

ALLEN BORLAUG

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2201 passed the Senate on March 26, 1992.

PAUL PATE

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2201** and **2247** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2061** on the part of the Senate: Senators Kibbie, Chair; Running, Murphy, Borlaug and Pate.

HOUSE AMENDMENT CONSIDERED

Senate File 2346

Senator Gettings called up for consideration Senate File 2346, a bill for an act relating to motor vehicle registration fees for multipurpose vehicles and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5403 filed March 26, 1992.

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

Senator Gettings 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. 2346) the vote was:

Ayes, 39:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 10:

Hagerla	Hedge	Kersten	Kramer
Lind	McLaren	Rensink	Rife
Running	Taylor		

Absent or not voting, 1:

Doyle

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

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2320

On motion of Senator Connolly, Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, with report of committee on Education recommending amendment and the bill without recommendation, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate File 2320** be **deferred.**

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2346** be **immediately messaged** to the House.

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 March 26, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2405, a bill for an act relating to proceeds received by felons as it relates to Iowa's "Son of Sam" statute.

This bill was read first time and **passed on file.**

ALSO: That the House has on March 26, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations (S—5418).

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.J.R.	2010	State Government
H.F.	2459	Appropriations

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2010

STATE GOVERNMENT: Kibbie, Chair; Priebe and Soorholtz

House File 2194

HUMAN RESOURCES: Murphy, Chair; Hannon and Tinsman

House File 2249

WAYS AND MEANS: Hedge, Chair; Fuhrman and Husak

House File 2376

COMMERCE: Fuhrman, Chair; Deluhery and Palmer

House File 2400

WAYS AND MEANS: Szymoniak, Chair; Drake and Husak

House File 2440

JUDICIARY: Rosenberg, Chair; Fuhrman and Sturgeon

SSB 2286

WAYS AND MEANS: Taylor, Chair; Dieleman and Murphy

SSB 2287

WAYS AND MEANS: Husak, Chair; Fraise and McLaren

REPORTS OF STANDING COMMITTEES
(Place nominees on En Bloc Confirmation Calendar)

EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following Governor's appointments, completed its investigations on March 26, 1992, and recommended the appointees be confirmed:

Judith B. Nye for reappointment as a member of the Iowa Higher Education Loan Authority.

Victoria F. Payseur for appointment as a member of the School Budget Review Committee.

Carlton W. Callison for reappointment, Betty L. Dexter for reappointment and Gregory D. McClain for appointment as members of the State Board of Education.

LOCAL GOVERNMENT

Pursuant to Senate Rule 59, the committee on Local Government assigned to investigate the following Governor's appointment, completed its investigation on March 26, 1992, and recommended the appointee be confirmed:

Beverly Ann Everson for appointment as a member of the City Development Board.

REPORT OF STANDING COMMITTEE
(Place nominee on Individual Confirmation Calendar)

EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following Governor's appointment, completed its investigation on March 26, 1992, and recommended the appointee be confirmed:

William L. Lepley for reappointment as Director of the Department of Education.

COMMITTEE REPORTS

EDUCATION

Final Bill Action: HOUSE FILE 2384, a bill for an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education by making changes in the transportation and athletic participation provisions under open enrollment; making

changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; making other related changes; and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5414.

Final Vote: Ayes, 14: Connolly, Horn, Taylor, Deluhery, Dieleman, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn. Nays, none. Absent or not voting, 1: Kibbie.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 51, a bill for an act relating to the applicability to garnishments of the sheriff's duty to levy,

Recommendation: DO PASS.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Fuhrman, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 2: Connolly and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 52, a bill for an act relating to sheriffs' fees in garnishment proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Sturgeon, Rosenberg, Fuhrman, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 497, a bill for an act relating to presentence investigations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5408.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Fuhrman, Drake, Hagerla, Hester, Pate, Peterson, Slife and Varn. Nays, 1: Murphy. Absent or not voting, 4: Connolly, Deluhery, Horn and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 681, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5412.

Final Vote: Ayes, 10: Sturgeon, Fuhrman, Drake, Hagerla, Hester, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Pass, 1: Rosenberg. Absent or not voting, 4: Connolly, Deluhery, Horn and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2126, a bill for an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, 1: Fuhrman. Absent or not voting, 4: Connolly, Deluhery, Drake and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2172, a bill for an act relating to nonsubstantive Code corrections.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Sturgeon, Fuhrman, Drake, Hagerla, Hester, Murphy, Pate, Peterson and Varn. Nays, none. Absent or not voting, 6: Rosenberg, Connolly, Deluhery, Horn, Miller and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2344, a bill for an act relating to certain financing statements required to be filed with the secretary of state, and providing for retroactive applicability and an immediate effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 3: Connolly, Deluhery and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Sturgeon, Rosenberg, Deluhery, Drake, Hester, Miller, Murphy, Peterson, Slife and Varn. Nays, 4: Fuhrman, Hagerla, Horn and Pate. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2407, a bill for an act relating to in-home detention.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Drake, Hagerla, Hester, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 4: Connolly, Deluhery, Horn and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2436, a bill for an act relating to the detention of persons alleged to be seriously mentally impaired or to be chronic substance abusers.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 4: Connolly, Deluhery, Drake and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2440, a bill for an act relating to certain controlled substance offenses, increasing criminal penalties for certain offenses, creating an offense concerning the use of persons under the age of eighteen in the drug trade and establishing criminal penalties and a mandatory minimum sentence, providing a mandatory term of imprisonment, and providing for motor vehicle license revocation proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Rosenberg, Fuhrman, Drake, Hagerla, Hester, Horn, Pate, Peterson and Slife. Nays, 1: Murphy. Pass, 2: Sturgeon and Varn. Absent, 3: Connolly, Deluhery and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5410.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Drake, Hagerla, Hester, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 4: Connolly, Deluhery, Horn and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2135, a bill for an act relating to the collection of delinquent sanitary sewer charges.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2304, a bill for an act relating to the procedure for filling vacancies that occur in county offices.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Miller, Szymoniak, Rittmer, Borlaug, Buhr, Fraise, Hannon and Sorensen. Nays, 1: Vande Hoef. Absent or not voting, 1: Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2378, a bill for an act relating to the time for notice of the proposed vacation of an official plat.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Miller, Rittmer, Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 2: Szymoniak and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2396, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 6: Rittmer, Borlaug, Fraise, Hannon, Sorensen and Vande Hoef. Nays, 2: Miller and Buhr. Absent or not voting, 2: Szymoniak and Jensen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES

Final Bill Action: *HOUSE FILE 2010, a bill for an act relating to windsurfing by defining a sailboard and exempting sailboards from certain registration and equipment requirements.

Recommendation: AMEND WITH AMENDMENT S—5409 AND THE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: Palmer, Kibbie, Hagerla, Hedge, Priebe, Riordan, Rosenberg and Sturgeon. Nays, 4: Hester, Dieleman, Rensink and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources Committee on House File 2010 and they were attached to the committee report.

ALSO:

Final Bill Action: *HOUSE FILE 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5411.

Final Vote: Ayes, 10: Palmer, Kibbie, Hester, Dieleman, Hagerla, Rensink, Riordan, Rosenberg, Sturgeon and Tieden. Nays, 2: Hedge and Priebe.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources Committee on House File 2382 and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: HOUSE JOINT RESOLUTION 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds appropriated, allocated, or given for fish, game, and wildlife protection purposes.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Kibbie, Lloyd-Jones, Lind, Buhr, Gronstal, Horn, Murphy, Pate, Priebe, Rife, Soorholtz, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 7: Dieleman, Doyle, Drake, Kramer, McLaren, Running and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2075, a bill for an act providing for registration of acupuncturists and imposing a fee and a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Kibbie, Lloyd-Jones, Buhr, Gronstal, Horn, Murphy, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, 4: Lind, Dieleman, McLaren and Pate. Absent or not voting, 4: Doyle, Drake, Kramer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2389, a bill for an act relating to professions regulated by the board of dental examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 16: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 4: Doyle, Drake, Kramer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2392, a bill for an act relating to the time requirement for filing reports and paying taxes after a boxing or wrestling match has been conducted.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, 1: Dieleman. Absent or not voting, 4: Doyle, Drake, Kramer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2394, a bill for an act relating to information subject to the review or control of the office of citizens' aid.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5417.

Final Vote: Ayes, 14: Kibbie, Lloyd-Jones, Lind, Buhr, Horn, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 6: Dieleman, Doyle, Drake, Gronstal, Kramer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2403, a bill for an act relating to the notice to be given to owners of certain property held by banking or other financial organizations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5416.

Final Vote: Ayes, 15: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Horn, McLaren, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 5: Doyle, Drake, Gronstal, Kramer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2250 failed to pass the Senate on March 25, 1992.

JIM RIORDAN

AMENDMENTS FILED

S–5408	H.F.	497	Judiciary
S–5409	H.F.	2010	Natural Resources
S–5410	H.F.	2452	Judiciary
S–5411	H.F.	2382	Natural Resources
S–5412	H.F.	681	Judiciary
S–5413	H.F.	2205	Mike Connolly
S–5414	H.F.	2384	Education
S–5415	S.F.	2280	John Kibbie
S–5416	H.F.	2403	State Government
S–5417	H.F.	2394	State Government
S–5418	S.F.	2257	House amendment
S–5419	H.F.	2377	William Palmer

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:52 p.m., until 9:00 a.m., Friday, March 27, 1992.

JOURNAL OF THE SENATE

SEVENTY-FIFTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, March 27, 1992

The Senate met in regular session at 9:06 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Richard Harden, pastor of the First Presbyterian Church, Boone, Iowa.

The Journal of Thursday, March 26, 1992, was approved.

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 March 26, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2143, a bill for an act providing penalties for the harvesting of wild ginseng out of season.

This bill was read first time and **passed on file.**

House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date.

This bill was read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2405	Judiciary
H.F.	2455	Appropriations

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rosenberg until he arrives on request of Senator Hutchins and Senator Rensink for the the day on request of Senator Hedge.

CONSIDERATION OF BILLS
(Regular Calendar)

Senate File 2046

On motion of Senator Connolly, Senate File 2046, a bill for an act relating to the issuance of handicapped identification devices and increasing the penalty for improper use of a handicapped identification device, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **Senate File 2046** be **deferred.**

Senate File 2280

On motion of Senator Kibbie, Senate File 2280, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie offered amendment S—5415 filed by him on March 26, 1992, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5415 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that **House File 2450** be **substituted** for **Senate File 2280** as amended.

Senator Kibbie asked and received unanimous consent that action on **House File 2450** be **deferred.**

Senate File 2245

On motion of Senator Deluhery, Senate File 2245, a bill for an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that **House File 2326** be **substituted** for **Senate File 2245.**

Senator Deluhery asked and received unanimous consent that action on **House File 2326** be **deferred.**

Senate File 2207

On motion of Senator Hester, Senate File 2207, a bill for an act relating to the protection of endangered species by the department of natural resources, was taken up for consideration.

Senator Hester asked and received unanimous consent that **House File 2274** be **substituted** for **Senate File 2207.**

Senator Hester asked and received unanimous consent that action on **House File 2274** be **deferred.**

Senate File 2131

On motion of Senator Sorensen, Senate File 2131, a bill for an act making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters, was taken up for consideration.

Senator Sturgeon took the chair at 9:34 a.m.

Senator Sorensen offered amendment S—5404 filed by him on March 26, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5404 was adopted by a voice vote.

Senator Sorensen asked and received unanimous consent that **House File 2443** be **substituted** for **Senate File 2131** as amended.

Senator Sorensen asked and received unanimous consent that action on **House File 2443** be **deferred.**

Senate File 2141

On motion of Senator Buhr, Senate File 2141, a bill for an act relating to the requirements for licensure as a certified public account, was taken up for consideration.

Senator Buhr offered amendment S—5081 filed by Senator Kibbie on February 19, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5081 was adopted by a voice vote.

Senator Buhr asked and received unanimous consent that **House File 2243** be **substituted** for **Senate File 2141** as amended.

Senator Buhr asked and received unanimous consent that action on **House File 2243** be **deferred.**

Senate File 2229

On motion of Senator Varn, Senate File 2229, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties, was taken up for consideration.

Senator Varn offered amendment S—5382 filed by him on March 25, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5382 was adopted by a voice vote.

Senator Varn asked and received unanimous consent that **House File 2356** be **substituted** for **Senate File 2229** as amended.

Senator Varn asked and received unanimous consent that action on **House File 2356** be **deferred.**

Senate File 2268

On motion of Senator Priebe, Senate File 2268, a bill for an act relating to soil and water conservation by providing for financial incentives, was taken up for consideration.

Senator Priebe offered amendment S—5374 filed by him on March 25, 1992, to pages 5-8 of the bill and moved its adoption.

Amendment S—5374 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that **House File 2343** be **substituted** for **Senate File 2268** as amended.

Senator Priebe asked and received unanimous consent that action on **House File 2343** be **deferred.**

Senate File 2269

On motion of Senator Buhr, Senate File 2269, a bill for an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames for the filing of birth certificates and birth certificate fees, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers, was taken up for consideration.

Senator Buhr asked and received unanimous consent that **House File 2325** be **substituted** for **Senate File 2269.**

Senator Buhr asked and received unanimous consent that action on **House File 2325** be **deferred.**

Senator Connolly took the chair at 9:45 a.m.

Senate File 2292

On motion of Senator Murphy, Senate File 2292, a bill for an act providing for licensure of massage therapists and imposing fees and civil penalties, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Murphy offered amendment S—5356 filed by him on March 24, 1992, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5356 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that **House File 2441** be **substituted** for **Senate File 2292** as amended.

Senator Murphy asked and received unanimous consent that action on **House File 2441** be **deferred.**

Senate File 2299

On motion of Senator Sturgeon, Senate File 2299, a bill for an act relating to the kinds of separately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services, was taken up for consideration.

Senator Sturgeon asked and received unanimous consent that action on **Senate File 2299** be **deferred.**

Senate File 2176

On motion of Senator Sturgeon, Senate File 2176, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action, was taken up for consideration.

Senator Sturgeon asked and received unanimous consent that action on **Senate File 2176** be **deferred.**

Senate File 2314

On motion of Senator Sturgeon, Senate File 2314, a bill for an act relating to franchise agreements by establishing registration and disclosure requirements, establishing a civil cause of action, and establishing fees and penalties, was taken up for consideration.

Senator Sturgeon asked and received unanimous consent that action on **Senate File 2314** be **deferred.**

Senate File 2328

On motion of Senator Sturgeon, Senate File 2328, a bill for an act relating to public employee payroll deductions for political committees, was taken up for consideration.

Senator Sturgeon asked and received unanimous consent that action on **Senate File 2328** be **deferred.**

Senate File 2258

On motion of Senator Sorensen, Senate File 2258, a bill for an act relating to the minimum qualifications and experience for a chief of a civil service fire department, was taken up for consideration.

Senator Sorensen asked and received unanimous consent that action on **Senate File 2258** be **deferred.**

Senate File 2291

On motion of Senator Rittmer, Senate File 2291, a bill for an act relating to prohibiting fire fighters and emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment, was taken up for consideration.

Senator Rittmer asked and received unanimous consent that action on **Senate File 2291** be **deferred.**

The Senate stood at ease at 10:10 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:40 a.m., Senator Kibbie presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 25, 1992)

Senate File 2130

The Senate resumed consideration of Senate File 2130, a bill for an act relating to targeted small business procurement procedures and local purchases, and amendment S—5142 by the committee on Small Business and Economic Development to pages 1-3 and the title page of the bill, deferred March 25, 1992.

Senator Riordan offered amendment S—5396 filed by him on March 26, 1992, to amendment S—5142 and moved its adoption.

Amendment S—5396 was adopted by a voice vote.

Senator Riordan offered amendment S—5405 filed by him on March 26, 1992, to amendment S—5142 and moved its adoption.

Amendment S—5405 was adopted by a voice vote.

Senator Riordan moved the adoption of amendment S—5142 as amended, which motion prevailed by voice vote.

Senator Riordan 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. 2130) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Doyle	Hutchins	Lloyd-Jones	Palmer
Rensink			

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

Senator Horn asked and received unanimous consent that **Senate File 2130 be immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2355

On motion of Senator Szymoniak, Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, was taken up for consideration.

Senator Szymoniak offered amendment S—5425 filed by Senators Szymoniak and Riordan from the floor to pages 1, 2, 11, 13, 18, 26, 36, 39, 40-43, 46 and 48 of the bill and moved its adoption.

Amendment S—5425 was adopted by a voice vote.

Senator Running offered amendment S—5428 filed by Senators Running, Hannon and Horn from the floor to page 7 of the bill and moved its adoption.

Amendment S—5428 was adopted by a voice vote.

Senator Connolly offered amendment S—5427 filed by him from the floor to page 9 of the bill and moved its adoption.

Amendment S—5427 was adopted by a voice vote.

Senator Vande Hoef offered amendment S—5421 filed by Senators Vande Hoef, Szymoniak and Hagerla from the floor to page 11 of the bill and moved its adoption.

Amendment S—5421 was adopted by a voice vote.

Senator Hannon offered amendment S—5426 filed by Senators Hannon and Szymoniak from the floor to page 52 of the bill and moved its adoption.

Amendment S—5426 was adopted by a voice vote.

Senator Szymoniak 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. 2355) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 7:

Hagerla	Hedge	Hester	Jensen
Kersten	McLaren	Rife	

Absent or not voting, 3:

Doyle	Rensink	Taylor

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

HOUSE MESSAGES RECEIVED

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 March 27, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2011, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters (S—5430).

Senate File 2179, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date (S—5429).

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2355** be **immediately messaged** to the House.

The Senate stood at ease at 11:59 a.m. until the fall of the gavel.

The Senate resumed session at 12:30 p.m., Senator Husak presiding.

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Senate Calendar to committee:

S.R.	105	Rules and Administration
S.J.R.	2002	State Government
S.F.	395	Human Resources
S.F.	469	Human Resources
S.F.	483	Judiciary
S.F.	517	Agriculture
S.F.	2006	Transportation
S.F.	2072	Judiciary
S.F.	2091	Human Resources
S.F.	2154	State Government
S.F.	2160	Human Resources
S.F.	2171	Local Government
S.F.	2192	Education
S.F.	2202	Human Resources
S.F.	2208	Local Government
S.F.	2211	Natural Resources
S.F.	2214	Natural Resources
S.F.	2225	Local Government
S.F.	2270	Ways and Means
S.F.	2273	Judiciary
S.F.	2278	Judiciary
S.F.	2306	Commerce
S.F.	2308	Business and Labor Relations
S.F.	2313	Small Business/Economic Development
S.F.	2321	State Government
S.F.	2334	Business and Labor Relations

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 March 26, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2263, a bill for an act relating to information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

APPENDIX

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

H.F. 2143 Natural Resources

SUBCOMMITTEE ASSIGNMENT

House File 2405

JUDICIARY: Sturgeon, Chair; Hester and Miller.

PROOF OF PUBLICATION

Verified proof of publication of Senate File 2356 (formerly Senate File 2349) in accordance with Section 585.1 of the Code was filed with the Secretary of the Senate.

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: March 26, 1992, 1:37 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Kibbie (excused).

Committee Business: Recommended passage of House Files 2412 and 2415; recommended passage of House File 2384 as amended; recommended confirmation of governor's appointees.

Adjourned: 2:42 p.m.

JUDICIARY

Convened: March 26, 1992, 11:27 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: none.

Committee Business: Recommended passage of House Files 51, 52, 2372, 2172, 681 (amended), 497 (amended) 2407, 2452 (amended), 2440, 2344, 2308 (amended), 2126 and 2436.

Adjourned: 1:22 p.m.

LOCAL GOVERNMENT

Convened: March 26, 1992, 2:43 p.m.

Members Present: Miller, Chair; Szymoniak, Vice Chair; Rittmer, Ranking Member; Borlaug, Buhr, Fraise, Hannon, Sorensen and Vande Hoef.

Members Absent: Jensen (excused).

Committee Business: Assigned bill to subcommittee; recommended passage of House Files 2304, 2135 and 2378; placed House File 2396 on Senate calendar without committee recommendation; recommended confirmation of governor's appointee.

Adjourned: 3:23 p.m.

NATURAL RESOURCES

Convened: March 26, 1992, 2:45 p.m.

Members Present: Palmer, Chair; Kibbie, Vice Chair; Hester, Ranking Member; Dieleman, Hagerla, Hedge, Priebe, Rensink, Riordan, Rosenberg, Sturgeon and Tieden.

Members Absent: none.

Committee Business: Amended House File 2010 and placed the bill on the Senate calendar without recommendation; recommended passage of House File 2382 as amended.

Adjourned: 3:15 p.m.

STATE GOVERNMENT

Convened: March 26, 1992, 3:34 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Doyle (excused).

Committee Business: Assigned bills and governor's appointees to subcommittees; recommended passage of House Files 2403, 2428, 2394 as amended; recommended passage of House Files 2075, 2389 and 2392.

Adjourned: 4:37 p.m.

STATE GOVERNMENT

Convened: March 26, 1992, 4:54 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Gronstal, Horn, Murphy, Pate, Priebe, Rife, Soorholtz, Sorensen and Vande Hoef.

Members Absent: Dieleman, Doyle (excused), Drake, Kramer, McLaren, Running and Welsh.

Committee Business: Recommended passage of House Joint Resolution 2010.

Adjourned: 4:57 p.m.

WAYS AND MEANS

Convened: March 26, 1992, 10:48 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Assigned bills to subcommittees; approved Senate File 2349 and ordered redrafted as a committee bill; recommended passage of House Files 2401 and 2249; deferred action on Senate File 2335.

Adjourned: 11:15 a.m.

EXPLANATION OF VOTES

MR. PRESIDENT: On Senate File 2201 which passed the Senate on March 26, 1992, I voted "aye" in order to be eligible to file a motion to reconsider the bill. Absent that consideration, I would have voted "nay".

ALLEN BORLAUG

MR. PRESIDENT: On Senate File 2201 which passed the Senate on March 26, 1992, I voted "aye" in order to be eligible to file a motion to reconsider the bill. Absent that consideration, I would have voted "nay".

PAUL PATE

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

TRANSPORTATION

Pursuant to Senate Rule 59, the committee on Transportation assigned to investigate the following Governor's appointments, completed its investigations on March 27, 1992, and recommended the appointees be confirmed:

Marda M. Howard and Dana R. Peterson for reappointment as members of the Iowa Law Enforcement Academy Council.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5376 to Senate File 2250 was adopted by the Senate on March 25, 1992.

EMIL J. HUSAK

COMMITTEE REPORTS

COMMERCE

Final Bill Action: HOUSE FILE 2376, a bill for an act relating to the disposition of fees and charges collected by the real estate commission.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Deluhery, Kinley, Slife, Fuhrman, Gettings, Gronstal, Lind, Palmer, Priebe and Tieden. Nays, none. Absent or not voting, 5: Doyle, Jensen, Kertsten, Sturgeon and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2185, a bill for an act relating to jury source lists.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Pate and Peterson. Nays, none. Absent or not voting, 4: Drake, Murphy, Slife and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2308, a bill for an act relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5422.

Final Vote: Ayes, 12: Sturgeon, Rosenberg, Fuhrman, Drake, Hagerla, Hester, Horn, Murphy, Pate, Peterson, Slife and Varn. Nays, none. Absent or not voting, 3: Connolly, Deluhery and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2405, a bill for an act relating to proceeds received by felons as its relates to Iowa's "Son of Sam" statute.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Pate and Peterson. Nays, none. Absent or not voting, 4: Drake, Murphy, Slife and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Final Bill Action: HOUSE FILE 2434, a bill for an act relating to eliminating the Iowa economic development network, the regional coordinating councils, and the regional economic development centers, establishing a regional business and industry services program, and providing contracts to be entered into with each community college to employ a business and industry services specialist.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5433.

Final Vote: Ayes, 12: Riordan, Hannon, Borlaug, Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Pate.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2435, a bill for an act relating to the administration of the Wallace technology transfer foundation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5423.

Final Vote: Ayes, 12: Riordan, Hannon, Borlaug, Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef. Nays, none. Absent or not voting, 1: Pate.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2428, a bill for an act relating to including out-of-state liquor, wine, or beer licensees or permittees in Iowa's dramshop Act.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5420.

Final Vote: Ayes, 14: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Horn, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none. Absent or not voting, 6: Doyle, Drake, Gronstal, Kramer, McLaren and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2298, a bill for an act relating to school bus inspections and providing for repeal of the Act.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones and Slife. Nays, none. Absent or not voting, 2: Pate and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2380, a bill for an act relating to railroad crossing violations.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Lloyd-Jones and Slife. Nays, 2: Kersten and Kinley. Absent or not voting, 2: Pate and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2391, a bill for an act defining public road rights-of-way.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Fraise, Connolly, Drake, Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones and Slife. Nays, none. Absent or not voting, 2: Pate and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PRESENTATION OF VISITORS

Senator Szymoniak presented the following guests of the Council for International Understanding who will be observing democracy at work in the Iowa Senate:

Mr. Pascal Smet of Belgium, Mr. Sheik Feroze Mohamed of Guyana; Dr. Carmelo Narcisco of the Philippines, Mr. Laszlo Borbely of Romania and Mr. George Nassif, escort and interpreter.

AMENDMENTS FILED

S—5420	H.F.	2428	State Government
S—5421	S.F.	2355	Richard Vande Hoef Elaine Szymoniak Mark R. Hagerla
S—5422	H.F.	2308	Judiciary
S—5423	H.F.	2435	Small Business/Economic Development
S—5424	S.F.	2299	Al Sturgeon

S—5425	S.F.	2355	Elaine Szymoniak James Riordan
S—5426	S.F.	2355	Beverly Hannon Elaine Szymoniak
S—5427	S.F.	2355	Michael Connolly
S—5428	S.F.	2355	Richard Running Beverly Hannon Wally Horn
S—5429	S.F.	2179	House amendment
S—5430	S.F.	2011	House amendment
S—5431	H.F.	2399	Al Sturgeon
S—5432	H.F.	2385	Albert Sorensen
S—5433	H.F.	2434	Small Business/Economic Development
S—5434	H.F.	2455	Larry Murphy
S—5435	S.F.	2046	Mike Connolly

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 12:40 p.m., until 1:00 p.m., Monday, March 30, 1992.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 30, 1992

The Senate met in regular session at 1:12 p.m., President Gronstal presiding.

Prayer was offered by the Reverend Christopher Epting, Episcopal Bishop of Iowa.

The Journal of Friday, March 27, 1992, was approved.

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 March 26, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 110, a concurrent resolution to support efforts to promote early detection of and effective treatment modalities for breast cancer and to urge the Congress of the United States to enact legislation to ensure adequate funds to find a cure and effective preventive measures for breast cancer.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen until he arrives on request of Senator Hester.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Mary M. Conway, Janelle Cowles and Stanton L. Visser as members of the Board of Behavioral Science Examiners.

William C. Metz and Joan Y. Phillips as members of the Iowa Economic Development Board.

Terry Evans and Bruce A. Yungclas as members of the Iowa Grain and Indemnity Fund Board.

Cathy A. Rottinghaus as a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

Elizabeth A. Coyte as a member of the Board of Physician Assistant Examiners.

David A. Olson, Jerry D. Stilwell and Carol A. Watson as members of the Prevention of Disabilities Policy Council.

Doris A. Hansen and Robert M. Kreamer as members of the Small Business Advisory Council.

Philip Smith as Director of the Office for State-Federal Relations.

Perry J. Chapin as a member of the Wallace Technology Transfer Foundation of Iowa.

Diana Lynn Stewart as a member of the Commission on the Status of Women.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Doyle	Jensen	Kersten	Taylor

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2166

On motion of Senator Peterson, House File 2166, a bill for an act relating to implements of husbandry, by providing certain regulatory exemptions for machinery used to mix and dispense nutrients to bovine animals, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 2166) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer

Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Jensen	Kersten

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

House File 2204

On motion of Senator Priebe, House File 2204, a bill for an act relating to dissemination of annual reports of county conservation boards, was taken up for consideration.

Senator Priebe 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. 2204) the vote was:

Ayes, 46:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Vande Hoef
Varn	Welsh		

Nays, 2:

Borlaug	Tinsman

Absent or not voting, 2:

Jensen	Kersten

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

House File 2112

On motion of Senator Hester, House File 2112, a bill for an act providing for the filing of soil and water resource conservation plans, with report of committee recommending passage, was taken up for consideration.

Senator Hester 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. 2112) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Jensen	Kersten

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

House File 623

On motion of Senator Connolly, House File 623, a bill for an act requiring administrative rules adopted by the director of transportation to first be approved by the state transportation commission, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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. 623) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Hutchins	Jensen	Kersten

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

House File 547

On motion of Senator Rosenberg, House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5131 filed by the committee on Environment and Energy Utilities on March 4, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5131 was adopted by a voice vote.

Senator Rosenberg 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. 547) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Taylor

Absent or not voting, 2:

Hutchins Jensen

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

House File 2033

On motion of Senator Szymoniak, House File 2033, a bill for an act relating to all state-regulated third-party payors providing health care coverage or service by prohibiting an exception or exclusion of benefits solely based upon the diagnosis of a fibrocystic condition, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak withdrew amendment S—5306 filed by her on March 19, 1992, to page 1 of the bill.

Senator Szymoniak 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. 2033) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Voting present, 1:

Kramer

Absent or not voting, 2:

Hutchins Jensen

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

House File 2276

On motion of Senator Peterson, House File 2276, a bill for an act relating to burial expenses under the workers' compensation law, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 2276) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink

Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 2:

Hester	Taylor

Absent or not voting, 1:

Jensen

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

House File 2241

On motion of Senator Palmer, House File 2241, a bill for an act relating to the regulation of pet shops, with report of committee recommending passage, was taken up for consideration.

Senator Palmer 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. 2241) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	Jensen

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

Senator Sturgeon took the chair at 2:10 p.m.

House File 2262

On motion of Senator Fraise, House File 2262, a bill for an act relating to the organization of cooperative associations, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2262) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	Jensen

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

House File 2374

On motion of Senator Gettings, House File 2374, a bill for an act relating to reciprocal license fees for nonresident insurance agents, with report of committee recommending passage, was taken up for consideration.

Senator Gettings 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. 2374) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	Jensen

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

House File 2181

On motion of Senator Szymoniak, House File 2181, a bill for an act relating to purchasing regulations for officers and managers of memorial halls, county hospitals, and monuments, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak 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. 2181) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Jensen

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

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills on the Senate Calendar be referred to committee:

S.F.	2159	Ways and Means
S.F.	2227	Transportation
S.F.	2256	State Government
S.F.	2319	Education

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2232

On motion of Senator Miller, House File 2232, a bill for an act relating to contract bidding requirements for a city, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Vande Hoef offered amendment S—5315 filed by the committee on Local Government on March 19, 1992, to page 1 of the bill.

Senator Varn raised the point of order that amendment S—5315 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5315 in order.

Senator Vande Hoef moved the adoption of amendment S—5315.

A record roll call was requested.

On the question "Shall amendment S—5315 be adopted?" (H.F. 2232) the vote was:

Ayes, 12:

Drake	Fuhrman	Hester	Kersten
Kramer	Miller	Rensink	Rife
Slife	Taylor	Tieden	Vande Hoef

Nays, 36:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Gettings	Gronstal	Hagerla	Hannon
Hedge	Horn	Husak	Kibbie
Kinley	Lind	Lloyd-Jones	McLaren
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Absent or not voting, 2:

Hutchins	Jensen

Amendment S—5315 lost.

Senator Miller 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. 2232) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Horn

Husak	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 1:

Pate

Absent or not voting, 3:

Hester	Hutchins	Jensen

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

House File 2209

On motion of Senator Peterson, House File 2209, a bill for an act relating to agricultural land tenure studies, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 2209) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Tieden

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

House File 2247

On motion of Senator Horn, House File 2247, a bill for an act modifying eligibility requirements within the postsecondary enrollment options Act, including students identified as gifted and talented children, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2247) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2335

On motion of Senator Horn, House File 2335, a bill for an act relating to the purchase of employee annuity contracts by area education agencies, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2335) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2244

On motion of Senator Fraise, House File 2244, a bill for an act relating to notice requirements for hearings on the vacation and closing of roads or railroad crossings, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2244) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2275

On motion of Senator Fraise, House File 2275, a bill for an act relating to the establishment of a preference for the purchase of recycled lubricating and industrial oils by the department of general services, the state board of regents, the state department of transportation, and the department for the blind, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2275) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2277

On motion of Senator Gettings, House File 2277, a bill for an act relating to motorcycle trailer registration plates and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Senator Gettings 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. 2277) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2322

On motion of Senator Szymoniak, House File 2322, a bill for an act relating to child day care and similar services concerning the state day care advisory committee and statewide resource and referral services, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak 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. 2322) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2327

On motion of Senator Fraise, House File 2327, a bill for an act relating to waiving the right to vehicular traffic enforcement in mobile home parks, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2327) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Gronstal	Hutchins	Kibbie	Szymoniak

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

House File 2359

On motion of Senator Rosenberg, House File 2359, a bill for an act relating to an animal feed milling industry exemption from payment and to reassessment of the temporary air toxics fee, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg 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. 2359) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2375

On motion of Senator Doyle, House File 2375, a bill for an act relating to authorizing deductibles for policies of insurance providing workers' compensation coverage, with report of committee recommending passage, was taken up for consideration.

Senator Doyle 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. 2375) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 2:

Fuhrman	Hester

Absent or not voting, 1:

Hutchins

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

House File 2203

On motion of Senator Rosenberg, House File 2203, a bill for an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation, with report of committee recommending passage, was taken up for consideration.

Senator Riordan offered amendment S—5346 filed by him on March 24, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5346 was adopted by a voice vote.

Senator Riordan offered amendment S—5443 filed by Senators Riordan and Rittmer from the floor to page 1 and the title page of the bill.

Senator Buhr raised the point of order that amendment S—5443 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5443 out of order.

Senator Rosenberg 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. 2203) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2413

On motion of Senator Fraise, House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses, with report of committee recommending passage, was taken up for consideration.

Senator Fraise asked and received unanimous consent that action on **House File 2413** be **deferred.**

House File 2424

On motion of Senator Hannon, House File 2424, a bill for an act relating to the limitations on the use of the customer contribution, with report of committee recommending passage, was taken up for consideration.

Senator Hannon 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. 2424) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 2426

On motion of Senator Buhr, House File 2426, a bill for an act relating to the licensing and inspection of radiation machines used for mammography and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Buhr 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. 2426) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gronstal	Hutchins	Kibbie

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

House File 51

On motion of Senator Peterson, House File 51, a bill for an act relating to the applicability to garnishments of the sheriff's duty to levy, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 51) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Slife

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

House File 52

On motion of Senator Peterson, House File 52, a bill for an act relating to sheriffs' fees in garnishment proceedings, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 52) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Hutchins

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

House File 497

On motion of Senator Varn, House File 497, a bill for an act relating to presentence investigations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—5408 filed by the committee on Judiciary on March 26, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5408 was adopted by a voice vote.

Senator Varn asked and received unanimous consent that action on **House File 497** be **deferred.**

House File 2344

On motion of Senator Peterson, House File 2344, a bill for an act relating to certain financing statements required to be filed with the secretary of state, and providing for retroactive applicability and an immediate effective date, with report of committee recommending passage, was taken up for consideration.

Senator Peterson 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. 2344) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Slife

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

House File 2392

On motion of Senator Priebe, House File 2392, a bill for an act relating to the time requirement for filing reports and paying taxes after a boxing or wrestling match has been conducted, with report of committee recommending passage, was taken up for consideration.

Senator Priebe 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. 2392) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Slife

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

House File 2394

On motion of Senator Welsh, House File 2394, a bill for an act relating to information subject to the review or control of the office of citizens' aide, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—5417 filed by the committee on State Government on March 26, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5417 was adopted by a voice vote.

Senator Kramer asked and received unanimous consent that action on **House File 2394** be **deferred.**

House File 2407

On motion of Senator Rosenberg, House File 2407, a bill for an act relating to in-home detention, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg 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. 2407) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	Miller

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

Senator Connolly took the chair at 4:20 p.m.

House File 2412

On motion of Senator Horn, House File 2412, a bill for an act relating to educational finance matters, with report of committee recommending passage, was taken up for consideration.

Senator Peterson asked and received unanimous consent that action on **House File 2412** be **deferred.**

House File 2415

On motion of Senator Horn, House File 2415, a bill for an act relating to the performance of special health services or intrusive nonemergency medical services for students by nonadministrative personnel, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2415) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Varn
Welsh			

Nays, 5:

Hedge	Hester	Jensen	Taylor
Vande Hoef			

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

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2274

The Senate resumed consideration of House File 2274, a bill for an act relating to the protection of endangered species by the department of natural resources (substituted for Senate File 2207 and deferred March 27, 1992).

Senator Priebe offered amendment S—5371 filed by him on March 25, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5371 was adopted by a voice vote.

Senator Hester 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. 2274) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

Senator Hester asked and received unanimous consent that **Senate File 2207** be **withdrawn** from further consideration of the Senate.

House File 2325

The Senate resumed consideration of House File 2325, a bill for an act relating to the duties of the Iowa department of public health regarding referrals to mental health institutions for persons requiring substance abuse treatment, the time frames and fees relating to birth certificates, the persons authorized to certify the facts of a birth and provide medical information regarding the birth and the time frame for such certification, certification of freedom from infectious or contagious diseases for cosmetologists and barbers, and voluntary certification of ophthalmic dispensers (substituted for Senate File 2269 and deferred March 27, 1992).

Senator Buhr 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. 2325) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Hedge

Absent or not voting, 1:

Lloyd-Jones

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

Senator Buhr asked and received unanimous consent that **Senate File 2269** be **withdrawn** from further consideration of the Senate.

House File 2326

The Senate resumed consideration of House File 2326, a bill for an act relating to the civil penalties established for violation of utility board statutes, regulations, or orders (substituted for Senate File 2245 and deferred March 27, 1992).

Senator Deluhery 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. 2326) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Horn	Husak	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Varn	Welsh		

Nays, 7:

Drake	Hedge	Hester	McLaren
Rensink	Rife	Vande Hoef	

Absent or not voting, 1:

Hutchins

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

Senator Deluhery asked and received unanimous consent that **Senate File 2245** be **withdrawn** from further consideration of the Senate.

BUSINESS PENDING

House File 2412

The Senate resumed consideration of House File 2412, a bill for an act relating to educational finance matters, previously deferred.

Senator Peterson offered amendment S—5445 filed by him from the floor to page 3 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5445 be adopted?" (H.F. 2412) the vote was:

Ayes, 36:

Borlaug	Boswell	Deluhery	Dieleman
Doyle	Fraise	Fuhrman	Gettings
Hannon	Hedge	Hester	Husak
Jensen	Kersten	Kibbie	Kinley
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Slife	Soorholtz	Sorensen	Sturgeon
Taylor	Tieden	Vande Hoef	Varn

Nays, 13:

Buhr	Connolly	Drake	Gronstal
Hagerla	Horn	Kramer	Palmer
Rosenberg	Running	Szymoniak	Tinsman
Welsh			

Absent or not voting, 1:

Hutchins

Amendment S—5445 was adopted.

Senator Horn 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. 2412) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Gettings	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Dieleman	Fuhrman	Gronstal	Hutchins

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

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2258** be referred from the Unfinished Business Calendar to the committee on **Local Government.**

MOTION TO RECONSIDER WITHDRAWN

Senator Riordan withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I moved to reconsider the vote by which House File 51 passed the Senate on March 30, 1992.

APPENDIX

PETITIONS

The following petitions opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices were presented and placed on file by:

Senator Buhr from 21 residents of Polk County.
Senator Hagerla from 932 residents of Des Moines and Lee Counties.

The following petition was presented and placed on file by:

Senator Husak from 530 residents of Tama County urging all local budget property tax dollar levies for the fiscal year 1993 be no greater than the prior year levy.

CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Coach Dan Correy, Assistant Coach Phil Hubert and the Marquette Warriors — For participating in the 1992 Class 1-A Boys' State high school basketball tournament. Senator Fraise (3-16-92).

Coach Tammy Conrad, Assistant Coach Melissa Freesmeier and the Marquette Warriorettes — For participating in the 1992 Girls' State high school basketball tournament. Senator Fraise (3-9-92).

Coach Joylyn Cobb, Assistant Coach Melissa Freesmeier and the Marquette Warriorettes — For being the 1992 Girls' Class 1-A state volleyball champions. Senator Fraise (11-16-91).

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2130, the following corrections were made:

1. Page 2, line 27, the word "after consultation" were changed to the words "after consultation".

2. Page 4, line 18, the word "~~solicitation.~~" was changed to the word "~~solicitation.~~"

JOHN F. DWYER
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 27, 1992, 8:45 a.m.

Members Present: Deluhery, Chair; Kinley, Vice Chair; Slife, Ranking Member; Fuhrman, Gettings, Gronstal, Lind, Palmer, Priebe, Sturgeon and Tieden.

Members Absent: Doyle (excused), Jensen, Kersten and Varn.

Committee Business: Assigned bill to subcommittee; recommended passage of House File 2376.

Adjourned: 8:48 a.m.

JUDICIARY

Convened: March 27, 1992, 12:05 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Pate and Peterson.

Members Absent: Drake, Murphy (excused), Slife and Varn.

Committee Business: Recommended passage of House Files 2185 and 2405; House File 2341 failed recommendation for passage.

Adjourned: 12:25 p.m.

SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Convened: March 27, 1992, 8:35 a.m.

Members Present: Riordan, Chair; Hannon, Vice Chair; Borlaug, Ranking Member; Boswell, Kibbie, Kramer, Miller, Peterson, Rittmer, Running, Sorensen and Vande Hoef.

Members Absent: Pate (excused).

Committee Business: Recommended passage of House Files 2434 and 2435 as amended.

Adjourned: 9:05 a.m.

TRANSPORTATION

Convened: March 27, 1992, 8:10 a.m.

Members Present: Fraise, Chair; Connolly, Vice Chair; Drake, Ranking Member; Dieleman, Gettings, Jensen, Kersten, Kinley, Lloyd-Jones and Slife.

Members Absent: Pate and Welsh (both excused).

Committee Business: Recommended confirmation of governor's appointees; recommended passage of House Files 2380, 2298 and 2391.

Adjourned: 8:27 a.m.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2424 passed the Senate on March 30, 1992.

PATRICK J. DELUHERY

MR. PRESIDENT: I move to reconsider the vote by which House File 2412 passed the Senate on March 30, 1992.

JAMES R. RIORDAN

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5445 to House File 2412 passed the Senate on March 30, 1992.

JAMES R. RIORDAN

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 30, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2138 — Relating to the inclusion of agricultural crops or residues in the definition of alternative energy for the purpose of encouraging the development of alternative energy production facilities.

SENATE FILE 2282 — Defining administration expenses for the expenditure of underground storage tank fund moneys, relating to the designation of underground storage tank disposal facilities, and making an appropriation.

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 30th day of March, 1992:

Senate File 2346.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

BUSINESS AND LABOR RELATIONS

Pursuant to Senate Rule 59, the committee on Business and Labor Relations assigned to investigate the following Governor's appointments, completed its investigations on March 30, 1992, and recommended the appointees be confirmed:

James A. Althaus for reappointment as a member of the Employment Appeal Board.

Jacqueline K. Thompson for appointment as a member of the Job Service Advisory Council.

David D. Knock and M. Sue Warner for reappointment as members of the Public Employment Relations Board.

EXPLANATION OF VOTES

MR. PRESIDENT: On Senate File 2204 which passed the Senate on March 30, 1992, I inadvertantly voted "nay". I intended to vote "aye".

MAGGIE TINSMAN

MR. PRESIDENT: On Senate File 2204 which passed the Senate on March 30, 1992, I inadvertantly voted "nay". I intended to vote "aye".

ALLEN BORLAUG

MR. PRESIDENT: Regarding House File 2232, I chose to vote "present" because of a potential conflict of interest considering my past work as a contractor for municipal city governments.

PAUL PATE

AMENDMENTS FILED

S—5436	H.F.	2384	William W. Dieleman
S—5437	H.F.	2372	John A. Peterson
S—5438	H.F.	2205	Larry Murphy
S—5439	H.F.	2205	Beverly Hannon
S—5440	H.F.	2459	John Peterson
S—5441	H.F.	2384	William Dieleman
S—5442	H.F.	2194	William Dieleman
S—5443	H.F.	2203	Jim Riordan Shledon Rittmer
S—5444	H.F.	2459	William Dieleman
S—5445	H.F.	2412	John Peterson
S—5446	H.F.	2408	Mike Connolly

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:25 p.m., until 9:00 a.m., Tuesday, March 31, 1992.

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 31, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Mary Faith Nesmith, pastor of St. John's Luthern Church, Des Moines, Iowa.

The Journal of Monday, March 30, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren for the day and April 1, 1992, on request of Senator Fuhrman, Senator Hannon until she arrives on request of Senator Hutchins and Senator Kersten until he arrives on request of Senator Rife.

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 March 27, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2039, a bill for an act to specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

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

Senator Sturgeon took the chair at 9:22 a.m.

UNFINISHED BUSINESS
(Deferred March 30, 1992)

House File 2394

The Senate resumed consideration of House File 2394, a bill for an act relating to information subject to the review or control of the office of citizens' aide, deferred March 30, 1992.

Senator Welsh 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. 2394) the vote was:

Ayes, 30:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Horn	Husak	Kibbie
Kinley	Kramer	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 15:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Lind
Pate	Rensink	Rife	Slife
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 5:

Hannon	Hutchins	Kersten	McLaren
Taylor			

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

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2008

On motion of Senator Buhr, House File 2008, a bill for an act amending and repealing obsolete provisions of the Iowa employment security law, with report of committee recommending passage, was taken up for consideration.

Senator Buhr 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. 2008) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Hutchins	Kersten	McLaren	Taylor

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

House File 2207

On motion of Senator Fuhrman, House File 2207, a bill for an act conforming provisions of the life-sustaining procedures Act

to the durable power of attorney for health care law and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Fuhrman offered amendment S—5311 filed by the committee on Judiciary on March 19, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5311 was adopted by a voice vote.

Senator Fuhrman 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. 2207) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Palmer	Pate	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Rensink

Absent or not voting, 6:

Hutchins	Kersten	McLaren	Murphy
Rife	Taylor		

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

House File 2285

On motion of Senator Buhr, House File 2285, a bill for an act relating to the permanent appointment of employees assigned through a personnel interchange program, with report of committee recommending passage, was taken up for consideration.

Senator Buhr 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. 2285) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Hutchins	Kersten	McLaren	Rife
Taylor			

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

House File 2323

On motion of Senator Kibbie, House File 2323, a bill for an act to provide for the creation of a zebra mussels education and control program by the natural resource commission, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie 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. 2323) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Hutchins	Kersten	McLaren	Rife
Taylor			

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

House File 2334

On motion of Senator Kibbie, House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations, with report of committee recommending passage, was taken up for consideration.

Senator Riordan asked and received unanimous consent that action on **House File 2334** be **deferred.**

House File 2369

On motion of Senator Varn, House File 2369, a bill for an act authorizing limited liability companies in Iowa and including penalties, with report of committee recommending passage, was taken up for consideration.

Senator Varn 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. 2369) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 6:

Hutchins	Kersten	Lloyd-Jones	McLaren
Rife	Tieden		

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

House File 2028

On motion of Senator Murphy, House File 2028, a bill for an act requiring institutions of higher education to establish policies relating to sexual abuse and providing for the Act's applicability, with report of committee recommending passage, was taken up for consideration.

Senator Murphy 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. 2028) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Riordan	Rittmer	Rosenberg	Running

Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 2:

Dieleman	Rensink

Absent or not voting, 5:

Hutchins	Jensen	Kersten	McLaren
Rife			

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

House File 2194

On motion of Senator Murphy, House File 2194, a bill for an act relating to the establishment of a special classification of residential care facilities to provide accommodations for certain elderly persons, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S—5402 filed by the committee on Human Resources on March 26, 1992, to pages 1 and 2 of the bill.

Senator Dieleman offered amendment S—5442 filed by him on March 30, 1992, to amendment S—5402 and moved its adoption.

Amendment S—5442 lost by a voice vote.

Senator Tinsman moved the adoption of amendment S—5402, which motion prevailed by voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 2194** be **deferred.**

Senator Connolly took the chair at 10:55 a.m.

House File 2299

On motion of Senator Sorensen, House File 2299, a bill for an act relating to the establishment and assessment of civil and criminal penalties including the establishment of a criminal penalty for knowingly making a false statement, representation,

or certification in a comprehensive plan to operate a sanitary disposal project, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen 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. 2299) the vote was:

Ayes, 39:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 7:

Dieleman	Hagerla	Hedge	Hester
Rensink	Taylor	Vande Hoef	

Absent or not voting, 4:

Hutchins	Kersten	McLaren	Tieden

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

House File 2370

On motion of Senator Riordan, House File 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—5401 filed by the committee on Human Resources on March 26, 1992, to pages 1, 2, 22 and 23 of the bill.

Senator Lind asked and received unanimous consent that action on amendment S—5401 and **House File 2370** be **deferred.**

House File 681

On motion of Senator Varn, House File 681, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—5412 filed by the committee on Judiciary on March 26, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Varn offered amendment S—5448 filed by him from the floor to amendment S—5412 and moved its adoption.

Amendment S—5448 was adopted by a voice vote.

Senator Varn asked and received unanimous consent that action on amendment S—5412 as amended and **House File 681** be **deferred.**

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2394** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 March 27, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 84, a bill for an act relating to the purchase of recycled products including recycled paper by state agencies (S—5451).

Senate File 2059, a bill for an act relating to the theft of milk containers and the applicability of a penalty and providing an effective date (S—5450).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 120, by Szymoniak, Murphy, Hannon, Riordan, Kibbie, Deluhery, Fraise, Kinley, Gettings, Connolly, Rosenberg, Varn, Gronstal, Horn, Buhr, and Sturgeon, a concurrent resolution to call upon the President and the Congress of the United States to reduce military spending, authorize the savings to be shifted to meet domestic needs, and implement a program to prevent severe economic dislocation resulting from military budget cuts.

Read first time and **passed on file.**

RECESS

On motion of Senator Horn, the Senate recessed at 11:16 a.m., until 3:00 p.m.

APPENDIX

STUDY BILLS RECEIVED

SSB 2290 Ways & Means

Relating to the payments of employee contributions under certain public retirement systems for federal and state tax purposes.

SSB 2291 Ways & Means

Relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on March 23, 24 and 25, 1992. Had I been present, I would have voted "aye" on the following bills:

Senate Files 2290, 2293, 2341, 2241, 2197, 2302, 2329, 2307, 2289, 29, 2345 and 2348. I also would have voted "aye" on the confirmation of persons on the En Bloc Confirmation Calendar.

I would have voted "nay" on Senate Files 2249 and 2250 and the motion to reconsider Senate File 2327.

JEAN LLOYD-JONES

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 his approval on this 31st day of March, 1992:

Senate File 2263.

JOHN F. DWYER
Secretary of the Senate

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2207 passed the Senate on March 31, 1992.

WILLIAM DIELEMAN

MR. PRESIDENT: I move to reconsider the vote by which House File 2412 passed the Senate on March 30, 1992.

WALLY E. HORN

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2459, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5458.

Final Vote: Ayes, 14: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Lind, Lloyd-Jones, Peterson, Rensink, Riordan, Rosenberg, Running and Szymoniak. Nays, 3: Hagerla, Pate and Tinsman. Absent or not voting, 4: Kersten, McLaren, Varn and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-six fifth grade students from Cambridge Elementary School, Cambridge, Iowa, accompanied by Joan Larson. Senator Rosenberg.

Thirteen high school students from Quint City Baptist School, Davenport, Iowa, accompanied by Mr. Ohlmann. Senator Rife.

Nine fifth grade students from EXCEL (talented and gifted program), Boone Community Schools, Boone, Iowa, accompanied by Lillian Carlson, Pat Hilton and Sue Duffee. Senator Sorensen.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2192

EDUCATION: Horn, Chair; Connolly and Tieden

Senate File 2319

EDUCATION: Connolly, Chair; Murphy and Rensink

SSB 2288

APPROPRIATIONS: Boswell, Chair; Husak and Tieden

SSB 2289

APPROPRIATIONS: Varn, Chair; McLaren and Welsh

AMENDMENTS FILED

S—5447	H.F.	2205	Michael E. Gronstal
S—5448	H.F.	681	Richard Varn
S—5449	H.F.	2287	Mike Connolly
S—5450	S.F.	2059	House amendment
S—5451	S.F.	84	House amendment
S—5452	S.F.	2353	Richard Running
S—5453	H.F.	2417	Emil Husak
S—5454	H.F.	2334	Jim Riordan
S—5455	S.F.	2354	William Palmer
S—5456	H.F.	2308	Ralph Rosenberg
S—5457	H.F.	2408	Jim Lind
S—5458	H.F.	2459	Appropriations
S—5459	H.F.	2385	Jim Riordan Dale Tieden Eugene Fraise Mary Kramer Sheldon Rittmer Joe Welsh Berl Priebe Richard Drake Allen Borlaug Jim Kersten Emil Husak

			Don Gettings
			Ray Taylor
			Wilmer Rensink
			Alvin Miller
			Albert Sorensen
			Jack Rife
			Wally Horn
			Leonard Boswell
			Jim Lind
			Richard Vande Hoef
			Harry Slife
			Jack Hester
			Donald Doyle
			William Dieleman
			Mark Hagerla
			Elaine Szymoniak
			Richard Running
			Jean Lloyd-Jones
			Maggie Tinsman
			Beverly Hannon
S—5460	H.F.	2195	Donald Doyle

AFTERNOON SESSION

The Senate reconvened at 3:25 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

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

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:20 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2135

On motion of Senator Rittmer, House File 2135, a bill for an act relating to the collection of delinquent sanitary sewer charges, with report of committee recommending passage, was taken up for consideration.

Senator Rittmer 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. 2135) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

House File 2172

On motion of Senator Varn, House File 2172, a bill for an act relating to nonsubstantive Code corrections, with report of committee recommending passage, was taken up for consideration.

Senator Varn 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. 2172) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

House File 2304

On motion of Senator Buhr, House File 2304, a bill for an act relating to the procedure for filling vacancies that occur in county offices, with report of committee recommending passage, was taken up for consideration.

Senator Buhr 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. 2304) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boswell for the remainder of the day on request of Senator Hutchins.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2330

On motion of Senator Deluhery, House File 2330, a bill for an act relating to the required purchase by electric utilities of megawatts of power, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Deluhery offered amendment S—5394 filed by the committee on Environment and Energy Utilities on March 26, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5394 was adopted by a voice vote.

Senator Deluhery 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. 2330) the vote was:

Ayes, 42:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Varn	Welsh		

Nays, 6:

Drake	Fuhrman	Hedge	Rensink
Rife	Vande Hoef		

Absent or not voting, 2:

Boswell McLaren

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

House File 2378

On motion of Senator Hannon, House File 2378, a bill for an act relating to the time for notice of the proposed vacation of an official plat, with report of committee recommending passage, was taken up for consideration.

Senator Hannon 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. 2378) the vote was:

Ayes, 48:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Boswell McLaren

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

House File 2382

On motion of Senator Rensink, House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken,

transported, or possessed by a person, and subjecting violators to a criminal penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—5411 filed by the committee on Natural Resources on March 26, 1992, to page 1 of the bill.

Senator Riordan asked and received unanimous consent that action on amendment S—5411 and **House File 2382** be **deferred.**

Senator Buhr took the chair at 5:02 p.m.

House File 2390

On motion of Senator Kinley, House File 2390, a bill for an act relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, and amusement park permit and inspection fees, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kinley offered amendment S—5397 filed by the committee on Business and Labor Relations on March 26, 1992, to pages 3, 4 and the title page of the bill and moved its adoption.

Amendment S—5397 was adopted by a voice vote.

Senator Kinley 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. 2390) the vote was:

Ayes, 38:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 9:

Borlaug	Fuhrman	Hedge	Kersten
Priebe	Rensink	Rife	Taylor
Vande Hoef			

Absent or not voting, 3:

Boswell	McLaren	Tieden

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

House File 2403

On motion of Senator Sorensen, House File 2403, a bill for an act relating to the notice to be given to owners of certain property held by banking or other financial organizations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent to withdraw amendment S—5416 filed by the committee on State Government on March 26, 1992, to page 1 of the bill.

Senator Sorensen 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. 2403) the vote was:

Ayes, 48:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Boswell McLaren

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

House File 2185

On motion of Senator Sturgeon, House File 2185, a bill for an act relating to jury source lists, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon 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. 2185) the vote was:

Ayes, 48:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Boswell McLaren

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

House File 2395

On motion of Senator Sturgeon, House File 2395, a bill for an act relating to workers' compensation, by establishing a second injury fund task force, continuing assessment of a surcharge on workers' compensation benefits paid in the state, and authorizing adoption of administrative rules, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon 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. 2395) the vote was:

Ayes, 38:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 10:

Borlaug	Drake	Hedge	Hester
Jensen	Pate	Rensink	Taylor
Tieden	Vande Hoef		

Absent or not voting, 2:

Boswell	McLaren

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

UNFINISHED BUSINESS
(Deferred March 26, 1992)

Senate File 2353

The Senate resumed consideration of Senate File 2353, a bill

for an act relating to cosmetology arts and sciences and imposing fees and penalties, deferred March 26, 1992.

Senator Running offered amendment S—5452 filed by him from the floor to pages 2, 4 and 15 of the bill and moved its adoption.

Amendment S—5452 was adopted by a voice vote.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2353** be **deferred.**

President pro tempore Lloyd-Jones took the chair at 5:35 p.m.

Senate File 2354

The Senate resumed consideration of Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties, deferred March 26, 1992.

Senator Varn withdrew amendment S—5331 filed by him on March 20, 1992, to pages 4, 5 and 13 of the bill.

Senator Varn offered amendment S—5369 filed by him on March 25, 1992, to pages 4, 5 and 13 of the bill and moved its adoption.

Amendment S—5369 was adopted by a voice vote.

Senator Palmer offered amendment S—5455 filed by him from the floor to pages 4 and 20 of the bill and moved its adoption.

Amendment S—5455 was adopted by a voice vote.

Senator Varn offered amendment S—5330 filed by Senators Varn, et al., on March 20, 1992, to page 16 of the bill and moved its adoption.

Amendment S—5330 was adopted by a voice vote.

With the adoption of amendment S—5330, the Chair ruled amendment S—5340 filed by Senator Palmer on March 23, 1992, to page 16 of the bill, out of order.

Senator Varn 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. 2354) the vote was:

Ayes, 48:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Boswell McLaren

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

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2222** be referred from the Unfinished Business Calendar to the committee on **State Government**.

APPENDIX

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2172 passed the Senate on March 31, 1992.

BERL E. PRIEBE

RESOLUTION ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following resolution to committee:

S. C. R. 120 Rules and Administration

AMENDMENTS FILED

S—5461	H.F.	2343	Berl E. Priebe
S—5462	H.F.	2195	Donald Doyle Sheldon Rittmer
S—5463	H.F.	2413	Harry Slife Eugene Fraise
S—5464	H.F.	2413	Harry G. Slife
S—5465	H.F.	2384	Larry Murphy
S—5466	H.F.	2384	Larry Murphy Dale Tieden Maggie Tinsman Beverly Hannon Mike Connolly
S—5467	S.F.	2353	William W. Dieleman
S—5468	H.F.	2075	Florence Buhr
S—5469	H.F.	2075	Florence Buhr
S—5470	H.F.	2075	Florence Buhr
S—5471	H.F.	2450	John Kibbie Richard Drake
S—5472	H.F.	2450	John Kibbie Richard Drake
S—5473	H.F.	2450	John Kibbie Richard Drake
S—5474	H.F.	2450	John Kibbie Richard Drake

S—5475 H.F. 2450 John Kibbie
Richard Drake

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:02 p.m., until 9:00 a.m., Wednesday, April 1, 1992.

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 1, 1992

The Senate met in regular session at 9:08 a.m., Senator Connolly presiding.

Prayer was offered by Dr. Bill Hamm, President of Waldorf College, Forest City, Iowa.

The Journal of Tuesday, March 31, 1992, was approved.

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 March 30, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2134, a bill for an act relating to a city officer's or employee's permissible interest in a franchise agreement.

Senate File 2158, a bill for an act relating to the definition of children requiring special education.

Senate File 2163, a bill for an act relating to the nonvoting membership of the community college council.

Senate File 2168, a bill for an act relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

Senate File 2180, a bill for an act relating to the regulation of credit unions by granting the superintendent certain additional enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights.

Senate File 2287, a bill for an act relating to indecent exposure by a minor in certain establishments and providing a penalty.

ALSO: That the House has on March 30, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2005, a bill for an act relating to the Iowa affordable heating program and providing for an effective date (S—5481).

Senate File 2063, a bill for an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date (S—5477).

Senate File 2108, a bill for an act relating to the registration and use of boats and motorboats (S—5478).

Senate File 2233, a bill for an act relating to the residency requirement for clerks of the district court (S—5479).

Senate File 2286, a bill for an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date (S—5480).

ALSO: That the House has on March 30, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2463, a bill for an act relating to state mandates.

This bill was read first time and **passed on file.**

MOTION TO RECONSIDER WITHDRAWN

Senate File 2250

Senator Riordan withdrew the motion to reconsider Senate File 2250, a bill for an act relating to hospital privileges provided certain professionals including certified health service providers in psychology, filed by him on March 26, 1992, and found on page 1039 of the Senate Journal.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House Files 2075, 2396** and **2399** be referred from the Regular Calendar to the committee on **Ways and Means.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soorholtz until he arrives on request of Senator Rife.

UNFINISHED BUSINESS
(Deferred March 31, 1992)

Senate File 2353

The Senate resumed consideration of Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, deferred March 31, 1992.

Senator Dieleman offered amendment S—5467 filed by him on March 31, 1992, to page 15 and the title page of the bill and moved its adoption.

Amendment S—5467 was adopted by a voice vote.

Sentor Dieleman withdrew amendment S—5384 filed by him on March 25, 1992, to pages 11 and 12 of the bill.

With the adoption of amendment S—5452 on March 31, 1992, the Chair ruled amendment S—5398 filed by Senator Boswell on March 26, 1992, to pages 11, 12 and 15 of the bill, out of order.

Senator Running 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. 2353) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Kibbie	McLaren	Soorholtz	Welsh

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

UNFINISHED BUSINESS
(Deferred March 31, 1992)

House File 2370

The Senate resumed consideration of House File 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments, and amendment S—5401 by the committee on Human Resources to pages 1, 2, 22 and 23 of the bill, deferred March 31, 1992.

Senator Sturgeon took the chair at 9:40 a.m.

Senator Riordan moved the adoption of amendment S—5401, which motion prevailed by a voice vote.

Senator Riordan 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. 2370) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Sturgeon

Absent or not voting, 3:

McLaren	Rosenberg	Soorholtz

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2249

On motion of Senator Hedge, House File 2249, a bill for an act relating to the regulation of milk and increasing certain fees, with report of committee recommending passage, was taken up for consideration.

Senator Hedge 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. 2249) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Running	Slife

Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Hutchins	McLaren	Miller	Rosenberg
Soorholtz			

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

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2080

On motion of Senator Riordan, House File 2080, a bill for an act to include bats as protected nongame species, and providing an exception, with report of committee recommending passage, was taken up for consideration.

Senator Riordan 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. 2080) the vote was:

Ayes, 37:

Borlaug	Connolly	Deluhery	Dieleman
Doyle	Drake	Fuhrman	Gettings
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Kersten
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Rensink	Rife	Riordan	Rittmer
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Vande Hoef	Varn
Welsh			

Nays, 10:

Boswell	Buhr	Fraise	Hutchins
Jensen	Kibbie	Pate	Priebe

Tieden	Tinsman	

Absent or not voting, 3:

McLaren	Rosenberg	Soorholtz

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

House File 2224

On motion of Senator Horn, House File 2224, a bill for an act excepting from child day care regulation certain programs for school age children administered by political subdivision, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2224) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

McLaren	Miller	Rosenberg	Soorholtz

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

House File 646

On motion of Senator Dieleman, House File 646, a bill for an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie offered amendment S—3537 filed by him on April 23, 1991, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—3537 was adopted by a voice vote.

Senator Kibbie withdrew amendment S—3516 filed by him on April 19, 1991, to pages 1 and 2 of the bill.

Senator Dieleman 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. 646) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Kibbie	Kinley	Kramer
Lloyd-Jones	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Varn	Welsh	

Nays, 14:

Borlaug	Drake	Fuhrman	Hedge
Hester	Jensen	Kersten	Lind
Rensink	Rife	Rittmer	Tieden
Tinsman	Vande Hoef		

Absent or not voting, 5:

Hutchins	McLaren	Miller	Rosenberg
Soorholtz			

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

House File 242

On motion of Senator Murphy, House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly took the chair at 10:58 a.m.

Senator Murphy offered amendment S—5400 filed by the committee on Human Resources on March 26, 1992, to pages 1-3 of the bill and called for a division:

Page 1, lines 3-39 and 45-50, and page 2, lines 1-4 as division S—5400A; page 1, lines 40-44 and page 2, lines 5 and 6 as division S—5400B.

Senator Murphy asked and received unanimous consent to withdraw division S—5400A.

Senator Murphy moved the adoption of division S—5400B, which motion prevailed by a voice vote.

Senator Varn offered amendment S—5485 filed by Senators Varn and Szymoniak from the floor to page 3 of the bill and moved its adoption.

Amendment S—5485 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that action on **House File 242** be **deferred.**

House File 2025

On motion of Senator Sturgeon, House File 2025, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sturgeon offered amendment S—5392 filed by the committee on Judiciary on March 26, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5392 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 2025** be **deferred.**

UNFINISHED BUSINESS
(Deferred March 27, 1992)

Senate File 2299

The Senate resumed consideration of Senate File 2299, a bill for an act relating to the kinds of separately metered properties for which a landlord may be exempted from a lien for delinquent charges for water services, deferred March 27, 1992.

Senator Sturgeon offered amendment S—5424 filed by him on March 27, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5424 was adopted by a voice vote.

President pro tempore Lloyd-Jones took the chair at 11:26 a.m.

Senator Sturgeon asked and received unanimous consent that **House File 2377** be **substituted** for **Senate File 2299** as amended.

Senator Sturgeon asked and received unanimous consent that action on **House File 2377** be **deferred.**

MOTION TO RECONSIDER WITHDRAWN

Senate File 2120

Senator Connolly withdrew the motion to reconsider Senate File 2120, a bill for an act to establish a midwestern higher education compact, filed by him on March 11, 1992, and found on page 729 of the Senate Journal.

UNFINISHED BUSINESS
(Deferred March 27, 1992)

Senate File 2046

The Senate resumed consideration of Senate File 2046, a bill for an act relating to the issuance of handicapped identification devices and increasing the penalty for improper use of a handicapped identification device, deferred March 27, 1992.

Senator Connolly offered amendment S—5435 filed by him on March 27, 1992, to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5435 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that **House File 2408** be **substituted** for **Senate File 2046** as amended.

Senator Connolly asked and received unanimous consent that action on **House File 2408** be **deferred.**

MOTION TO RECONSIDER WITHDRAWN

House File 2424

Senator Deluhery withdrew the motion to reconsider House File 2424, a bill for an act relating to the limitations on the use of the customer contribution funds, filed by him on March 30, 1992, and found on page 1097 of the Senate Journal.

BUSINESS PENDING

House File 2025

The Senate resumed consideration of House File 2025, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail, previously deferred.

Senator Fuhrman offered amendment S—5490 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5490 was adopted by a voice vote.

Senator Connolly took the chair at 11:52 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he returns on request of Senator Pate.

BUSINESS PENDING

House File 2025

The Senate resumed consideration of House File 2025.

Senator Sturgeon 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. 2025) the vote was:

Ayes, 45:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Running	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Borlaug	Hutchins	McLaren	Rosenberg
Soorholtz			

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

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 March 30, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2024, a bill for an act relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs (S—5482).

ALSO: That the House has on March 30, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2187, a bill for an act relating to the announcement of information by the court at the time of sentencing of persons convicted of committing aggravated misdemeanors and felonies.

ALSO: That the House has on March 31, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2456, a bill for an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, providing applicability and effective dates, and providing for the repeal and recodification of provisions of the Act.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 1, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2267, a bill for an act relating to prohibited practices by private and public employers and making penalties applicable.

RECESS

On motion of Senator Horn, the Senate recessed at 12:07 p.m., until 2:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 31, 1992, 8:06 a.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak and Tinsman.

Members Absent: Kersten, McLaren, Varn and Welsh (all excused).

Committee Business: Recommended passage of House File 2459 as amended.

Adjourned: 9:00 a.m.

EDUCATION

Convened: March 31, 1992, 1:34 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Rensink (excused).

Committee Business: Assigned bills to subcommittees; presentation by Arthur Wise, President of the National Council for Accreditation of Teacher Education.

Adjourned: 3:21 p.m.

STATE GOVERNMENT

Convened: March 31, 1992, 11:19 a.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Horn, Kramer, Murphy, Pate, Priebe, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: Gronstal (excused), McLaren (excused) and Rife.

Committee Business: Placed governor's appointees on en bloc and individual confirmation calendars.

Adjourned: 11:32 a.m.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 2353.

Had I been present, I would have voted "aye".

JOHN P. KIBBIE

BILL 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 bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of April, 1992:

Senate File 2039.

JOHN F. DWYER
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication wase received announcing that on March 31, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2346 — Relating to motor vehicle registration fees for multipurpose vehicles, and the sales, services, and use tax on certain services, and providing an effective date.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2454, a bill for an act relating to efficiency in government, and making appropriations.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5488.

Final Bill Action: Ayes, 14: Boswell, Tieden, Buhr, Connolly, Gettings, Lind, Lloyd-Jones, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak and Tinsman. Nays, none. Absent or not voting, 7: Husak, Hagerla, Kersten, McLaren, Pate, Varn and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5493.

Final Vote: Ayes, 18: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 3: Kersten, McLaren and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2207 passed the Senate on March 31, 1992.

LINN FUHRMAN

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-five eleventh and twelfth grade students from Clarksville High School, Clarksville, accompanied by David Waskow. Senator Jensen.

Forty-one eleventh grade students from Colo-Nesco High School, Colo, accompanied by Jack Roberts. Senators Rosenberg and Sorensen.

Sixty-four fifth grade students from Studebaker Elementary School, Des Moines, accompanied by Kathy Poetting. Senator Kinley.

Thirty junior high students from Holmes Junior High School, Cedar Falls, accompanied by David Andreasen and Deb Gray. Senator Slife.

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointments, completed its investigations on March 31, 1992, and recommended the appointees be confirmed:

Dale L. Renaud for reappointment as Administrator of the Division of Veterans Affairs.

John Cain for reappointment, Jean E. Kruse for appointment and Dorothy L. Votroubek for reappointment as members of the Accountancy Examining Board.

Edward F. Seitzinger for reappointment as a member of the Alcoholic Beverages Commission.

Carolyn E. Olsen for appointment as a member of the Architectural Examining Board.

Ronald G. Richer and Elmer G. Stockdale for appointment as members of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Regene L. Osborne for appointment and Guy Richardson for reappointment as members of the Board of Nursing Examiners.

Ronald C. Evans for reappointment as a member of the Chiropractic Examining Board.

Gerald L. Fields for reappointment, Ronald N. Langston for appointment, Ada E. Tredwell for reappointment, Maude E. White for reappointment and LaMetta K. Wynn for appointment as members of the Commission on the Status of African-Americans.

Susanne E. Wolrab for appointment as a member of the Cosmetology Examining Board.

Jerry C. Prahl, D.D.S., for reappointment, James A. Raecker, D.D.S. for reappointment and Dr. Fred Albert Riddle, Jr. for appointment as members of the Dental Examining Board.

Margaret B. Tait for appointment as a member of the Dietetic Examining Board.

Charles H. Sweeney for reappointment as Director of the Department of Inspections and Appeals.

Gretchen H. Tegeler for appointment as Director of the Department of Management.

Dwayne C. Garber for appointment as a member of the Engineering and Land Surveying Examining Board.

Paul J. Frank for reappointment as a member of the Investment Board of the IPERS.

Donald R. Jacobi and Norma D. Lyon for appointment as members of the Iowa Board of Veterinary Medicine.

Cindy Raspiller for reappointment as a member of the Iowa Emergency Response Commission.

Richard P. Sulzbach for reappointment as a member of the Iowa Lottery Board.

Alfred C. Bohling and Diana E. Hoogestraat for reappointment as members of the Landscape Architectural Examining Board.

James M. Caterine, M.D. for appointment, Dr. George G. Spellman, Sr. for reappointment and Dr. Johanna B. Whalen for reappointment as members of the Medical Examining Board.

James W. Barr for appointment as a member of the Mortuary Science Examining Board.

Jane F. Ecklund and Dr. Robert H. Sharp for appointment as members of the Optometry Examining Board.

Phyllis A. Miller and Ronald B. Reiff for appointment as members of the Pharmacy Examining Board.

Diana R. Brower for appointment and Ken C. Leo for reappointment as members of the Physician and Occupational Therapy Examining Board.

Terry K. Lichty for reappointment as a member of the Podiatry Examining Board.

Cynthia Marie Lyon and Dr. Dan L. Rogers for reappointment as members of the Psychology Examining Board.

Arthur J. Frahm, Patsy A. Hastings and Arne F. Waldstein for reappointment as members of the Real Estate Appraiser Examining Board.

Jerry F. Duggan for reappointment as a member of the Real Estate Commission.

Earl L. Howard for reappointment as a member of the Respiratory Care Advisory Committee.

Raymond E. Franklin, Patricia L. Kelley and Kathleen M. Morgan for appointment as members of the Social Work Examining Board.

Alan K. Heidecker and Dorothy L. McKee for appointment as members of the Speech Pathology and Audiology Examining Board.

Warren D. Rippey for reappointment and Patricia E. Tiarks for appointment as members of the State Board of Examiners for Nursing Home Administrators.

Richard P. Canella for reappointment as a member of the State Racing and Gaming Commission.

REPORTS OF STANDING COMMITTEE'
(Place nominees on Individual Confirmation Calendar)

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointments, completed its investigations on March 31, 1992, and **made no recommendation:**

Alan L. Thompson for appointment as a member of the Barber Examining Board.

Cheryl J. Richardson for reappointment as a member of the Engineering and Land Surveying Examining Board:

AMENDMENTS FILED

S—5476	H.F.	2287	Richard Varn
S—5477	S.F.	2063	House amendment
S—5478	S.F.	2108	House amendment
S—5479	S.F.	2233	House amendment
S—5480	S.F.	2286	House amendment
S—5481	S.F.	2005	House amendment
S—5482	S.F.	2024	House amendment
S—5483	H.F.	2382	Jim Riordan
S—5484	H.F.	2334	Jack Hester Jim Riordan
S—5485	H.F.	242	Richard Varn Elaine Szymoniak
S—5486	H.F.	497	Larry Murphy

S—5487	H.F.	2459	Leonard Boswell John Peterson
S—5488	H.F.	2454	Appropriations
S—5489	H.F.	2459	Leonard Boswell John Peterson
S—5490	H.F.	2025	Linn Fuhrman
S—5491	H.F.	2384	Mike Connolly
S—5492	H.F.	242	Beverly Hannon Larry Murphy
S—5493	H.F.	2457	Appropriations
S—5494	H.F.	242	Beverly Hannon Larry Murphy

AFTERNOON SESSION

The Senate reconvened at 2:46 p.m., President Gronstal presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

BUSINESS PENDING

House File 242

The Senate resumed consideration of House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties, previously deferred.

Senator Hannon asked and received unanimous consent that action on amendment S—5492 filed by Senators Hannon and Murphy from the floor to page 2 of the bill be deferred.

Senator Hannon offered amendment S—5494 filed by Senators Hannon and Murphy from the floor to page 2 of the bill and moved its adoption.

Amendment S—5494 was adopted by a voice vote.

With the adoption of amendment S—5494, the Chair ruled amendment S—5492, previously deferred, out of order.

Senator Murphy 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. 242) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley

Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 5:

Connolly	Hutchins	McLaren	Slife
Soorholtz			

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Slife until he arrives on request of Senator Borlaug.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2126

On motion of Senator Sturgeon, House File 2126, a bill for an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence, with report of committee recommending passage, was taken up for consideration.

Senator Fuhrman offered amendment S—5407 filed by him on March 26, 1992, to page 1 of the bill.

President pro tempore Lloyd-Jones took the chair at 3:12 p.m.

Senator Fuhrman moved the adoption of amendment S—5407.

A non record roll call was requested.

The ayes were 32, nays 11.

Amendment S—5407 was adopted.

Senator Sturgeon 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. 2126) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Connolly	McLaren	Sorensen

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

House File 2384

On motion of Senator Murphy, House File 2384, a bill for an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education by making changes in the transportation and athletic participation provisions under open enrollment; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under

dual enrollment or in a home school assistance program; making other related changes; and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal until he returns on request of Senator Horn.

BUSINESS PENDING

House File 2384

The Senate resumed consideration of House File 2384.

Senator Murphy offered amendment S—5414 filed by the committee on Education on March 26, 1992, to pages 1, 6 and the title page of the bill.

Senator Murphy offered amendment S—5491 filed by Senator Connolly from the floor to amendment S—5414.

Senator Murphy asked and received unanimous consent that action on amendment S—5491 to amendment S—5414 and amendment S—5414 be deferred.

Senator Dieleman offered amendment S—5436 filed by him on March 30, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5436 lost by a voice vote.

Senator Murphy offered amendment S—5466 filed by Senators Murphy, et al., on March 31, 1992, to pages 2, 3 and the title page of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 26.

Amendment S—5466 lost.

Senator Murphy offered amendment S—5465 filed by him on March 31, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5465 was adopted by a voice vote.

Senator Dieleman offered amendment S—5441 filed by him on March 30, 1992, to page 5 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 24, nays 25.

Amendment S—5441 lost.

The Senate resumed consideration of amendment S—5414 by the committee on Education to pages 1, 6 and the title page of the bill, and amendment S—5491 by Senator Connolly to amendment S—5414, previously deferred.

Senator Connolly moved the adoption of amendment S—5491 to amendment S—5414, which motion prevailed by a voice vote.

Senator Murphy moved the adoption of amendment S—5414 as amended, which motion prevailed by a voice vote.

Senator Fuhrman asked and received unanimous consent to withdraw amendment S—5502 filed by Senators Fuhrman and Kersten from the floor to page 1 and the title page of the bill.

Senator Murphy 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. 2384) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen

Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Kinley

Absent or not voting, 1:

McLaren

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

House File 2436

On motion of Senator Sturgeon, House File 2436, a bill for an act relating to the detention of persons alleged to be seriously mentally impaired or to be chronic substance abusers, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon 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. 2436) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

House File 2452

On motion of Senator Rosenberg, House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **House File 2452** be **deferred.**

House File 2298

On motion of Senator Connolly, House File 2298, a bill for an act relating to school bus inspections and providing for repeal of the Act, with report of committee recommending passage, was taken up for consideration.

Senator Riordan took the chair at 4:17 p.m.

Senator Connolly 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. 2298) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer

Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Welsh

Nays, none.

Absent or not voting, 2:

McLaren	Varn

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

House File 2376

On motion of Senator Fuhrman, House File 2376, a bill for an act relating to the disposition of fees and charges collected by the real estate commission, with report of committee recommending passage, was taken up for consideration.

Senator Fuhrman 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. 2376) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

McLaren	Sturgeon

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

President Gronstal took the chair at 4:25 p.m.

House File 2380

On motion of Senator Lloyd-Jones, House File 2380, a bill for an act relating to railroad crossing violations, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones 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. 2380) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

House File 2391

On motion of Senator Dieleman, House File 2391, a bill for an act defining public road rights-of-way, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman 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. 2391) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	McLaren

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

House File 2405

On motion of Senator Sturgeon, House File 2405, a bill for an act relating to proceeds received by felons as it relates to Iowa's "Son of Sam" statute, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon 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. 2405) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	McLaren

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

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2443

The Senate resumed consideration of House File 2443, a bill for an act making technical amendments to the powers, duties, and procedures of county officers and providing for other properly related matters, deferred March 27, 1992.

Senator Sorensen 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:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen

Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	McLaren

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

Senator Sorensen asked and received unanimous consent that **Senate File 2131** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2195

On motion of Senator Rittmer, House File 2195, a bill for an act providing that certain counties need not maintain a county jail or space for the district court, with report of committee recommending passage, was taken up for consideration.

Senator Doyle withdrew amendment S—5460 filed by him on March 31, 1992, to pages 1 and 2 of the bill.

Senator Doyle offered amendment S—5462 filed by Senators Doyle and Rittmer on March 31, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5462 was adopted by a voice vote.

Senator Rittmer 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. 2195) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester

Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins	McLaren

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

House File 2428

On motion of Senator Welsh, House File 2428, a bill for an act relating to including out-of-state liquor, wine, or beer licensees or permittees in Iowa's dramshop Act, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—5420 filed by the committee on State Government on March 27, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5420 was adopted by a voice vote.

Senator Welsh offered amendment S—5503 filed by him from the floor to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5503 be adopted?" (H.F. 2428) the vote was:

Ayes, 28:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Jensen	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan

Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 20:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Kersten	Kramer	Lind	Pate
Rensink	Rife	Slife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 2:

Hutchins	McLaren

Amendment S—5503 was adopted.

Senator Welsh 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. 2428) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Fuhrman

Absent or not voting, 3:

Hannon	Hedge	McLaren

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

HOUSE MESSAGES RECEIVED

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 March 31, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2133, a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, and providing an effective date (S—5498).

ALSO: That the House has on April 1, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2302, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, providing for the adjudication of acts of domestic abuse as delinquent acts by minors, expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties (S—5499).

INTRODUCTION OF BILL

Senate File 2357, by committee on Ways and Means, a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

Read first time and **placed on Ways and Means Calendar.**

APPENDIX

STUDY BILLS RECEIVED

SSB 2292 Judiciary

A resolution relating to the establishment of a legislative interim committee to review the issue of family support rights and obligations.

SSB 2293 Appropriations

Relating to the development and implementation of cost-effective health-related measures, including measures relating to pregnant women and children, making appropriations, and providing penalties.

SSB 2294 Ways & Means

Authorizing the department of revenue and finance to enter into tax agreements with Indian tribes.

SSB 2295 Appropriations

A joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2270

WAYS AND MEANS: Husak, Chair; Fraise and McLaren

House File 2075

WAYS AND MEANS: McLaren, Chair; Dieleman and Murphy

House File 2396

WAYS AND MEANS: Husak, Chair; Rosenberg and Taylor

House File 2399

WAYS AND MEANS: Murphy, Chair; Szymoniak and Taylor

SSB 2290

WAYS AND MEANS: Murphy, Chair; Dieleman and Drake

SSB 2291

WAYS AND MEANS: Taylor, Chair; Dieleman and Murphy

SSB 2292

JUDICIARY: Horn, Chair; Slife and Sturgeon

SSB 2293

APPROPRIATIONS: Szymoniak, Chair; Rosenberg and Tinsman

SSB 2294

WAYS AND MEANS: Husak, Chair; Hester and Palmer

SSB 2295

APPROPRIATIONS: Boswell, Chair; Husak and Tieden

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2456	Ways and Means
H.F.	2463	Appropriations

PRESENTATION OF VISITORS

Senator Borlaug welcomed the Honorable Arthur Gratias, former member of the Senate from Floyd County, who was present in the Senate chamber.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fourteen FFA students from Guttenberg Community School, Guttenberg, accompanied by Mr. Zaruba. Senator Tieden.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 242 passed the Senate on April 1, 1992.

JOE WELSH

MR. PRESIDENT: I move to reconsider the vote by which House File 242 passed the Senate on April 1, 1992.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which House File 2384 passed the Senate on April 1, 1992.

JIM RIORDAN

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 1, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2263 — Relating to information identifying inert ingredients in pesticides, and providing retroactive applicability and effective dates.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: SENATE FILE 2357 (SSB 2285), a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Dieleman, Husak, Hedge, Connolly, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, and Taylor. Nays, none. Absent or not voting, 4: Deluhery, McLaren, Rosenberg and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ANNOUNCEMENT BY THE PRESIDENT OF THE SENATE

The President of the Senate announced the following appointment:

Trustee of Police and Fire Retirement System
(Code 411.36)

Due to the resignation from the board of Senator Kibbie, Senator Deluhery is appointed to fill the unexpired term and is also appointed for a full term (4/1/92 - 4/30/94).

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on April 1, 1992, when the vote was taken on House File 2428.

Had I been present, I would have voted "aye".

H. KAY HEDGE

AMENDMENTS FILED

S—5495	H.F.	2457	Mike Connolly
S—5496	H.F.	2372	Linn Fuhrman
S—5497	S.F.	2011	John Kibbie William W. Dieleman Leonard L. Boswell Dale L. Tieden Emil Husak Richard Vande Hoef
S—5498	S.F.	2133	House amendment
S—5499	S.F.	2302	House amendment
S—5500	H.F.	2450	Donald Doyle William Palmer George Kinley
S—5501	H.F.	2450	Donald Doyle William Palmer George Kinley
S—5502	H.F.	2384	Linn Fuhrman Jim Kersten
S—5503	H.F.	2428	Joe Welsh

S—5504	H.F.	2412	Alvin Miller Wally Horn Michael Connolly

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Thursday, April 2, 1992.

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 2, 1992

The Senate met in regular session at 9:10 a.m., Senator Kibbie presiding.

Prayer was offered by Reverend Emmanuel Tabelisma, pastor of the Methodist Church, Audubon, Iowa.

The Journal of Wednesday, April 1, 1992, was approved.

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 March 31, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 112, a concurrent resolution requesting the Governor to annually issue a proclamation designating April 28 as Workers' Memorial Day.

ALSO: That the House has on March 31, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2119, a bill for an act relating to essential county purposes and the use of general obligation bonds for funding of local water services (S—5505).

Senate File 2137, a bill for an act relating to motor vehicle certificates of title, by eliminating component part reviews, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, and creating a penalty and providing an effective date (S—5507).

Senate File 2301, a bill for an act relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties (S—5506).

ALSO: That the House has on March 31, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2013, a bill for an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee.

Senate File 2114, a bill for an act relating to procedures upon the closing of polls using electronic voting or tabulating systems.

Senate File 2132, a bill for an act relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with a declaratory ruling of the administrator.

Senate File 2162, a bill for an act transferring approval authority over certain land acquisitions by community colleges to the director of the department of education.

Senate File 2186, a bill for an act relating to the time by which community colleges must meet new accreditation standards established by the state board of education and providing for continuation of previous accreditation standards for an additional year.

Senate File 2209, a bill for an act relating to viable water systems.

Senate File 2266, a bill for an act relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

Senate File 2295, a bill for an act relating to the Iowa small business new jobs training program and the Iowa retraining program.

ALSO: That the House has on March 31, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2449, a bill for an act relating to the exemption of prosthetic devices oxygen equipment, and certain other drugs and devices from the state sales and use tax and providing a retroactive applicability date.

This bill was read first time and **passed on file.**

House File 2464, a bill for an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date.

This bill was read first time and **passed on file.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Varn until he arrives on request of Senator Horn.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Lois Schnoor and Sharon Sievers as members of the Agricultural Development Authority.

Beverly A. Everson as a member of the City Development Board.

Merl L. McFarlane as a member of the Commission on Community Action Agencies.

Carlton W. Callison, Gregory D. McClain and Betty L. Dexter as members of the State Board of Education.

Vennetta M. Fiedler and Marguerite E. Stockstad as members of the Commission of Elder Affairs.

Jacqueline K. Thompson as a member of the Job Service Advisory Council.

Marda M. Howard and Dana R. Peterson as members of the Iowa Law Enforcement Academy Council.

David D. Knock and M. Sue Warner as members of the Public Employment Relations Board.

Victoria Payseur as a member of the School Budget Review Committee.

Janice M. Johnson and Bonnie L. Vetter as members of the State Transportation Commission.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, none.

Absent or not voting, 3:

Dieleman	Varn	Welsh

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

The Senate stood at ease at 10:02 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:02 p.m., President Gronstal presiding.

HOUSE MESSAGES RECEIVED

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 2, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 316, a bill for an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution (S—5511).

Senate File 2061, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements (S—5512).

ALSO: That the House has on April 2, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2145, a bill for an act relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and licensing agencies, and providing civil remedies.

Senate File 2174, a bill for an act relating to unclaimed property, and providing an effective date and applicability provisions.

RECESS

On motion of Senator Husak, the Senate recessed at 12:05 p.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 1, 1992, 8:07 a.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn.

Members Absent: McLaren and Welsh (both excused).

Committee Business: Recommended passage of House Files 2454 and 2457 as amended.

Adjourned: 9:00 a.m.

WAYS AND MEANS

Convened: April 1, 1992, 1:35 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg and Taylor.

Members Absent: McLaren and Szymoniak (both excused).

Committee Business: Assigned bills to subcommittees; approved SSB 2285 as a committee bill; amended Senate File 2335 and ordered redrafted as a committee bill.

Adjourned: 1:55 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2354, the following corrections were made:

1. Page 21, line 22, the words "section 18" were changed to the words "section 20".

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty twelfth grade students from Wilton Sr. High School, Wilton, accompanied by Brenda Gunder. Senators Rife and Hannon.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on April 1, 1992, when the votes were taken on House Files 242 and 2126.

Had I been present, I would have voted "aye".

MIKE CONNOLLY

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Coach Bruce Gast and the Osage High School wrestling team — For placing third in the 1992 State wrestling tournament. Senator Borlaug (3-31-92).

Coach Gary Knudsen and the Osage High School girls' basketball team — For winning the 1992 Girls' State high school basketball tournament. Senator Borlaug (3-31-92).

Coach Keith Mayer and the Osage High School boys' basketball team — For hard work at the 1992 Boys' State high school basketball tournament and a record season. Senator Borlaug (3-31-92).

Phillip Borrett, Marion — For participation in the White House 200th anniversary art exhibition. Senator Pate (4-2-92).

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Gretchen Tegeler be removed from "En Bloc Confirmation Calendar" and placed on the Individual Confirmation Calendar."

ALBERT G. SORENSEN

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5513.

Final Vote: Ayes, 16: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Kersten, Lind, Lloyd-Jones, Peterson, Rensink, Riordan, Running, Szymoniak, Varn and Welsh. Nays, 3: Hagerla, Pate and Tinsman. Pass, 1: Rosenberg. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5505	S.F.	2119	House amendment
S–5506	S.F.	2301	House amendment
S–5507	S.F.	2137	House amendment
S–5508	H.F.	2440	Mike Connolly
S–5509	H.F.	2385	Albert Sorensen
S–5510	H.F.	2459	William W. Dieleman Harry Slife
S–5511	S.F.	316	House amendment
S–5512	S.F.	2061	House amendment
S–5513	H.F.	2455	Appropriations

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 26, 1992)

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, deferred March 26, 1992.

Senator Lind asked and received unanimous consent that action on **Senate File 2320** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

House File 2435

On motion of Senator Riordan, House File 2435, a bill for an act relating to the administration of the Wallace technology transfer foundation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—5423 filed by the committee on Small Business and Economic Development on March 27, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5423 was adopted by a voice vote.

Senator Riordan 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. 2435) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Connolly called up the appointment of William L. Lepley as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 26, 1992, and found on page 1031 of the Senate Journal.

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

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

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 36:

Buhr	Connolly	Deluhery	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hester	Horn	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller

Murphy	Palmer	Pate	Peterson
Priebe	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 14:

Borlaug	Boswell	Dieleman	Doyle
Fuhrman	Hedge	Husak	Jensen
Rensink	Riordan	Sorensen	Taylor
Tieden	Vande Hoef		

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

CONSIDERATION OF BILL
(Regular Calendar)

House File 2372

On motion of Senator Peterson, House File 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances, with report of committee recommending passage, was taken up for consideration.

Senator Fuhrman offered amendment S—5496 filed by him on April 1, 1992, to page 1 and the title page of the bill.

Senator Murphy took the chair at 3:15 p.m.

Senator Fuhrman moved the adoption of amendment S—5496.

A non record roll call was requested.

The ayes were 12, nays 30.

Amendment S—5496 lost.

Senator Peterson offered amendment S—5437 filed by him on March 30, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5437 was adopted by a voice vote.

President Gronstal took the chair at 3:52 p.m.

Senator Peterson 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. 2372) the vote was:

Ayes, 37:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Gettings	Gronstal	Hannon	Hedge
Horn	Husak	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Palmer	Peterson
Priebe	Rife	Rittmer	Rosenberg
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Varn			

Nays, 12:

Doyle	Fuhrman	Hagerla	Hester
Jensen	Murphy	Pate	Rensink
Riordan	Running	Vande Hoef	Welsh

Absent or not voting, 1:

Hutchins

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

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, previously deferred.

Senator Tinsman offered amendment S—5519 filed by Senators Tinsman, et al., from the floor to strike everything after the enacting clause of the bill.

Senator Kibbie offered amendment S—5520 filed by him from the floor to pages 1 and 9 of amendment S—5519 and moved its adoption.

Amendment S—5520 was adopted by a voice vote.

Senator Hannon offered amendment S—5523 filed by Senators Hannon and Kibbie from the floor to page 9 of amendment S—5519 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5523 to amendment S—5519 be adopted?" (S.F. 2320) the vote was:

Ayes, 25:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Hedge	Horn	Husak
Kibbie	Kinley	Lloyd-Jones	Miller
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Varn
Welsh			

Nays, 17:

Fuhrman	Hagerla	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Slife
Soorholtz	Sturgeon	Taylor	Tinsman
Vande Hoef			

Absent or not voting, 8:

Borlaug	Dieleman	Drake	Hutchins
Murphy	Rittmer	Szymoniak	Tieden

Amendment S—5523 was adopted.

Senator Murphy asked and received unanimous consent to withdraw amendment S—5524 filed by Senators Murphy, et al., from the floor to page 8 of amendment S—5519.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hutchins until he returns on request of Senator Connolly.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320 and amendment S—5519 as amended.

Senator Tinsman moved the adoption of amendment S—5519 as amended, and requested a record roll call.

On the question "Shall amendment S—5519 as amended be adopted?" (S.F. 2320) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Borlaug	Buhr	Doyle	Drake
Fuhrman	Hagerla	Hedge	Jensen
Kersten	Kramer	Lind	Lloyd-Jones
McLaren	Palmer	Pate	Priebe
Rife	Rittmer	Slife	Soorholtz
Szymoniak	Tieden	Tinsman	

Nays, 26:

Boswell	Connolly	Deluhery	Dieleman
Fraise	Gettings	Gronstal	Hannon
Hester	Horn	Husak	Kibbie
Kinley	Miller	Murphy	Peterson
Rensink	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Taylor	Vande Hoef
Varn	Welsh		

Absent or not voting, 1:

Hutchins

Amendment S—5519 as amended lost.

Senator Connolly offered amendment S—5313 filed by the committee on Education on March 19, 1992, to page 2 of the bill.

Senator Kibbie offered amendment S—5518 filed by him from the floor to amendment S—5313.

Senator Connolly asked and received unanimous consent that action on amendment S—5518 to amendment S—5313 deferred.

Senator Connolly withdrew amendment S—5338 filed by him on March 23, 1992, to amendment S—5313.

Senator Connolly offered amendment S—5525 filed by him from the floor to amendment S—5313 and moved its adoption.

Amendment S—5525 was adopted by a voice vote.

Senator Connolly offered amendment S—5339 filed by him on March 23, 1992, to amendment S—5313.

The Chair ruled that amendment S—5527 filed by Senators Murphy, et al., from the floor to amendment S—5339 to amendment S—5313 was out of order because it was a third degree amendment.

Senator Lind asked unanimous consent that action on amendment S—5339 to amendment S—5313, amendment S—5313 and Senate File 2320 be deferred.

Senator Lind withdrew his request to defer.

Senator Connolly withdrew amendment S—5339 to amendment S—5313.

Senator Kibbie withdrew amendment S—5518 to amendment S—5313, previously deferred.

Senator Connolly moved the adoption of amendment S—5313 as amended.

A record roll call was requested.

On the question "Shall amendment S—5313 as amended be adopted?" (S.F. 2320) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Boswell	Connolly	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones

Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Varn
Welsh			

Nays, 25:

Borlaug	Buhr	Deluhery	Dieleman
Doyle	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef			

Amendment S—5313 as amended lost.

Senator Murphy offered amendment S—5526 filed by Senators Murphy, et al., from the floor to page 1 of the bill.

Action on amendment S—5526 was temporarily deferred.

Senator Lind filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5313 as amended to Senate File 2320 failed to be adopted by the Senate on April 2, 1992.

The motion prevailed by a voice vote and amendment S—5313 as amended, by the committee on Education to page 2 of the bill was taken up for reconsideration.

Senator Hutchins asked and received unanimous consent that action on amendment S—5313 as amended and **Senate File 2320** be temporarily **deferred.**

The Senate stood at ease at 5:06 p.m. until the fall of the gavel.

The Senate resumed session at 5:25 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred March 31, 1992)

House File 2334

The Senate resumed consideration of House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations, deferred March 31, 1992.

Senator Riordan withdrew amendment S—5406 filed by him on March 26, 1992, to page 2 and the title page of the bill.

The Chair ruled amendment S—5454 filed by Senator Riordan on March 31, 1992, to amendment S—5406 out of order.

Senator Hester offered amendment S—5484 filed by Senators Hester and Riordan on April 1, 1992, to page 2 of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26, nays 24.

Amendment S—5484 was adopted.

Senator Kibbie offered amendment S—5516 filed by Senators Kibbie and Riordan from the floor to page 2 of the bill.

Action on amendment S—5516 and **House File 2334** was **deferred.**

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions, amendment S—5526 by Senators Murphy, et al., to page 1 of the bill, and amendment

S—5313 as amended, by the committee on Education to page 2 of the bill, previously deferred.

Senator Murphy offered amendment S—5532 filed by Senators Murphy, et al., from the floor to amendment S—5313 and moved its adoption.

Amendment S—5532 was adoped by a voice vote.

Senator Connolly moved the adoption of amendment S—5313 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5313 as amended, the Chair ruled amendment S—5526 by Senators Murphy, et al., to page 1 of the bill, previously deferred, out of order.

Senator Hannon offered amendment S—5521 filed by Senators Hannon, Riordan and Kibbie from the floor to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5521 be adopted?" (S.F. 2320) the vote was:

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Lloyd-Jones	Miller	Murphy
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 24:

Borlaug	Drake	Fraise	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kinley	Kramer	Lind
McLaren	Palmer	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

Amendment S—5521 was adopted.

Senator Connolly 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. 2320) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Boswell	Buhr	Connolly	Dieleman
Drake	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Varn	Welsh		

Nays, 20:

Borlaug	Deluhery	Doyle	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kramer	Lind	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Taylor	Tinsman	Vande Hoef

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 2428** and **Senate File 2320** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 2, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2036, a bill for an act relating to regulating the investment of public funds and providing an effective date (S—5531).

Senate File 2189, a bill for an act relating to invention development services, and making penalties applicable (S—5530).

Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date (S—5528).

Senate File 2265, a bill for an act relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications (S—5529).

INTRODUCTION OF BILLS

Senate Joint Resolution 2007, by committee on Appropriations, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

Read first time and **placed on Appropriations Calendar.**

Senate Joint Resolution 2008, by committee on Appropriations, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Read first time and **placed on Appropriations Calendar.**

Senate File 2358, by committee on Ways and Means, a bill for an act relating to the assessment of property for property tax purposes.

Read first time and **placed on Ways and Means Calendar.**

APPENDIX

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Forty-eight fifth grade students from West Marshall Elementary School, State Center, accompanied by Marcia Quick. Senator Soorholtz.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE JOINT RESOLUTION 2007 (LSB 6301), a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 17: Boswell, Husak, Tieden, Buhr, Connolly, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Szymoniak, Tinsman, Varn and Welsh. Nays, 2: Rosenberg and Running. Absent or not voting, 2: Gettings and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE JOINT RESOLUTION 2008 (SSB 2295), a joint resolution proposing an amendment to the Constitution of the state of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Boswell, Husak, Tieden, Hagerla, Kersten, Lind, Pate, Peterson, Rensink, Riordan, Tinsman and Varn. Nays, 7: Buhr, Connolly, Lloyd-Jones, Rosenberg, Running, Szymoniak and Welsh. Absent or not voting, 2: Gettings and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2358 (formerly Senate File 2335), a bill for an act relating to the assessment of property for property tax purposes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg and Taylor. Nays, none. Absent or not voting, 2: McLaren and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2358 and they were attached to the committee report.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2372 passed the Senate on April 2, 1992.

WILLIAM W. DIELEMAN

MR. PRESIDENT: I move to reconsider the vote by which House File 2372 passed the Senate on April 2, 1992.

JOHN A. PETERSON

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5484 to House File 2334 was adopted by the Senate on April 2, 1992.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5484 to House File 2334 was adopted by the Senate on April 2, 1992.

JACK W. HESTER

SUBCOMMITTEE ASSIGNMENT

House File 2456

WAYS AND MEANS: Husak, Chair; Fraise and Hester

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2449	Ways and Means
H.F.	2464	Ways and Means

AMENDMENTS FILED

S—5514	H.F.	2455	Ralph Rosenberg Jim Lind
S—5515	H.F.	2085	Eugene Fraise Emil Husak Derryl McLaren
S—5516	H.F.	2334	John Kibbie Jim Riordan
S—5517	H.F.	2256	Jim Riordan Beverly Hannon
S—5518	S.F.	2320	John Kibbie
S—5519	S.F.	2320	Maggie Tinsman Jim Lind Dale Tieden Harry Slife Mary Kramer
S—5520	S.F.	2320	John Kibbie
S—5521	S.F.	2320	Beverly Hannon Jim Riordan John Kibbie
S—5522	H.F.	2256	Beverly Hannon Eugene Fraise John Soorholtz John Jensen Alvin Miller Berl Priebe Richard Vande Hoef
S—5523	S.F.	2320	Beverly Hannon John Kibbie
S—5524	S.F.	2320	Larry Murphy Berl E. Priebe Jim Riordan John Kibbie Emil Husak Eugene Fraise
S—5525	S.F.	2320	Mike Connolly
S—5526	S.F.	2320	Larry Murphy Berl E. Priebe John Kibbie Jim Riordan

			Emil Husak
			Eugene Fraise
S—5527	S.F.	2320	Larry Murphy
			Berl E. Priebe
			Jim Riordan
			John Kibbie
			Eugene Fraise
			Emil Husak
S—5528	S.F.	2244	House amendment
S—5529	S.F.	2265	House amendment
S—5530	S.F.	2189	House amendment
S—5531	S.F.	2036	House amendment
S—5532	S.F.	2320	Larry Murphy
			John Kibbie
			Emil Husak
			Dale Tieden
S—5533	H.F.	2334	Richard Varn

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:10 p.m., until 9:00 a.m., Friday, April 3, 1992.

JOURNAL OF THE SENATE

EIGHTY-SECOND CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 3, 1992

The Senate met in regular session at 9:12 a.m., President pro tempore Lloyd-Jones presiding.

Prayer was offered by Sister Carol Freking, Pastorial Associate of St. Patricks Church, Nevada, Iowa.

The Journal of Thursday, April 2, 1992, was approved.

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 1, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2311, a bill for an act relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries, and providing an effective date.

Senate File 2344, a bill for an act relating to the allocation of moneys by the Iowa finance authority.

ALSO: That the House has on April 2, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2362, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

Read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2359, by Hutchins and Rife, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

Read first time and **passed on file.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Rensink for the day on request of Senator Jensen; Senator Connolly for the day on request of Senator Hutchins and Senator Gettings until he arrives on request of Senator Husak.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Jean E. Kruse and Dorothy L. Votroubek as members of the Accountancy Examining Board.

Ada E. Tredwell and LaMetta K. Wynn as members of the Commission on the Status of African-Americans.

Carolyn E. Olsen as a member of the Architectural Examining Board.

John C. Wellman as a member of the Commission for the Blind.

Ronald C. Evans as a member of the Chiropractic Examining Board.

Susanne E. Wolrab as a member of the Cosmetology Examining Board.

Marvin W. Tuttle, Sr. as a member of the Commission on the Deaf.

Dr. Fred Albert Riddle, Jr. as a member of the Dental Examining Board.

Margaret B. Tait as a member of the Dietetic Examining Board.

William B. Trent, Jr. as a member of the Iowa Economic Development Board.

Cindy Raspiller as a member of the Iowa Emergency Response Commission.

Dwayne C. Garber as a member of the Engineering and Land Surveying Examining Board.

Ronald G. Richer and Elmer G. Stockdale as members of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Charles H. Sweeney as Director of the Department of Inspections and Appeals.

Paul J. Frank as a member of the Investment Board of the IPERS.

Diana E. Hoogestraat as a member of the Landscape Architectural Examining Board.

Richard P. Sulzbach as a member of the Iowa Lottery Board.

Dr. George G. Spellman, Sr. and Dr. Johanna B. Whalen as members of the Medical Examining Board.

Barbara J. Lips as a member of the Mental Health and Mental Retardation Commission.

Patricia E. Tiarks as a member of the Board of Examiners for Nursing Home Administrators.

Guy Richardson as a member of the Board of Nursing Examiners.

Jane F. Ecklund as a member of the Optometry Examining Board.

Phyllis A. Miller and Ronald B. Reiff as members of the Pharmacy Examining Board.

Dr. Robert Carleton as a member of the Board of Physician Assistant Examiners.

Cynthia Marie Lyon and Dr. Dan L. Rogers as members of the Psychology Examining Board.

Jerry F. Duggan as a member of the Real Estate Commission.

Arthur J. Frahm and Patsy A. Hastings as members of the Real Estate Appraiser Examining Board.

Raymond E. Franklin as a member of the Social Work Examining Board.

Alan K. Heidecker and Dorothy L. McKee as members of the Speech Pathology and Audiology Examining Board.

Donald R. Jacobi and Norma D. Lyon as members of the Iowa Board of Veterinary Medicine.

Dale L. Renaud as Administrator of the Division of Veterans Affairs.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 41:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman			

Nays, none.

Absent or not voting, 9:

Connolly	Gettings	Kramer	Rensink
Running	Soorholtz	Vande Hoef	Varn
Welsh			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS
(Regular Calendar)

House File 150

On motion of Senator Deluhery, House File 150, a bill for an act relating to the transfer of funds by enacting the uniform Act and providing civil remedies, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery 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. 150) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kinley
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 6:

Connolly	Gettings	Hester	Kramer
Rensink	Welsh		

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

House File 2385

On motion of Senator Sorensen, House File 2385, a bill for an act relating to waste reduction and recycling incentives, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen offered amendment S—5509 filed by him on April 2, 1992, to page 1 of the bill.

Senator Sorensen asked and received unanimous consent that action on amendment S—5509 be deferred.

Senator Sorensen offered amendment S—5432 filed by him on March 27, 1992, to page 3 of the bill and moved its adoption.

Amendment S—5432 was adopted by a voice vote.

Senator Jensen offered amendment S—5386 filed by him on March 26, 1992, to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 23, nays 23.

Amendment S—5386 lost.

Senator Riordan offered amendment S—5459 filed by Senators Riordan, et al., on March 31, 1992, to page 3 of the bill.

Senator Dieleman took the chair at 9:46 a.m.

Senator Riordan moved the adoption of amendment S—5459, which motion prevailed by a voice vote.

Senator Sorensen withdrew amendment S—5509 to page 1 of the bill, previously deferred.

Senator Sorensen 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. 2385) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Connolly	Gettings	Rensink	Welsh

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

House File 2165

On motion of Senator Peterson, House File 2165, a bill for an act relating to disputes regarding health service charges in workers' compensation cases, with report of committee recommending passage, was taken up for consideration.

Senator Peterson offered amendment S—5253 filed by him on March 16, 1992, to page 1 of the bill.

Senator Peterson asked and received unanimous consent that action on amendment S—5253 and **House File 2165** be **deferred.**

House File 2308

On motion of Senator Sturgeon, House File 2308, a bill for an act relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Sturgeon offered amendment S—5422 filed by the committee on Judiciary on March 27, 1992, to pages 1, 2, 5 and 6 of the bill and moved its adoption.

Amendment S—5422 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5456 filed by him on March 31, 1992, to page 4 of the bill and moved its adoption.

Amendment S—5456 was adopted by a voice vote.

Senator Sturgeon 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. 2308) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Connolly	Gettings	Rensink	Welsh

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

BUSINESS PENDING

House File 2165

The Senate resumed consideration of House File 2165, a bill for an act relating to disputes regarding health service charges

in workers' compensation cases, and amendment S—5253 by Senator Peterson to page 1 of the bill, previously deferred.

Senator Peterson moved the adoption of amendment S—5253, which motion prevailed by a voice vote.

Senator Peterson 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. 2165) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Connolly	Gettings	Hutchins	Rensink
Welsh			

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

House File 323

On motion of Senator Doyle, House File 323, a bill for an act relating to exempting a financial institution from providing evidence of financial security when making an application for registration as a travel agency, with report of committee recommending passage, was taken up for consideration.

Senator Running offered amendment S—5550 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5550 be adopted?" (H.F. 323) the vote was:

Ayes, 15:

Boswell	Buhr	Deluhery	Dieleman
Hannon	Horn	Kibbie	Miller
Murphy	Peterson	Rosenberg	Running
Sorensen	Sturgeon	Taylor	

Nays, 26:

Borlaug	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kinley	Kramer
Lind	McLaren	Palmer	Pate
Rife	Riordan	Rittmer	Slife
Soorholtz	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn		

Voting present, 1:

Kersten

Absent or not voting, 8:

Connolly	Gettings	Gronstal	Hutchins
Lloyd-Jones	Priebe	Rensink	Welsh

Amendment S—5550 lost.

Senator Palmer offered amendment S—5544 filed by Senators Palmer and Doyle from the floor to page 1 of the bill and moved its adoption.

Amendment S—5544 was adopted by a voice vote.

Senator Doyle 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. 323) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Borlaug	Boswell	Deluhery	Dieleman
Doyle	Fraise	Gronstal	Hannon
Hedge	Hester	Hutchins	Jensen
Kibbie	Kinley	Lloyd-Jones	Murphy
Palmer	Peterson	Rittmer	Rosenberg
Slife	Soorholtz	Tieden	Vande Hoef
Varn			

Nays, 20:

Buhr	Drake	Fuhrman	Hagerla
Horn	Husak	Kramer	Lind
McLaren	Miller	Pate	Priebe
Rife	Riordan	Running	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman

Voting present, 1:

Kersten

Absent or not voting, 4:

Connolly	Gettings	Rensink	Welsh

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

The Senate stood at ease at 10:42 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session, President Gronstal presiding.

SPECIAL GUEST

Senators Hester and Rosenberg presented Thomas Sutherland, former hostage released in Beirut on November 18, 1991, after 77 months in captivity.

Mr. Sutherland, who was accompanied by his wife, Jean, is a professor of animal science at Colorado State University and an Iowa State University alumnus.

He addressed the Senate with the following remarks:

Thank you Senators for that very nice introduction. This is a very special day for me, I assure you, on something that I haven't even remotely dreamed about, to be invited to address the Senate in Iowa. A special honor and privilege for me. And especially since my brother-in-law, Jean's brother, spent a number of years in the mist of you here in the Senate, John Murray. We have been in constant touch with John who is a very fine young man and one who I think the Senate can be proud of and who is very proud of the Senate of Iowa.

Jean and I, of course, are addicted to Iowa, that's where we met. Jean was born in Iowa and grew up here. I am a great fan of Iowa and its agriculture and Iowa State University. I think Bill Murray, my father-in-law, would also be very proud, he's looking down on us now and realizes that you've done me this honor. In a real sense, it's an honor to Bill because he was my mentor, my friend, my advisor and my father-in-law and a marvelous guy. A true tribute to Iowa, a guy like Bill Murray.

I just want to say thank you for everything that the legislature in Iowa has done for Iowa State University to make it great in the first place so that it attracted many foreign students including myself, to come to Iowa State. And it gave me such a wonderful education there, for which I have profited and you've still kept it great. We've been trying in Colorado to catch up with you for 35 years since I've been in Fort Collins and you guys are still supporting it to the tune that we haven't been able to catch up with you yet and I don't know if we ever will.

Keep up the good work, thank you again and god bless you all.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2457

On motion of Senator Buhr, House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Buhr asked and received unanimous consent that action on **House File 2457** be **deferred.**

CONSIDERATION OF BILLS
(Regular Calendar)

House File 2292

On motion of Senator Buhr, House File 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Buhr asked and received unanimous consent that action on **House File 2292** be **deferred.**

House File 2250

On motion of Senator Running, House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law, with report of committee recommending passage, was taken up for consideration.

Senator Running asked and received unanimous consent that action on **House File 2250** be **deferred.**

House File 2439

On motion of Senator Varn, House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **House File 2439** be **deferred.**

House File 2010

On motion of Senator Riordan, House File 2010, a bill for an act relating to windsurfing by defining a sailboard and exempting sailboards from certain registration and equipment requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan asked and received unanimous consent that action on **House File 2010** be **deferred.**

House File 2389

On motion of Senator Buhr, House File 2389, a bill for an act relating to professions regulated by the board of dental examiners, with report of committee recommending passage, was taken up for consideration.

Senator Buhr asked and received unanimous consent that action on **House File 2389** be **deferred.**

House File 2417

On motion of Senator Rosenberg, House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **House File 2417** be **deferred.**

House File 2440

On motion of Senator Rosenberg, House File 2440, a bill for an act relating to certain controlled substance offenses, increasing criminal penalties for certain offenses, creating an offense concerning the use of persons under the age of eighteen in the drug trade and establishing criminal penalties and a mandatory minimum sentence, providing a mandatory term of imprisonment, and providing for motor vehicle license revocation proceedings, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **House File 2440** be **deferred.**

House File 2434

On motion of Senator Riordan, House File 2434, a bill for an act relating to eliminating the Iowa economic development network, the regional coordinating councils, and the regional economic development centers, establishing a regional business and industry services program, and providing contracts to be entered into with each community college to employ a business

and industry services specialist, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan asked and received unanimous consent that action on **House File 2434** be **deferred.**

House Joint Resolution 2010

On motion of Senator Kibbie, House Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds appropriated, allocated, or given for fish, game, and wildlife protection purposes, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that action on **House Joint Resolution 2010** be **deferred.**

House File 2214

On motion of Senator Peterson, House File 2214, a bill for an act relating to an insurance division study regarding legal burdens imposed on employers related to workers' compensation, with report of committee recommending passage, was taken up for consideration.

Senator Peterson asked and received unanimous consent that action on **House File 2214** be **deferred.**

House File 2287

On motion of Senator Running, House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Running asked and received unanimous consent that action on **House File 2287** be **deferred.**

House File 2205

On motion of Senator Hannon, House File 2205, a bill for an act relating to solid waste, with report of committee recommending passage, was taken up for consideration.

Senator Hannon asked and received unanimous consent that action on **House File 2205** be **deferred.**

House File 2256

On motion of Senator Hannon, House File 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hannon asked and received unanimous consent that action on **House File 2256** be **deferred.**

House File 2158

On motion of Senator Varn, House File 2158, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances, with report of committee recommending passage, was taken up for consideration.

Senator Varn asked and received unanimous consent that action on **House File 2158** be **deferred.**

House File 2085

On motion of Senator Fraise, House File 2085, a bill for an act relating to cooperative associations by providing for the release of membership lists and amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting shareholders, and the manner in which funds of the association can be used, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Fraise asked and received unanimous consent that action on **House File 2085** be **deferred.**

HOUSE MESSAGES RECEIVED

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 1, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 446, a bill for an act relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability (S—5540).

Senate File 2040, a bill for an act relating to changing the title "juvenile court referee" to "associate juvenile judge" and to the appeal of associate juvenile judge orders, findings, and decisions (S—5542).

Senate File 2342, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date (S—5543).

ALSO: That the House has on April 2, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2307, a bill for an act relating to the establishment of an Iowa statewide health insurance plan and providing for the applicability of the Act (S—5541).

ALSO: That the House has on April 3, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 200, a bill for an act relating to soil conservation by providing for protection of land subject to a public interest.

ALSO: That the House has on April 3, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2198, a bill for an act relating to authorization of state departments' acceptance of payments by credit card (S—5553).

Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates (S—5556).

Senate File 2231, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty (S—5555)

APPENDIX

REPORTS OF STANDING COMMITTEE
(Place nominees on En Bloc Confirmation Calendar)

JUDICIARY

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following Governor's appointments, completed its investigations on April 2, 1992, and recommended the appointees be confirmed:

Kittie D. Weston-Knauer for appointment as a member of the Board of Parole.

Inga Bumbary-Langston for reappointment as Director of the Iowa State Civil Rights Commission.

Carlynn D. Grupp, A. Patricia Houlihan and Richard P. TeKippe for reappointment as members of the Indigent Defense Advisory Commission.

Jeffrey W. Courter for appointment as a member of the Iowa State Civil Rights Commission.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2320, the following correction was made:

Amendment S—5532:

1. Page 1, line 5, the words "line 10" were changed to the words "line 9".

ALSO:

That in engrossing amendment S—5392 to House File 2025, the following correction was made:

1. Page 1, line 25, the word "persons." was changed to the word "persons.".

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-four fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margret Mattix and Margaret Stoltzfus. Senator Hedge.

The following visitors were present in the Senate gallery:

Twenty-six fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. Senators Rosenberg and Sorensen.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 1, 1992, 5:19 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: McLaren (excused).

Committee Business: Recommended passage of House File 2455 as amended; approved LSB 6301 and SSB 2295 as committee bills.

Adjourned: 6:30 p.m.

JUDICIARY

Convened: April 2, 1992, 5:10 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Deluhery, Drake, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn.

Members Absent: Connolly and Slife.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 5:18 p.m.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5550 to House File 323 failed to be adopted by the Senate on April 3, 1992.

LINN FUHRMAN

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

S.F. 2359 State Government

AMENDMENTS FILED

S—5534	H.F.	2457	Maggie Tinsman Florence Buhr Sheldon Rittmer William D. Palmer
S—5535	H.F.	2457	Maggie Tinsman Sheldon Rittmer
S—5536	H.F.	2457	Maggie Tinsman Florence Buhr
S—5537	H.F.	2457	Elaine Szymoniak Alvin Miller Florence Buhr
S—5538	H.F.	2457	Maggie Tinsman Mark Hagerla Dale Tieden Harry Slife
S—5539	H.F.	2334	Jack Hester Berl Priebe
S—5540	S.F.	446	House amendment
S—5541	S.F.	2307	House amendment
S—5542	S.F.	2040	House amendment
S—5543	S.F.	2342	House amendment
S—5544	H.F.	323	William Palmer Donald Doyle
S—5545	H.F.	2207	William Dieleman
S—5546	H.F.	2207	William Dieleman
S—5547	H.F.	2207	William Dieleman
S—5548	H.F.	2207	William Dieleman
S—5549	H.F.	2457	Florence Buhr Leonard Boswell
S—5550	H.F.	323	Richard Running
S—5551	S.F.	2176	Al Sturgeon
S—5552	H.F.	2400	Elaine Szymoniak

S—5553	S.F.	2198	House amendment
S—5554	H.J.R.	2010	Berl Priebe
			Jim Kersten
			Allen Borlaug
			Derryl McLaren
			John Soorholtz
			Emil Husak
S—5555	S.F.	2231	House amendment
S—5556	S.F.	2249	House amendment
S—5557	H.F.	2205	Beverly Hannon

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 11:28 a.m., until 10:00 a.m., Monday, April 6, 1992.

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 6, 1992

The Senate met in regular session at 10:15 a.m., President Gronstal presiding.

Prayer was offered by Reverend Kristy Smith, pastor of the St. Marks Episcopal Church, Des Moines, Iowa.

The Journal of Friday, April 3, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Murphy and Sorensen until they arrive on request of Senator Horn; Senator Kersten until he arrives on request of Senator McLaren and Senator Rensink until he arrives on request of Senator Jensen.

HOUSE MESSAGES RECEIVED

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 March 17, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2276, a bill for an act relating to consumer fraud and providing penalties and providing an effective date.

ALSO: That the House has on April 2, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2006, a joint resolution to nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date.

ALSO: That the House has on April 2, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2110, a bill for an act exempting twelfth grade students from physical education requirements under certain conditions.

Senate File 2217, a bill for an act relating to distribution of funds within, payments made by, and payments made to the department of economic development.

Senate File 2235, a bill for an act relating to the requirements of an abstractor participating in the title guaranty program.

Senate File 2275, a bill for an act relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

Senate File 2338, a bill for an act relating to the use of local sales and services tax moneys.

ALSO: That the House has on April 3, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2213, a bill for an act providing for a rural small business transfer linked investment loan program administered by the treasurer of state, and providing for the deposit of state moneys in financial institutions (S—5558).

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House File 2452** be referred from the Unfinished Business Calendar to the committee on **Appropriations** and that the following bills on the Regular Calendar be referred to committee:

H.F.	167	Local Government
H.F.	580	Education
H.F.	616	Natural Resources

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senate Concurrent Resolution 117

On motion of Senator Riordan, Senate Concurrent Resolution 117, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Fuhrman offered amendment S—5171 filed by him on March 10, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5171 was adopted by a voice vote.

Senator Riordan moved the adoption of Senate Concurrent Resolution 117 as amended, which motion prevailed by a voice vote and the resolution was adopted.

UNFINISHED BUSINESS
(Deferred March 27, 1992)

Senate File 2291

The Senate resumed consideration of Senate File 2291, a bill for an act relating to prohibiting fire fighters and emergency medical services personnel from being required to obtain a professional permit to carry weapons as a condition of employment, deferred March 27, 1992.

Senator Rittmer offered amendment S—5235 filed by him on March 13, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5235 was adopted by a voice vote.

Senator Rittmer 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. 2291) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Rensink	Sorensen	Sturgeon

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

UNFINISHED BUSINESS
(Deferred March 30, 1992)

House File 2413

The Senate resumed consideration of House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses, deferred March 30, 1992.

Senator Slife offered amendment S—5463 filed by Senators Slife and Fuhrman on March 31, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5463 was adopted by a voice vote.

Senator Slife offered amendment S—5464 filed by him on March 31, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5464 was adopted by a voice vote.

Senator Fraise 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. 2413) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sorensen	Sturgeon

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2024

Senator Dieleman called up for consideration Senate File 2024, a bill for an act relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs, amended by the House, and moved

that the Senate concur in House amendment S—5482 filed April 1, 1992.

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

Senator Dieleman 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2024) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sorensen	Sturgeon

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

Senate File 2011

Senator Dieleman called up for consideration Senate File 2011, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters, amended by the House in House amendment S—5430 filed March 27, 1992.

Senator Kibbie offered amendment S—5497 filed by Senators Kibbie, et al., on April 1, 1992, to House amendment S—5430 and moved its adoption.

Amendment S—5497 was adopted by a voice vote.

Senator Dieleman moved that the Senate concur in the House amendment as amended.

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

Senator Dieleman moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2011) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sorensen	Sturgeon

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

Senate File 2108

Senator Kibbie called up for consideration Senate File 2108, a bill for an act relating to the registration and use of boats and

motorboats, amended by the House, and moved that the Senate concur in House amendment S—5478 filed April 1, 1992.

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

Senator Kibbie 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2108) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Sorensen	Sturgeon

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

Senate File 511

Senator Deluhery called up for consideration Senate File 511, a bill for an act relating to certified exchange boundaries for local exchange utilities, amended by the House, and moved that the Senate concur in House amendment S—5145 filed March 6, 1992.

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

Senator Deluhery 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 511) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kramer	Sorensen	Sturgeon

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

Senate File 2179

Senator Doyle called up for consideration Senate File 2179, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5429 filed March 27, 1992.

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

Senator Doyle 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2179) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kramer	Sorensen	Sturgeon

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2457

The Senate resumed consideration of House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, deferred April 3, 1992.

Senator Buhr offered amendment S—5493 filed by the committee on Appropriations on April 1, 1992, to pages 4, 7, 16, 18 and 19 of the bill.

Senator Buhr offered amendment S—5549 filed by Senators Buhr and Boswell on April 3, 1992, to amendment S—5493.

Senator Tinsman asked and received unanimous consent that action on amendment S—5549 to amendment S—5493 be deferred for consideration of amendment S—5538.

Senator Tinsman offered amendment S—5538 filed by Senators Tinsman, et al., on April 3, 1992, to amendment S—5493 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5538 to amendment S—5493 be adopted?" (H.F. 2457) the vote was:

Ayes, 19:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Pate	Priebe	Rensink
Rife	Rittmer	Slife	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, 24:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Lloyd-Jones	Miller	Murphy
Peterson	Riordan	Rosenberg	Running
Sorensen	Szymoniak	Varn	Welsh

Absent or not voting, 7:

Dieleman	Drake	Kinley	McLaren
Palmer	Soorholtz	Sturgeon	

Amendment S—5538 lost.

Senator Hutchins asked and received unanimous consent that action on amendment S—5549 to amendment S—5493, amendment S—5493 and **House File 2457** be **deferred.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:10 p.m., until 1:30 p.m.

APPENDIX

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 his approval on this 3rd day of April, 1992:

Senate Files 2163, 2158, 2287, 2267 and 2187.

ALSO: 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 his approval on this 6th day of April, 1992:

Senate Files 2174, 2134, 2168, 2186, 2162 and 2132.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 3, 1992, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2039 — To specify that the amount of funds retained by area education agencies for administrative expenses reimbursement under the federal-state, special education medicaid reimbursement program is to be calculated as a percentage of the federal portion of the amount reimbursed, and providing an effective date.

PETITIONS

The following petitions supporting a one cent state sales tax increase for full educational funding were presented and placed on file by:

Senator Hutchins from 250 residents of west central Iowa.
Senator Sorensen from 114 residents of Boone County.

The following petitions opposing any increase in property taxes were presented and placed on file by:

Senator Hedge from 257 residents of Keokuk County.
Senator Hester from 73 residents of Harrison County.

The following petitions were presented and placed on file by:

Senator Tinsman from 39 residents of Scott County opposing the reduction of Phase III educational funding.

Senator Fraise from 928 residents of Lee and Des Moines Counties opposing legislation removing drivers license stations from the jurisdiction of the Iowa DOT to county treasurer offices, and removing the motor vehicle registration from the county treasurer's office to 19 regional DOT offices.

Senator Husak from 55 residents of Tama County opposing any increase in the cigarette tax.

Senator Priebe from 84 residents of Humboldt County opposing legislation for additional gambling in Iowa.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty-eight fourth grade students from Northwest Elementary School, Ankeny, accompanied by Lucretia Smith. Senator Palmer.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 118

RULES AND ADMINISTRATION: Gettings, Chair; Husak and Soorholtz

Senate Concurrent Resolution 120

RULES AND ADMINISTRATION: Gettings, Chair; Husak and Soorholtz

Senate File 2359

STATE GOVERNMENT: Lloyd-Jones, Chair; Drake, Gronstal, Kibbie and Lind

AMENDMENTS FILED

S–5558 S.F. 2213 House amendment

S—5559	H.F.	2459	John Peterson Leonard Boswell Emil Husak
S—5560	H.F.	2455	Ralph Rosenberg
S—5561	S.J.R.	2007	Richard Varn
S—5562	H.F.	2399	Richard Varn

AFTERNOON SESSION

The Senate reconvened at 1:32 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

Senator Kinley took the chair at 1:53 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rosenberg until he arrives on request of Senator Horn.

HOUSE AMENDMENTS CONSIDERED

Senate File 2094

Senator Gettings called up for consideration Senate File 2094, a bill for an act relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records, amended by the House, and moved that the Senate concur in House amendment S—5144 filed March 6, 1992.

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

Senator Gettings 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2094) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
McLaren	Miller	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Kramer	Lloyd-Jones	Murphy	Rosenberg
Welsh			

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

Senate File 2005

Senator Hannon called up for consideration Senate File 2005, a bill for an act relating to the Iowa affordable heating program and providing for an effective date, amended by the House, and moved that the Senate concur in House amendment S—5481 filed April 1, 1992.

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

Senator Hannon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2005) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Kramer	Murphy	Rosenberg	Welsh

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

BUSINESS PENDING

House File 2457

The Senate resumed consideration of House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, amendment S—5493 by the committee on Appropriations to pages 4, 7, 16, 18 and 19 of the bill, and amendment S—5549 by Senators Buhr and Boswell to amendment S—5493, previously deferred.

Senator Buhr moved the adoption of amendment S—5549 to amendment S—5493, which motion prevailed by a voice vote.

Senator Buhr moved the adoption of amendment S—5493 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5493 as amended, the Chair ruled amendment S—5535 filed by Senators Tinsman and Rittmer on April 3, 1992, to pages 3 and 4 of the bill, out of order.

Senator Tinsman offered amendment S—5536 filed by Senators Tinsman and Buhr on April 3, 1992, to page 9 of the bill and moved its adoption.

Amendment S—5536 was adopted by a voice vote.

Senator Connolly withdrew amendment S—5495 filed by him on April 1, 1992, to page 18 of the bill.

Senator Szymoniak offered amendment S—5537 filed by Senators Szymoniak, Miller and Buhr on April 3, 1992, to page 18 of the bill.

Senator Vande Hoef raised the point of order that amendment S—5537 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5537 out of order.

Senator Tinsman offered amendment S—5534 filed by Senators Tinsman, et al., on April 3, 1992, to page 19 of the bill.

Senator Sturgeon raised the point of order that amendment S—5534 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5534 in order.

Senator Tinsman moved the adoption of amendment S—5534, which motion prevailed by a voice vote.

Senator Buhr 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. 2457) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Taylor

Absent or not voting, 2:

Hutchins Rosenberg

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

Senate File 2063

Senator Szymoniak called up for consideration Senate File 2063, a bill for an act authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5477 filed April 1, 1992.

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

Senator Szymoniak 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2063) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hutchins Rosenberg

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

Senate File 2133

Senator Jensen called up for consideration Senate File 2133, a bill for an act relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5498 filed April 1, 1992.

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

Senator Jensen 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2133) the vote was:

Ayes, 40:

Buhr	Connolly	Deluhery	Dieleman
Drake	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Varn	Welsh

Nays, 8:

Borlaug	Boswell	Doyle	Rensink
Riordan	Rittmer	Tinsman	Vande Hoef

Absent or not voting, 2:

Hutchins Rosenberg

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

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2459

On motion of Senator Peterson, House File 2459, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes, was taken up for consideration.

Senator Peterson offered amendment S—5458 filed by the committee on Appropriations on March 31, 1992, to pages 16, 18, 20 and the title page of the bill.

Senator Peterson offered amendment S—5489 filed by Senators Boswell and Peterson on April 1, 1992, to amendment S—5458 and moved its adoption.

Amendment S—5489 was adopted by a voice vote.

Senator Peterson moved the adoption of amendment S—5458 as amended, which motion prevailed by voice vote.

Senator Peterson offered amendment S—5559 filed by Senators Peterson, Boswell and Husak from the floor to pages 1 and 20 of the bill.

Senator Pate offered amendment S—5571 filed by him from the floor to amendment S—5559.

Senator Welsh rose on a point of parliamentary inquiry to question whether amendment S—5571 to amendment S—5559 was divisible.

The Chair stated that amendment S—5571 was not divisible.

Senator Welsh raised the point of order that amendment S—5571 to amendment S—5559 was not germane.

The Chair ruled the point not well taken and amendment S—5571 in order.

Senator Pate moved the adoption of amendment S—5571 to amendment S—5559 and requested a record roll call.

On the question "Shall amendment S—5571 to amendment S—5559 be adopted?" (H.F. 2459) the vote was:

Ayes, 22:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 1:

Rosenberg

Amendment S—5571 lost.

Senator Peterson moved the adoption of amendment S—5559, which motion prevailed by a voice vote.

With the adoption of amendment S—5559, the Chair ruled amendment S—5566 filed by Senator Pate from the floor to pages 7, 15 and 16 of the bill, out of order.

Senator Dieleman offered amendment S—5444 filed by him on March 30, 1992, to page 14 of the bill and moved its adoption.

Amendment S—5444 was adopted by a voice vote.

Senator Boswell offered amendment S—5487 filed by Senators Boswell and Peterson, on April 1, 1992, to pages 14 and 15 of the bill and moved its adoption.

Amendment S—5487 was adopted by a voice vote.

Senator Lind offered amendment S—5565 filed by him from the floor to pages 15 and 16 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5565 be adopted?" (H.F. 2459) the vote was:

Ayes, 29:

Borlaug	Deluhery	Drake	Fuhrman
Gronstal	Hagerla	Hedge	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Slife
Soorholtz	Sturgeon	Tieden	Tinsman
Varn			

Nays, 20:

Boswell	Buhr	Connolly	Dieleman
Doyle	Fraise	Gettings	Hannon
Hester	Horn	Lloyd-Jones	Miller
Peterson	Riordan	Running	Sorensen
Szymoniak	Taylor	Vande Hoef	Welsh

Absent or not voting, 1:

Rosenberg

Amendment S—5565 was adopted.

With the adoption of amendment S—5458, the Chair ruled amendment S—5440 filed by Senator Peterson on March 30, 1992, to page 18 of the bill, out of order.

Senator Dieleman offered amendment S—5510 filed by Senators Dieleman and Slife on April 2, 1992, to page 18 and the title page of the bill.

Senator Hutchins raised the point of order that amendment S—5510 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5510 out of order.

Senator Boswell asked and received unanimous consent that action on **House File 2459** be **deferred.**

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

James A. Althaus as a member of the Employment Appeal Board.

Carolyn D. Grupp (appointment and reappointment), A. Patricia Houlihan and Richard P. TeKippe as members of the Indigent Defense Advisory Commission.

Kittie D. Weston-Knauer as a member of the Board of Parole.

Arne F. Waldstein as a member of the Real Estate Appraiser Examining Board.

Russell W. Teig as a member of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate

Peterson	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Gronstal	Hutchins	Kibbie	Rife
Rosenberg			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

HOUSE AMENDMENTS CONSIDERED

Senate File 2286

Senator Varn called up for consideration Senate File 2286, a bill for an act relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date, amended by the House, and moved that the Senate concur in House amendment S—5480 filed April 1, 1992.

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

Senator Varn 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2286) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn

Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Gronstal	Hutchins	Lloyd-Jones	Rife
Rosenberg			

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

Senate File 2233

Senator Sturgeon called up for consideration Senate File 2233, a bill for an act relating to the residency requirement for clerks of the district court, amended by the House, and moved that the Senate concur in House amendment S—5479 filed April 1, 1992.

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

Senator Sturgeon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2233) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen

Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Hedge

Absent or not voting, 5:

Gronstal	Hutchins	Miller	Rife
Rosenberg			

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

Senate File 2059

Senator Deluhery called up for consideration Senate File 2059, a bill for an act relating to the theft of milk containers and the applicability of a penalty and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5450 filed March 31, 1992.

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

Senator Deluhery 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2059) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Gronstal	Hutchins	Peterson	Rife
Rosenberg			

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

Senate File 2119

Senator Vande Hoef called up for consideration Senate File 2119, a bill for an act relating to essential county purposes and the use of general obligation bonds for funding of local water services, amended by the House, and moved that the Senate concur in House amendment S—5505 filed April 2, 1992.

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

Senator Vande Hoef 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2119) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Running	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 5:

Gronstal	Hutchins	Rife	Rosenberg
Soorholtz			

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

Senate File 2137

Senator Jensen called up for consideration Senate File 2137, a bill for an act relating to motor vehicle certificates of title, by eliminating component part reviews and rebuilt designations, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, and creating a penalty and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5507 filed April 2, 1992.

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

Senator Jensen 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2137) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Kersten

Absent or not voting, 4:

Gronstal	Hutchins	Rife	Rosenberg

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

Senate File 2189

Senator Doyle called up for consideration Senate File 2189, a bill for an act relating to invention development services, and making penalties applicable, amended by the House, and moved that the Senate concur in House amendment S—5530 filed April 2, 1992.

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

Senator Doyle 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2189) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Gronstal	Hutchins	Rife	Rosenberg

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

Senate File 2265

Senator Sturgeon called up for consideration Senate File 2265, a bill for an act relating to elections of judicial nominating commissioners and the subpoena power of the commission on judicial qualifications, amended by the House, and moved that the Senate concur in House amendment S—5529 filed April 2, 1992.

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

Senator Sturgeon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2265) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 4:

Gronstal	Hutchins	Rife	Rosenberg

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

Senate File 84

Senator Murphy called up for consideration Senate File 84, a bill for an act relating to the purchase of recycled products including recycled paper by state agencies, amended by the House, and moved that the Senate concur in House amendment S—5451 filed March 31, 1992.

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

Senator Murphy 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 84) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Gronstal	Hutchins	Rife	Rosenberg

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

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2441

The Senate resumed consideration of House File 2441, a bill for an act providing for licensure of massage therapists and imposing fees and civil penalties, (substituted for Senate File 2292 as amended, and deferred on March 27, 1992).

Senator Murphy 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. 2441) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Palmer

Absent or not voting, 4:

Gronstal	Hutchins	Rife	Rosenberg

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

Senator Murphy asked and received unanimous consent that **Senate File 2292** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS
(Deferred March 31, 1992)

House File 2382

The Senate resumed consideration of House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty, and amendment S—5411 by the committee on Natural Resources to page 1 of the bill, deferred March 26, 1992.

Senator Riordan asked and received unanimous consent to withdraw amendment S—5411.

Senator Riordan offered amendment S—5483 filed by him on April 1, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5483 was adopted by a voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 2382** be **deferred.**

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2010

The Senate resumed consideration of House File 2010, a bill for an act relating to windsurfing by defining a sailboard and exempting sailboards from certain registration and equipment requirements, deferred April 3, 1992.

Senator Riordan offered amendment S—5409 filed by the committee on Natural Resources on March 26, 1992, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5409 lost by a voice vote.

Senator Riordan 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. 2010) the vote was:

Ayes, 41:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Horn	Husak	Jensen
Kersten	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, 2:

Dieleman Hester

Voting present, 1:

Peterson

Absent or not voting, 6:

Borlaug	Hutchins	Kibbie	Lloyd-Jones
Rosenberg	Welsh		

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

HOUSE AMENDMENT CONSIDERED

Senate File 316

Senator Welsh called up for consideration Senate File 316, a bill for an act to prohibit sexual harassment of state employees, of persons in the care or custody of a state employee or institution, and of persons attending a state educational institution, amended by the House, and moved that the Senate concur in House amendment S—5511 filed April 2, 1992.

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

Senator Welsh 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 316) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Kibbie	Rosenberg

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kibbie until he returns on request of Senator Priebe and Senator Szymoniak for the remainder of the day on request of Senator Horn.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Priebe called up the appointment of Laura J. Stensrud as a member of the Medical Examining Board, placed on the Individual Confirmation Calendar on February 24, 1992, and found on page 443 of the Senate Journal.

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

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

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 36:

Borlaug	Connolly	Deluhery	Dieleman
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kinley	Lind	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Running
Slife	Soorholtz	Sorensen	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 11:

Boswell	Buhr	Fuhrman	Hannon
Hutchins	Kramer	Lloyd-Jones	Murphy
Riordan	Sturgeon	Welsh	

Absent or not voting, 3:

Kibbie	Rosenberg	Szymoniak

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

HOUSE MESSAGES RECEIVED

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 March 31, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 390, a bill for an act relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and

managers, making administrative changes, and making other amendments relevant to the reorganization (S—5563).

ALSO: That the House has on April 6, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2117, a bill for an act relating to implementation of a statewide system utilizing a governmental services card (S—5568).

Senate File 2236, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve (S—5567).

Senate File 2323, a bill for an act relating to the prevention of the transmission of HIV or the hepatitis B virus to patients, providing penalties, and providing for a repeal (S—5569).

INTRODUCTION OF BILL

Senate File 2360, by Hutchins, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

Read first time and **passed on file.**

APPENDIX

STUDY BILLS RECEIVED

SSB 2296 Ways & Means

Relating to agriculture and the department of agriculture and land stewardship, by providing for administration and regulation, increasing certain fees charged by the department, making penalties applicable, and repealing a section.

SSB 2297 Appropriations

Establishing a pilot project for the issuance of motor vehicle licenses by the county treasurers, making an appropriation, and providing an effective date.

EXPLANATION OF VOTES

I was necessarily absent from the Senate Chamber on April 3, 1992.

Had I been present, I would have voted "aye" on House Files 150, 2385, 2308, 2165 and 323.

MIKE CONNOLLY

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate chamber:

Twenty-eight twelfth grade students from Manning High School, Manning, accompanied by Kevin Litterer. Senator Hutchins.

Fifty twelfth grade students from Central Lyon High School, Rock Rapids and Doon, accompanied by Eldon Maxwell. Senator Vande Hoef.

SUBCOMMITTEE ASSIGNMENTS

House File 2463

APPROPRIATIONS: Lloyd-Jones, Chair; Pate and Rosenberg

SSB 2297

APPROPRIATIONS: Boswell, Chair; Husak and Tieden

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S–5565 to House File 2459 was adopted by the Senate on April 6, 1992.

JIM LIND

MR. PRESIDENT: I move to reconsider the vote by which amendment S–5565 to House File 2459 was adopted by the Senate on April 6, 1992.

PATRICK J. DELUHERY

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

S.F. 2360 State Government

AMENDMENTS FILED

S—5563	S.F.	390	House amendment
S—5564	H.F.	2334	Jack W. Hester
S—5565	H.F.	2459	Jim Lind
S—5566	H.F.	2459	Paul Pate
S—5567	S.F.	2236	House amendment
S—5568	S.F.	2117	House amendment
S—5569	S.F.	2323	House amendment
S—5570	S.F.	2257	Berl Priebe John Kibbie
S—5571	H.F.	2459	Paul Pate
S—5572	H.F.	2205	Beverly Hannon
S—5573	H.F.	2455	Richard Running
S—5574	H.F.	2455	Richard Running Wilmer Rensink
S—5575	H.F.	2459	John Peterson

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:59 p.m., until 9:00 a.m., Tuesday, April 7, 1992.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 7, 1992

The Senate met in regular session at 9:12 a.m., President Gronstal presiding.

Prayer was offered by Reverend Dorington Little, pastor of the Evangelical Free Church, Boone, Iowa.

The Journal of Monday, April 6, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings until he arrives on request of Senator Husak.

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 3, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2255, a bill for an act relating to the fee charged for filing termination of financing statements under the uniform commercial Code.

ALSO: That the House has on April 6, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund.

This bill was read first time and **passed on file.**

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

John Cain as a member of the Accountancy Examining Board.

Edward F. Seitzinger as a member of the Alcoholic Beverages Commission.

Lois H. Eichacker as a member of the Commission on Community Action Agencies.

Eugene T. Chism as a member of the Mental Health and Mental Retardation Commission.

Regene L. Osborne as a member of the Board of Nursing Examiners.

Diana R. Brower as a member of the Physical and Occupational Therapy Examining Board.

Michael D. Montgomery as a member of the Commission on the Status of Women.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon

Szymoniak Taylor Tieden Vande Hoef
Varn

Nays, none.

Absent or not voting, 5:

Gettings Kinley McLaren Tinsman
Welsh

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

President pro tempore Lloyd-Jones took the chair at 9:48 a.m.

MOTION TO RECONSIDER WITHDRAWN

House File 2384

Senator Riordan withdrew the motion to reconsider House File 2384, a bill for an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education by making changes in the transportation and athletic participation provisions under open enrollment; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; making other related changes; and providing an effective date, filed by him on April 1, 1992, and found on page 1165 of the Senate Journal.

MOTION TO RECONSIDER LOST

House File 2207

Senator Fuhrman called up the motion to reconsider House File 2207, a bill for an act conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care

law and providing an effective date, filed by him on April 1, 1992, found on page 1143 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2207) the vote was:

Ayes, none.

Nays, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Absent or not voting, 4:

Dieleman	Gettings	Hutchins	Tieden

The motion lost.

The motion to reconsider the vote by which House File 2207 passed the Senate on March 31, 1992, filed by Senator Dieleman on March 31, 1992, and found on page 1112 of the Senate Journal, was out of order.

HOUSE AMENDMENTS CONSIDERED

Senate File 2342

Senator Rittmer called up for consideration Senate File 2342, a bill for an act establishing a department of human services' field services organizational structure and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5543 filed April 3, 1992.

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

Senator Rittmer 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2342) the vote was:

Ayes, 42:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Hester	Horn	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Welsh		

Nays, none.

Absent or not voting, 8:

Boswell	Gettings	Gronstal	Husak
Hutchins	Peterson	Tieden	Varn

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

Senate File 2198

Senator Sorensen called up for consideration Senate File 2198, a bill for an act relating to authorization of state departments' acceptance of payments by credit card, amended by the House, and moved that the Senate concur in House amendment S—5553 filed April 3, 1992.

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

Senator Sorensen 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2198) the vote was:

Ayes, 44:

Borlaug	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Hester	Horn	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Welsh

Nays, none.

Absent or not voting, 6:

Boswell	Gettings	Gronstal	Husak
Hutchins	Varn		

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

Senate File 2040

Senator Rosenberg called up for consideration Senate File 2040, a bill for an act relating to changing the title "juvenile court referee" to "associate juvenile judge" and to the appeal of associate juvenile judge orders, findings, and decisions, amended by the House, and moved that the Senate concur in House amendment S–5542 filed April 3, 1992.

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

Senator Rosenberg 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2040) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Gettings

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

Senate File 446

Senator Miller called up for consideration Senate File 446, a bill for an act relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability, amended by the House, and moved that the Senate concur in House amendment S—5540 filed April 3, 1992.

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

Senator Miller 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 446) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings	Husak	Hutchins

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

UNFINISHED BUSINESS
(Deferred April 6, 1992)

House File 2459

The Senate resumed consideration of House File 2459, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, providing for the payment of abandoned property and payment of workers' compensation claims of state employees, providing for centralized collection of debt owed to the state, and making related statutory changes, deferred April 6, 1992.

Senator Peterson offered amendment S—5575 filed by him on April 6, 1992, to page 18 of the bill and moved its adoption.

Amendment S—5575 was adopted by a voice vote.

Senator Lind withdrew the motion to reconsider the vote by which amendment S—5565 to House File 2459 was adopted by the Senate on April 6, 1992, filed by him on April 6, 1992, and found on page 1254 of the Senate Journal.

Senator Deluhery withdrew the motion to reconsider the vote by which amendment S—5565 to House File 2459 was adopted by the Senate on April 6, 1992, filed by him on April 6, 1992, and found on page 1254 of the Senate Journal.

Senator Peterson 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. 2459) the vote was:

Ayes, 33:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gronstal
Hannon	Hester	Horn	Husak
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sturgeon	Szymoniak	Tieden	Varn
Welsh			

Nays, 15:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Jensen	Kramer	McLaren
Pate	Rensink	Rife	Sorensen
Taylor	Tinsman	Vande Hoef	

Absent or not voting, 2:

Gettings	Hutchins

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2207** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2257

Senator Kibbie called up for consideration Senate File 2257,

a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, amended by the House in House amendment S—5418 filed March 26, 1992.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5570 filed by Senators Priebe and Kibbie on April 6, 1992, to House amendment S—5418.

Senator Priebe asked and received unanimous consent that action on House amendment S—5418 and **Senate File 2257** be deferred.

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2085

The Senate resumed consideration of House File 2085, a bill for an act relating to cooperative associations by providing for the release of membership lists and amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting shareholders, and the manner in which funds of the association can be used, deferred April 3, 1992.

Senator Fraise offered amendment S—5264 filed by the committee on Agriculture on March 17, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5264 was adopted by a voice vote.

Senator Fraise offered amendment S—5515 filed by Senators Fraise, Husak and McLaren on April 2, 1992, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5515 was adopted by a voice vote.

Senator Fraise offered amendment S—5349 filed by Senators Fraise, Husak and McLaren on March 24, 1992, to page 2 and the title page of the bill and called for a division: line 3 as division S—5349A and lines 4-6 as division S—5349B.

Senator Fraise asked and received unanimous consent to withdraw division S—5349A.

Senator Fraise moved the adoption of division S—5349B, which motion prevailed by a voice vote.

Senator Fraise 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. 2085) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Gettings	Hutchins

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2214

The Senate resumed consideration of House File 2214, a bill for an act relating to an insurance division study regarding legal burdens imposed on employers related to workers' compensation, deferred April 3, 1992.

Senator Peterson 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. 2214) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Horn	Husak
Jensen	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Gettings	Hester	Hutchins	Tieden

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2287

The Senate resumed consideration of House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, deferred April 3, 1992.

Senator Running offered amendment S—5361 filed by the committee on Education on March 24, 1992, to pages 1-6 of the bill.

Senator Connolly offered amendment S—5449 filed by him on March 31, 1992, to amendment S—5361 and moved its adoption.

Amendment S—5449 was adopted by a voice vote.

Senator Running moved the adoption of amendment S—5361 as amended, which motion prevailed by a voice vote.

Senator Varn offered amendment S—5476 filed by him on April 1, 1992, to pages 2 and 6 of the bill and moved its adoption.

Amendment S—5476 was adopted by a voice vote.

Senator Running 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. 2287) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gronstal
Hannon	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Lloyd-Jones
Miller	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Varn	Welsh	

Nays, 17:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kramer
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 2:

Gettings	Murphy

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

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:15 a.m., until 2:00 p.m.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 6, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2158 — Relating to the definition of children requiring special education.

SENATE FILE 2187 — Relating to the announcement of information by the court at the time of sentencing of persons convicted of committing aggravated misdemeanors and felonies.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2287 passed the Senate on April 7, 1992.

RICHARD RUNNING

PRESENTATION OF VISITORS

The following visitors who were present in the Senate gallery:

Twenty-two seventh grade students from Chrystal Lake Jr.-Sr. High School, Chrystal Lake, accompanied by Dave Hines. Senator Priebe.

Ten sixth, seventh and eighth grade students from Prairie City Christian School, Prairie City, accompanied by Christine Guthmiller. Senator Dieleman.

Sixty-five sixth grade students from Clarion High School, Clarion, accompanied by Sue Mechem. Senator Taylor.

Thirty eleventh and twelfth grade students from Guttenburg High School, Guttenburg, accompanied by Lori Bunting. Senator Tieden.

Thirteen third-fifth grade students from Prairie City Elementary School, Prairie City, accompanied by Sid Graham. Senator Dieleman.

REPORT OF STANDING COMMITTEE
(Place nominee on En Bloc Confirmation Calendar)

WAYS AND MEANS

Pursuant to Senate Rule 59, the committee on Ways and Means assigned to investigate the following Governor's appointment, completed its investigation on April 7, 1992, and recommended the appointee be confirmed:

Joseph H. Harper for reappointment as a member of the Iowa Railway Finance Authority.

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 his approval on this 7th day of April, 1992:

Senate Files 2013, 2295, 2311, 2209, 2114 and 2180.

JOHN F. DWYER
Secretary of the Senate

GOVERNOR'S VETO MESSAGE

April 7, 1992

The Honorable Michael Gronstal
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 2267, an act relating to prohibited practices by private and public employers and making penalties applicable, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2267 would prohibit an employer from permanently replacing employees who are involved in a labor dispute. Current law prohibits employers from hiring persons who customarily or repeatedly offer themselves as replacements for employees involved in labor disputes, but does not prohibit employers from hiring individuals who are seeking work if the employer provides

those individuals with notice that the employment offered is in place of employees engaged in a labor dispute.

Senate File 2267 would prohibit employers from offering permanent employment status to an individual legally hired as a replacement employee. Individuals who are seeking employment in the labor market and who accept employment as replacement employees could lose their jobs at the conclusion of a labor dispute. The State of Iowa should not enact policies which could prevent individuals from obtaining permanent employment, or policies which could jeopardize the economic future of a company by inhibiting its ability to continue operations during a labor dispute.

For the above reasons, I hereby respectfully disapprove Senate File 2267.

Sincerely,
TERRY E. BRANSTAD,
Governor

SUBCOMMITTEE ASSIGNMENTS

Senate File 2360

STATE GOVERNMENT: Gronstal, Chair; Drake, Kibbie, Lind and Lloyd-Jones

House File 2464

WAYS AND MEANS: Szymoniak, Chair; Fuhrman and Rosenberg

House File 2449

WAYS AND MEANS: Palmer, Chair; Deluhery and Hester

SSB 2296

WAYS AND MEANS: Husak, Chair; Fraise and McLaren

AMENDMENTS FILED

S–5576	H.F.	2455	Richard Running Ralph Rosenberg
S–5577	H.F.	2382	H. Kay Hedge Berl E. Priebe
S–5578	H.F.	2362	William D. Palmer
S–5579	H.F.	2362	Harry Slife William D. Palmer
S–5580	S.F.	2231	Elaine Szymoniak

S—5581	S.F.	2350	Bill Hutchins
S—5582	S.F.	2249	Berl Priebe
S—5583	S.F.	2302	Al Sturgeon
S—5584	S.F.	2351	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:20 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 49 present, 1 absent and a quorum present.

The Senate stood at ease at 2:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:05 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2455

On motion of Senator Running, House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Running offered amendment S—5513 filed by the committee on Appropriations on April 2, 1992, to pages 3, 5, 6, 7, 10, 13, 14 and 17 of the bill and moved its adoption.

Amendment S—5513 was adopted by a voice vote.

Senator Running offered amendment S—5576 filed by Senators Running and Rosenberg from the floor to page 1 of the bill and moved its adoption.

Amendment S—5576 was adopted by a voice vote.

With the adoption of amendment S—5513, the Chair ruled amendment S—5573 filed by Senator Running on April 6, 1992, to pages 9 and 10 of the bill, out of order.

Senator Running offered amendment S—5574 filed by Senators Running and Rensink on April 6, 1992, to pages 13 and 18-22 of the bill.

Senator Running asked and received unanimous consent that action on amendment S—5574 be deferred.

Senator Hutchins asked and received unanimous consent that action on **House File 2455** be **deferred** (amendment S—5574 pending).

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2450

The Senate resumed consideration of House File 2450, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates, (substituted for Senate File 2280 as amended, and deferred on March 27, 1992).

Senator Kibbie offered amendment S—5591 filed by Senators Kibbie and Drake from the floor to page 18 of the bill and moved its adoption.

Amendment S—5591 was adopted by a voice vote.

Senator Kibbie offered amendment S—5474 filed by Senators Kibbie and Drake on March 31, 1992, to page 28 of the bill and moved its adoption.

Amendment S—5474 was adopted by a voice vote.

Senator Horn asked and received unanimous consent that action on amendment S—5364 filed by him on March 25, 1992, to pages 36 and 48 of the bill be deferred.

Senator Kibbie offered amendment S—5472 filed by Senators Kibbie and Drake on March 31, 1992, to pages 36 and 48 of the bill and moved its adoption.

Amendment S—5472 was adopted by a voice vote.

Senator Kibbie offered amendment S—5473 filed by Senators Kibbie and Drake on March 31, 1992, to page 37 of the bill and moved its adoption.

Amendment S—5473 was adopted by a voice vote.

Senator Kibbie offered amendment S—5471 filed by Senators Kibbie and Drake on March 31, 1992, to pages 46 and 48 of the bill and moved its adoption.

Amendment S—5471 was adopted by a voice vote.

Senator Kibbie offered amendment S—5475 filed by Senators Kibbie and Drake on March 31, 1992, to pages 46 and 47 of the bill.

Senator Doyle asked and received unanimous consent to withdraw amendment S—5500 filed by Senators Doyle, Palmer and Kinley on April 1, 1992, to amendment S—5475.

Senator Doyle offered amendment S—5586 filed by Senators Doyle, Palmer and Kinley from the floor to amendment S—5475 and moved its adoption.

Amendment S—5586 was adopted by a voice vote.

Senator Kibbie offered amendment S—5592 filed by Senators Kibbie, Doyle and Drake from the floor to amendment S—5475 and moved its adoption.

Amendment S—5592 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—5475 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5475 as amended, the Chair ruled amendment S—5501 filed by Senators Doyle, Palmer and Kinley on April 1, 1992, to page 46 of the bill, out of order.

With the adoption of amendment S—5472, the Chair ruled amendment S—5364 by Senator Horn to pages 36 and 48 of the bill, previously deferred, out of order.

Senator Kibbie 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. 2450) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Palmer

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

Senator Kibbie asked and received unanimous consent that **Senate File 2280** be **withdrawn** from further consideration of the Senate.

HOUSE MESSAGES RECEIVED

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 6, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices (S—5584).

ALSO: That the House has on April 7, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2126, a bill for an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence.

ALSO: That the House has on April 7, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2394, a bill for an act relating to information subject to the review or control of the office of citizens' aide.

APPENDIX

PRESENTATION OF VISITORS

Senator Sturgeon presented Jon Hardy, former graduate of Sioux City Heelen High School and football player for the University of Iowa (1977-1981) and the San Francisco 49ers' (1981-87). He played in the 1981 and 1984 Super Bowl games.

The following visitors were present in the Senate gallery:

Fifty-four fifth grade students from Westridge Elementary School, West Des Moines, accompanied by Virginia Lake. Senator Kramer.

REPORT OF STANDING COMMITTEE
(Place nominee on En Bloc Confirmation Calendar)

STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointment, completed its investigation on April 7, 1992, and recommended the appointee be confirmed:

Norman H. Rudi for appointment as a member of the Architectural Examining Board.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 7, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2163 — Relating to the nonvoting membership of the community college council.

SENATE FILE 2168 — Relating to the date of completion of the transfer of responsibilities for certain child support orders from the department of human services to the judicial department.

SENATE FILE 2287 — Relating to indecent exposure by a minor in certain establishments and providing a penalty.

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

H.F. 2462 Appropriations

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2361 (SSB 2288), a bill for an act relating to and making appropriations of petroleum overcharge funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boswell, Husak, Tieden, Buhr, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 6: Connolly, Gettings, Hagerla, Kersten, Running and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2362 (LSB 6306), a bill for an act relating to polystyrene products and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: Boswell, Husak, Tieden, Buhr, Connolly, Hagerla, Kersten, Lind, Lloyd-Jones, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, none. Absent or not voting, 4: Gettings, McLaren, Pate and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2363 (SSB 2293), a billl for an act relating to the development and implementation of cost-effective health-related measures, including measures relating to pregnant women and children, making appropriations, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Boswell, Husak, Buhr, Connolly, Lind, Lloyd-Jones, Riordan, Rosenberg, Szymoniak, Tinsman, Varn and Welsh. Nays, 5: Tieden, Hagerla, Kersten, Rensink and Running. Absent or not voting, 4: Gettings, McLaren, Pate and Peterson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5585.

Final Vote: Ayes, 9: Dieleman, Husak, Deluhery, Drake, Fraise, Hester, Rosenberg, Szymoniak and Taylor. Nays, 5: Hedge, Connolly, Fuhrman, McLaren and Murphy. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2361, by committee on Appropriations, a bill for an act relating to and making appropriations of petroleum overcharge funds.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

Senate File 2362, by committee on Appropriations, a bill for an act relating to polystyrene products and making an appropriation.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

Senate File 2363, by committee on Appropriations, a bill for an act relating to the development and implementation of cost-effective health-related measures, including measures relating to pregnant women and children, and making appropriations.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENTS FILED

S—5585	H.F.	2400	Ways and Means
S—5586	H.F.	2450	Donald Doyle Bill Palmer George Kinley
S—5587	H.F.	2455	Joe Welsh Harry Slife
S—5588	H.F.	2417	Emil Husak
S—5589	S.F.	2257	Berl Priebe
S—5590	S.F.	2249	Berl Priebe
S—5591	H.F.	2450	John Kibbie Richard Drake
S—5592	H.F.	2450	John Kibbie Donald Doyle Richard Drake
S—5593	S.F.	2280	Richard Running

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:48 p.m., until 9:00 a.m., Wednesday, April 8, 1992.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 8, 1992

The Senate met in regular session at 9:10 a.m., Senator Connolly presiding.

Prayer was offered by Reverend Don Plantinga, pastor of the Trinity Reformed Church, Pella, Iowa.

The Journal of Tuesday, April 7, 1992, was approved.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Ronald N. Langston as a member of the Commission on the Status of African-Americans.

Inga Bumbary-Langston as Director of the Iowa State Civil Rights Commission.

James M. Caterine, M.D. as a member of the Medical Examining Board.

Linda W. Rouse as a member of the Mental Health and Mental Retardation Commission.

Warren D. Rippey as a member of the State Board of Examiners for Nursing Home Administrators.

Kathleen M. Morgan as a member of the Social Work Examining Board.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Peterson
Priebe	Rensink	Rife	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 8:

Hannon	Kinley	Kramer	Pate
Riordan	Running	Sturgeon	Welsh

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hannon until she arrives on request of Senator Hutchins.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2357

On motion of Senator Fraise, Senate File 2357, a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property, was taken up for consideration.

Senator Fraise 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. 2357) the vote was:

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 5:

Hannon	Kinley	Pate	Sturgeon
Welsh			

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

HOUSE AMENDMENT CONSIDERED
(Deferred April 7, 1992)

Senate File 2257

The Senate resumed consideration of Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, and House amendment S—5418, deferred on April 7, 1992.

Senator Priebe offered amendment S—5589 filed by him on April 7, 1992, to House amendment S—5418 and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 19.

Amendment S—5589 was adopted.

Senator Kibbie moved that the Senate concur in the House amendment as amended.

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

Senator Kibbie moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2257) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hannon	Lloyd-Jones

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2236

Senator Running called up for consideration Senate File 2236, a bill for an act to exempt nonpublic schools from the vocational education requirement for grades seven through twelve, amended by the House, and moved that the Senate concur in House amendment S—5567 filed April 6, 1992.

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

Senator Running 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2236) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Hannon	Priebe

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

Senate File 2117

Senator Murphy called up for consideration Senate File 2117, a bill for an act relating to implementation of a statewide system utilizing a governmental services card, amended by the House in amendment S—5568 filed April 6,1992.

Senator Varn offered amendment S—5594 filed by him from the floor to House amendment S—5568 and moved its adoption.

Amendment S—5594 was adopted by a voice vote.

Senator Murphy moved that the Senate concur in the House amendment as amended.

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

Senator Murphy moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2117) the vote was:

Ayes, 38:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hedge
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Varn	Welsh		

Nays, 11:

Borlaug	Hagerla	Hester	Jensen
Kramer	McLaren	Rensink	Rife
Taylor	Tinsman	Vande Hoef	

Absent or not voting, 1:

Hannon

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2158

The Senate resumed consideration of House File 2158, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health

maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances, deferred on April 3, 1992.

Senator Varn 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. 2158) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Tieden

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2302

Senator Rosenberg called up for consideration Senate File 2302, a bill for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, providing for the adjudication of acts of domestic abuse as delinquent acts by minors, expanding the jurisdiction of magistrates to cover emergency

domestic abuse orders, and providing penalties, amended by the House in House amendment S—5499 filed April 1, 1992.

Senator Rosenberg offered amendment S—5595 filed by him from the floor to House amendment S—5499 and moved its adoption.

Amendment S—5595 was adopted by a voice vote.

Senator Sturgeon offered amendment S—5583 filed by him on April 7, 1992, to House amendment S—5499.

Senator Varn asked and received unanimous consent that action on amendment S—5583 to House amendment S—5499, House amendment S—5499 and **Senate File 2302** be **deferred.**

Senate File 2301

Senator Rosenberg called up for consideration Senate File 2301, a bill for an act relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties, amended by the House, and moved that the Senate concur in House amendment S—5506 filed April 2, 1992.

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

Senator Rosenberg 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2301) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor

Tieden Tinsman Vande Hoef Varn
Welsh

Nays, none.

Absent or not voting, 1:

Miller

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

UNFINISHED BUSINESS
(Deferred April 7, 1992)

House File 2455

The Senate resumed consideration of House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date, and amendment S—5574 by Senators Running and Rensink to pages 13 and 18-22 of the bill, deferred April 7, 1992.

Senator Murphy withdrew amendment S—5434 filed by him on March 27, 1992, to pages 17 and 22 of the bill.

Senator Running called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5513 to House File 2455 was adopted by the Senate on April 7, 1992.

The motion prevailed by a voice vote and amendment S—5513 by the committee on Appropriations to pages 3, 5-7, 10, 13 and 14-17 of the bill, was taken up for reconsideration.

Senator Running called for a division of amendment S—5513: Page 1, lines 3-25 and 47-50 and page 2, lines 1-21 as division S—5513A; page 1, lines 26-46 as division S—5513B.

Senator Running moved the adoption of division S—5513A, which motion prevailed by a voice vote.

Senator Running asked and received unanimous consent that action on division S—5513B be deferred.

Senator Running offered amendment S—5600 filed by him from the floor to page 8 of the bill and moved its adoption.

Amendment S—5600 was adopted by a voice vote.

Senator Welsh asked and received unanimous consent to withdraw amendment S—5587 filed by Senators Welsh and Slife on April 7, 1992, to page 13 of the bill.

Senator Running asked and received unanimous consent to withdraw amendment S—5574 by Senators Running and Rensink to pages 13 and 18-22 of the bill, deferred on April 7, 1992.

Senator Running withdrew amendment S—5599 filed by him from the floor to pages 13 and 18-22 of the bill.

Senator Rosenberg offered amendment S—5514 filed by Senators Rosenberg and Lind on April 2, 1992, to pages 17-22 of the bill.

Senator Rosenberg offered amendment S—5560 filed by him on April 6, 1992, to amendment S—5514 and moved its adoption.

Amendment S—5560 was adopted by a voice vote.

Senator Rosenberg moved the adoption of amendment S—5514 as amended, which motion prevailed by a voice vote.

With the previous reconsideration of amendment S—5513, the Chair stated that amendment S—5573 ruled out of order on April 7, 1992, was now eligible for consideration by the Senate.

Senator Running moved the adoption of amendment S—5573 to pages 9 and 10 of the bill.

Amendment S—5573 was adopted by a voice vote.

With the adoption of amendment S—5573, the Chair ruled division S—5513B to page 10 of the bill, previously deferred, out of order.

Senator Running offered amendment S—5601 filed by him from the floor to page 3 of the bill.

Senator Boswell called for a division of amendment S—5601: lines 3 and 4 as division S—5601A and lines 5-22 as division S—5601B.

Senator Running withdrew division S—5601A.

Senator Running moved the adoption of division S—5601B.

A non record roll call was requested.

The ayes were 27, nays 19.

Division S—5601B was adopted.

Senator Running offered amendment S—5602 filed by him from the floor to pages 13, 18, 22 and 23 of the bill.

President Gronstal took the chair at 11:30 a.m.

Senator Running moved the adoption of amendment S—5602, which motion prevailed by a voice vote.

Senator Running 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. 2455) the vote was:

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Running	Slife	Soorholtz	Sorensen
Szymoniak	Tinsman	Varn	Welsh

Nays, 17:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Rensink
Rife	Rittmer	Taylor	Tieden
Vande Hoef			

Voting present, 3:

Doyle Rosenberg Sturgeon

Absent or not voting, 2:

Kinley Pate

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

HOUSE MESSAGES RECEIVED

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 6, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2293, a bill for an act relating to cities subject to civil service.

ALSO: That the House has on April 6, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2390, a bill for an act relating to the recovery of interest, court costs, and attorney fees by the labor commissioner, occupational safety and health penalties, elevator inspections, boiler inspection, amusement park permit and inspection fees, and providing a retroactive applicability date and an effective date.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:25 p.m., until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 7, 1992, 6:00 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Gettings (excused).

Committee Business: Approved SSBs 2288 and 2293 as committee bills; approved LSB 6306 as a committee bill; SSB 2297 failed committee approval.

Adjourned: 7:00 p.m.

STATE GOVERNMENT

Convened: April 7, 1992, 1:37 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef.

Members Absent: McLaren and Welsh.

Committee Business: Assigned bills to subcommittees; recommended confirmation of governor's appointee.

Adjourned: 1:58 p.m.

WAYS AND MEANS

Convened: April 7, 1992, 11:23 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Rosenberg, Szymoniak and Taylor.

Members Absent: Palmer.

Committee Business: Assigned bills to subcommittee; recommended confirmation of governor's appointee; recommended passage of House File 2400 as amended.

Adjourned: 12:09 p.m.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-five fifth grade students from Mt. Ayr Elementary School, Mt. Ayr, accompanied by Marilyn Saville and Margaret Bishop. Senator Boswell.

Twelve first-fourth grade students from Hanawalt Elementary School, Des Moines, accompanied by Mary Beth Ross. Senator Kramer.

Twenty-one seventh and eighth grade students from Bancroft St. Johns School, Bancroft, accompanied by Madeline Summitt. Senator Priebe.

Members of the First United Methodist Church, Cedar Falls, including Diane Nagle, wife of Congressman Dave Nagle. Senator Slife.

Twenty students from Southeast Webster High School, Burnside, accompanied by Jim Ainslie. Senator Kersten.

Thirty-one students from Waco High School, Wayland, accompanied by Greg Thomas. Senator Hagerla.

Thirty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Murphy. Senator Gettings.

Twelve Des Moines County 4-H Teen Council members from Danville and Mediapolis, accompanied by Terri Siegle and Joyce Stover. Senator Hagerla.

SUBCOMMITTEE ASSIGNMENT

House File 2452

APPROPRIATIONS: Rosenberg, Chair; Buhr and Hagerla

AMENDMENTS FILED

S—5594	S.F.	2117	Richard Varn
S—5595	S.F.	2302	Ralph Rosenberg
S—5596	S.F.	2244	John Soorholtz Derryl McLaren Berl Priebe Emil Husak
S—5597	S.F.	2244	John Soorholtz Derryl McLaren Emil Husak Berl Priebe
S—5598	S.F.	2363	Mike Connolly
S—5599	H.F.	2455	Richard Running
S—5600	H.F.	2455	Richard Running
S—5601	H.F.	2455	Richard Running
S—5602	H.F.	2455	Richard Running
S—5603	S.F.	2363	Elaine Szymoniak
S—5604	S.F.	260	Alvin Miller

AFTERNOON SESSION

The Senate reconvened at 2:26 p.m., Senator Murphy presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House File 2455** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2356

On motion of Senator Szymoniak, Senate File 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date, was taken up for consideration.

Senator Fuhrman asked and received unanimous consent that action on **Senate File 2356** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 2244

Senator Priebe called up for consideration Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, amended by the House in House amendment S—5528 filed April 2, 1992.

Senator Soorholtz offered amendment S—5596 filed by Senators Soorholtz, et al., from the floor to House amendment S—5528 and moved its adoption.

Amendment S—5596 was adopted by a voice vote.

Senator Soorholtz offered amendment S—5597 filed by Senators Soorholtz, et al., from the floor to House amendment S—5528.

Senator Riordan took the chair at 3:10 p.m.

Senator Soorholtz moved the adoption of amendment S—5597 to House amendment S—5528 and requested a record roll call.

On the question "Shall amendment S—5597 to House amendment 5528 be adopted?" (S.F. 2244) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Borlaug	Buhr	Deluhery	Fraise
Gronstal	Hagerla	Hannon	Hedge
Horn	Husak	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Tieden	Tinsman

Nays, 16:

Boswell	Dieleman	Doyle	Drake
Fuhrman	Gettings	Hester	Jensen
Kibbie	Miller	Rensink	Sturgeon
Taylor	Vande Hoef	Varn	Welsh

Absent or not voting, 2:

Connolly	Hutchins

Amendment S—5597 was adopted.

Senator Priebe withdrew amendment S—5608 filed by him from the floor to House amendment S—5528.

Senator Priebe moved that the Senate concur in the House amendment as amended.

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

Senator Priebe moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2244) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 4:

Fuhrman	Jensen	Rensink	Vande Hoef

Absent or not voting, 2:

Connolly	Hutchins

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

UNFINISHED BUSINESS
(Deferred March 26, 1992)

Senate File 2350

The Senate resumed consideration of Senate File 2350, a bill for an act relating to supplemental disproportionate share payments for medical assistance to qualifying hospitals and providing an effective date, deferred March 26, 1992.

Senator Dieleman offered amendment S—5295 filed by him on March 18, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5295 was adopted by a voice vote.

Senator Hutchins offered amendment S—5581 filed by him on April 7, 1992, to page 2 and the title page of the bill.

Senator Rife raised the point of order that amendment S—5581 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5581 in order.

Senator Hutchins moved the adoption of amendment S—5581 and requested a record roll call.

On the question "Shall amendment S—5581 be adopted?" (S.F. 2350) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 5:

Gronstal	Hutchins	Kinley	Miller
Rife			

Nays, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Lind	Lloyd-Jones	McLaren	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Voting present, 1:

Kramer

Amendment S—5581 lost.

Senator Dieleman 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. 2350) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 1:

Welsh

Voting present, 1:

Kramer

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

Senator Hutchins asked and received unanimous consent that **Senate File 2350** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2323

Senator Sturgeon called up for consideration Senate File 2323, a bill for an act relating to the prevention of the transmission of HIV or the hepatitis B virus to patients, providing penalties, and providing for a repeal, amended by the House, and moved that the Senate concur in House amendment S—5569 filed April 6, 1992.

Senator Sturgeon 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 Sturgeon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2323) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Lind	McLaren	Tieden

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

UNFINISHED BUSINESS
(Deferred April 1, 1992)

House File 2408

The Senate resumed consideration of House File 2408, a bill for an act increasing the penalty for improper use of a handicapped identification device (substituted for Senate File 2046 as amended and deferred on April 1, 1992).

Senator Connolly offered amendment S—5446 filed by him on March 30, 1992, to pages 1, 2 and the title page of the bill and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 23.

Amendment S—5446 lost.

Senator Rife asked and received unanimous consent that action on **House File 2408** be **deferred.**

SENATE RECEDES

House File 2126

Senator Sturgeon called up for consideration House File 2126, a bill for an act relating to providing compensation for the expense of cleaning the scene of a homicide in a residence, amended by the Senate, and moved that the Senate recedes from its amendment.

The motion prevailed by a voice vote and the Senate **receded** from its amendment.

Senator Sturgeon 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. 2126) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Fuhrman

Absent or not voting, 3:

Kersten	McLaren	Tieden

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

BUSINESS PENDING

House File 2408

The Senate resumed consideration of House File 2408, a bill for an act increasing the penalty for improper use of a handicapped identification device, previously deferred.

Senator Lind offered amendment S—5457 filed by him on March 31, 1992, to page 1 and the title page of the bill.

Senator Connolly raised the point of order that amendment S–5457 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5457 out of order.

Senator Connolly 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. 2408) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Welsh

Nays, 3:

Fuhrman	Rensink	Vande Hoef

Absent or not voting, 3:

Lind McLaren Tieden

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

Senator Connolly asked and received unanimous consent that **Senate File 2046** be **withdrawn** from further consideration of the Senate.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:15 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

HOUSE AMENDMENTS CONSIDERED

Senate File 2351

Senator Varn called up for consideration Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices, amended by the House, and moved that the Senate concur in House amendment S—5584 filed April 7, 1992.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senate File 2307

Senator Varn called up for consideration Senate File 2307, a bill for an act relating to the establishment of an Iowa statewide health insurance plan and providing for the applicability of the Act, amended by the House, and moved that the Senate concur in House amendment S—5541 filed April 3, 1992.

A non record roll call was requested.

The ayes were 16, nays 26.

The motion lost and the Senate **refused to concur** in the House amendment.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate Files 2351** and **2307** be **immediately messaged** to the House.

APPENDIX

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-three sixth grade students from Cedar Valley Christian School, Cedar Rapids, accompanied by Karen Bronkhorst. Senators Hannon, Horn and Running.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on April 8, 1992.

Had I been present, I would have voted "aye" on Senate File 2357 and "nay" on House File 2455.

PAUL PATE

AMENDMENTS FILED

S–5605	H.F.	2205	Ralph Rosenberg
S–5606	H.F.	2400	Elaine Szymoniak
S–5607	H.F.	2205	Mike Connolly
S–5608	S.F.	2244	Berl Priebe

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:27 p.m., until 9:00 a.m., Thursday, April 9, 1992.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 9, 1992

The Senate met in regular session at 9:15 a.m., President Gronstal presiding.

Prayer was offered by Reverend David Hensley, pastor of the Otley Reformed Church, Otley, Iowa.

The Journal of Wednesday, April 8, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hagerla until he arrives on request of Senator Drake; Senators Szymoniak, Sturgeon and Murphy until they arrive on request of Senator Hutchins and Senator Soorholtz until he arrives on request of Senator Rife.

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 7, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2294, a bill for an act authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

ALSO: That the House has on April 7, 1992, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 646, a bill for an act to permit school districts to provide educational programs to persons who are beyond the age prescribed as the school age.

House File 2195, a bill for an act providing that certain counties need not maintain a county jail or space for the district court.

House File 2274, a bill for an act relating to the protection of endangered species by the department of natural resources.

House File 2330, a bill for an act relating to the required purchase by electric utilities of megawatts of power.

ALSO: That the House has on April 7, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2197, a bill for an act relating to state and local foster care review boards (S—5609).

Senate File 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production (S—5610).

ALSO: That the House has on April 8, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2348, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing an effective date (S—5611).

ALSO: That the House has on April 8, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 117, a concurrent resolution to designate Labor Day, September 7, 1992, as Help Yourself, Buy American Day.

This resolution was read first time and **passed on file.**

ALSO: That the House has on April 8, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2458, a bill for an act relating to the establishment of an Iowa healthy start program including an infant mortality prevention program and a prenatal to preschool child and family protection services program, and making appropriations.

This bill was read first time and **passed on file.**

House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions.

This bill was read first time and **passed on file.**

Senator Connolly took the chair at 9:22 a.m.

SPECIAL GUESTS

Senator Lloyd-Jones welcomed a delegation of outstanding wrestlers from the Spartak Wrestling Club in Cherkesk, Stravropol region in Russia, which is Iowa's Sister State. Included was one European champion, three national champions and six members of the national team. Bob Utter, Head of Iowa Stravropol Sister State and Sarah Lande accompanied the delegation. Included in the group were:

Delegation head, Yuri Melikerov; assistant coaches, Azamat Baichorov and Khizir Cherkesov; and chief sponsor, Kazbek Kochkarov.

The wrestlers have a four win, one lost record and will be competing in Boone, Sioux City, Council Bluffs, Creston, Mount Ayr, Indianola, Decorah, Cedar Rapids and Pleasant Valley.

President Gronstal took the chair at 9:35 a.m.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called

up the following eligible appointees on the En Bloc Confirmation Calendar:

Mark Leonard as a member of the Agricultural Development Authority.

Norman H. Rudi as a member of the Architectural Examining Board.

Jeffrey W. Courter as a member of the Iowa State Civil Rights Commission.

Barbara A. Nixon as a member of the Credit Union Review Board.

Kim N. Kischer-Larson as a member of the Commission on the Deaf.

Alfred C. Bohling as a member of the Landscape Architectural Examining Board.

Dr. Robert H. Sharp as a member of the Optometry Examining Board.

Ken C. Leo as a member of the Physical and Occupational Therapy Examining Board.

Joseph H. Harper as a member of the Iowa Railway Finance Authority.

Patricia L. Kelley as a member of the Social Work Examining Board.

Mark H. Snell as a member of the Commission on the Status of Women.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal

Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Taylor
Tieden	Varn	Welsh	

Nays, none.

Absent or not voting, 7:

Lloyd-Jones	Murphy	Soorholtz	Sturgeon
Szymoniak	Tinsman	Vande Hoef	

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2213

Senator Hannon called up for consideration Senate File 2213, a bill for an act providing for a rural small business transfer linked investment loan program administered by the treasurer of state, and providing for the deposit of state moneys in financial institutions, amended by the House, and moved that the Senate concur in House amendment S—5558 filed April 6, 1992.

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

Senator Hannon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2213) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen

Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Rife

Absent or not voting, 5:

Murphy	Soorholtz	Sorensen	Sturgeon
Szymoniak			

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2361

On motion of Senator Boswell, Senate File 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds, was taken up for consideration.

Senator Boswell 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. 2361) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen

Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Murphy	Soorholtz	Sturgeon	Szymoniak

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

HOUSE AMENDMENT CONSIDERED

Senate File 260

Senator Jensen called up for consideration Senate File 260, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date, amended by the House in House amendment S—5078 filed February 18, 1992.

Senator Miller offered amendment S—5604 filed by him on April 8, 1992, to page 4 of House amendment S—5078 and moved its adoption.

Amendment S—5604 was adopted by a voice vote.

Senator Jensen moved that the Senate concur in the House amendment as amended.

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

Senator Jensen moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 260) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Murphy	Soorholtz	Sturgeon	Szymoniak

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2358

On motion of Senator Dieleman, Senate File 2358, a bill for an act relating to the assessment of property for property tax purposes, was taken up for consideration.

Senator Dieleman 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. 2358) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Szymoniak

Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Doyle

Absent or not voting, 3:

Murphy	Soorholtz	Sturgeon

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2256

The Senate resumed consideration of House File 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date, deferred April 3, 1992.

Senator Hannon asked and received unanimous consent to withdraw amendment S—5393 filed by the committee on Environment and Energy Utilities on March 26, 1992, to page 2 and the title page of the bill.

Senator Riordan asked and received unanimous consent to withdraw amendment S—5517 filed by Senators Riordan and Hannon on April 2, 1992, to pages 1 and 2 of the bill.

Senator Hannon offered amendment S—5522 filed by Senators Hannon, et al., on April 2, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5522 was adopted by a voice vote.

Senator Hannon asked and received unanimous consent that action on **House File 2256** be **deferred.**

UNFINISHED BUSINESS
(Deferred March 31, 1992)

House File 681

The Senate resumed consideration of House File 681, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law, and amendment S—5412 as amended, by the committee on Judiciary to strike everything after the enacting clause and to the title page of the bill, deferred on March 31, 1992.

Senator Rosenberg offered amendment S—5613 filed by him from the floor to amendment S—5412 and moved its adoption.

Amendment S—5613 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—5412 as amended, which motion prevailed by a voice vote.

Senator Varn 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. 681) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 4:

Connolly	Palmer	Riordan	Vande Hoef

Absent or not voting, 2:

Murphy	Soorholtz

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

UNFINISHED BUSINESS
(Deferred March 27, 1992)

Senate File 2176

The Senate resumed consideration of Senate File 2176, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action, deferred March 27, 1992.

Senator Sturgeon offered amendment S—5551 filed by him on April 3, 1992, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5551 was adopted by a voice vote.

Senator Sturgeon asked and received unanimous consent that **House File 2362 be substituted for Senate File 2176,** as amended.

Senator Sturgeon asked and received unanimous consent that action on **House File 2362** be **deferred.**

House File 2343

The Senate resumed consideration of House File 2343, a bill for an act relating to soil and water conservation by providing for financial incentives (substituted for Senate File 2268 as amended and deferred on March 27, 1992).

Senator McLaren offered amendment S—5343 filed by Senators McLaren, et al., on March 23, 1992, to pages 2, 4 and 8 of the bill and moved its adoption.

Amendment S—5343 was adopted by a voice vote.

Senator Priebe offered amendment S—5461 filed by him on March 31, 1992, to page 5 of the bill and moved its adoption.

Amendment S—5461 was adopted by a voice vote.

Senator Priebe offered amendment S—5372 filed by him on March 25, 1992, to page 5 of the bill and moved its adoption.

Amendment S—5372 was adopted by a voice vote.

Senator Priebe 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. 2343) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Voting present, 1:

Rittmer

Absent or not voting, 2:

Murphy Soorholtz

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

Senator Priebe asked and received unanimous consent that **Senate File 2268** be **withdrawn** from further consideration of the Senate.

MOTION TO RECONSIDER WITHDRAWN

House File 2172

Senator Priebe withdrew the motion to reconsider House File

2172, a bill for an act relating to nonsubstantive Code corrections, filed by him on March 31, 1992, and found on page 1126 of the Senate Journal.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2352** be referred from the Ways and Means Calendar to the committee on **Judiciary** and returned to the Senate Calendar by 3:30 p.m., Thursday, April 9, 1992.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2361** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate File 2314** be referred from the Unfinished Business Calendar to the committee on **Commerce**.

MOTION TO OVERRIDE GOVERNORS VETO LOST

Senate File 2267

Senator Running called up for consideration Senate File 2267, a bill for an act relating to prohibited practices by private and public employers and making penalties applicable, and moved to reconsider and pass the bill, the objection of the Governor notwithstanding, as vetoed by the Governor on April 7, 1992.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 2267) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon

Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Palmer
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 20:

Borlaug	Dieleman	Drake	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 4:

Boswell	Murphy	Rittmer	Soorholtz

The motion having **failed to receive** a two-thirds vote was declared to have lost and the Governors veto was sustained.

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 April 9, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2470, a bill for an act relating to real property that qualifies for property tax exemptions in a revitalization area and providing effective and applicability provisions.

This bill was read first time and **passed on file.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:17 a.m., until 3:00 p.m.

APPENDIX

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 his approval on this 9th day of April, 1992:

Senate Files 2266, 2145, 2344, 200, 2338, 511, 2275, 2276 and Senate Joint Resolution 2006.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

Senator Buhr presented Dr. Konrad Elmer, member of the German Parliament, who serves on the Committee on Women and Youth. He was spending the week at Simpson College as a Woodrow Wilson scholar in residence, a program supported by the Woodrow Wilson Foundation and German Marshal Plan.

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty students from Ames High School, Ames, accompanied by Betty Furr. Senator Rosenberg.

Fifty-four fifth grade students from Oak Park Elementary, Des Moines, accompanied by Sue Renaud and Doris Comstock. Senator Buhr.

Approximately fifty of the 300 Girl Scouts and their leaders from around the state visiting the Capitol. The scouts, representing grades six through twelve, had representation from all but one council in Iowa. Senator Kibbie.

Forty-five eighth grade students from Mar-Mac Middle School, McGregor, accompanied by Mr. Elliott and Mr. Vick. Senator Tieden.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 9, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2114 — Relating to procedures upon the closing of polls using electronic voting or tabulating systems.

SENATE FILE 2132 — Relating to the liability of a creditor under the consumer credit code for an act done or omitted in conformity with a declaratory ruling of the administrator.

SENATE FILE 2134 — Relating to a city officer's or employee's permissible interest in a franchise agreement.

SENATE FILE 2162 — Transferring approval authority over certain land acquisitions by community colleges to the director of the department of education.

SENATE FILE 2174 — Relating to unclaimed property, and providing an effective date and applicability provisions.

SENATE FILE 2180 — Relating to the regulation of credit unions by granting the superintendent certain additional enforcement authority, establishing certain bonding and insurance requirements, and defining certain member rights.

SENATE FILE 2186 — Relating to the time by which community colleges must meet new accreditation standards established by the state board of education and providing for continuation of previous accreditation standards for an additional year.

SENATE FILE 2209 — Relating to viable water systems.

SENATE FILE 2295 — Relating to the Iowa small business new jobs training program and the Iowa retraining program.

SENATE FILE 2311 — Relating to medical assistance program requirements involving health care facilities, certificates of need, and specified low-income federal medicare beneficiaries, and providing an effective date.

GOVERNOR'S VETO MESSAGE

April 9, 1992

The Honorable Michael Gronstal
President of the Senate
State Capitol Building
LOCAL

Dear Mr. President:

Senate File 2013, an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee, is hereby disapproved and transmitted to you in accordance with Article III, Section 6, of the Constitution of the State of Iowa.

In addition to reducing the number of members of the Administrative Rules Review Committee (ARRC) necessary to support a seventy day or session delay on an administrative rule, Senate File 2013 also would authorize the ARRC to delay an adopted rule made effective under the emergency provisions in section 17A.5(2)(b). For the reasons that follow, I cannot approve legislation that would allow the ARRC to delay an adopted rule made effective under the emergency provisions.

The authority of the ARRC to delay a rule which is made effective through the emergency process is unnecessary. Adequate safeguards exist in current law which prevent agencies from abusing the emergency procedure and which allow the ARRC to challenge the validity of a rule made effective at a date sooner than 35 days after filing with the Administrative Rules Coordinator (ARC). Under the regular rulemaking procedures a "waiting period" of 35 days between filing an adopted rule and it becoming effective is required. The purpose of this waiting period is to allow the public an opportunity to become familiar with the new rule and to adjust their affairs to comply with its requirements. In rare cases, the law recognizes that an "emergency" may exist which justifies waiver of the waiting period.

Agency rules can become effective under the emergency provisions only if one of the following conditions exist: a statute so provides, the rule confers a benefit or removes a restriction on the public, or an earlier effective date is necessary because of imminent peril to the public health, safety or welfare. These conditions are very narrowly defined and for good reason - it clearly should be an exceptional situation which allows an agency to waive the delayed effectiveness of an adopted rule. If the agency believes one of the conditions exist and that the adopted rule should be made effective in less than 35 days after filing, the agency must make a specific finding to that effect and state its reasons in the preamble to the adopted rule. To ensure that the affected public is given notice of the contents of an adopted rule made effective under the emergency provision, the law does require the agency to make "reasonable efforts" to inform persons who may be affected by the rule.

The ARRC also has the power to object to a rule made effective under the emergency provisions if no valid reason existed for doing so. When the ARRC objects to a rule, the burden of proof shifts to the agency to prove that the agency satisfied one of the conditions necessary to make the rule effective under the emergency provisions. If the agency fails to meet the burden of proof, a court will find the rule invalid, it is declared null and void, and the agency will be required to pay any court costs incurred by those who brought the action challenging the rule.

The power to object provides a reasonable and effective means for the ARRC to question the legality of an agency's action in making an adopted rule effective through the emergency process. If an emergency situation exists and the agency believes there is good reason to make the rule effective upon filing in the ARC's office, the adopted rule will be effective and the agency will begin implementing it before the ARRC meets to review it. If the ARRC then had the authority to delay the rule, the agency would be required to immediately halt implementation of it. In an agency like the Department of Human Services, this would likely result in disruption in services and confusion across the state in the way programs are administered. The power to object which the ARRC currently has is sufficient to prevent abuses of the emergency process by agencies and provides an orderly means to challenge rules made effective under the emergency provisions.

For the above reasons, I hereby respectfully disapprove Senate File 2013.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2449, a bill for an act relating to the exemption of prosthetic devices oxygen equipment, and certain other durgs and devices from the state sales and use tax and providing a retroactive applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2464, a bill for an act relating to the abatement or refund of property taxes for certian institutions in certain counties and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Dieleman, Husak, Connolly, Deluhery, Fraise, McLaren, Palmer, Rosenberg, Szymoniak and Taylor. Nays, 5: Hedge, Drake, Fuhrman, Hester and Murphy.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5609	S.F.	2197	House amendment
S—5610	S.F.	2298	House amendment
S—5611	S.F.	2348	House amendment
S—5612	S.F.	2363	Mary Kramer Mark Hagerla Linn Fuhrman Derryl McLaren
S—5613	H.F.	681	Ralph Rosenberg
S—5614	H.F.	2256	Jim Riordan Berl Priebe
S—5615	S.F.	2363	Elaine Szymoniak
S—5616	H.F.	2256	Beverly Hannon
S—5617	H.F.	2362	Richard Drake Jack Rife
S—5618	H.F.	2205	Beverly Hannon

AFTERNOON SESSION

The Senate reconvened at 3:00 p.m., President pro tempore Lloyd-Jones presiding.

The Senate stood at ease at 3:05 p.m. until the fall of the gavel.

The Senate resumed session at 3:45 p.m., Senator Kinley presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 31 present, 18 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 390

Senator Kibbie called up for consideration Senate File 390, a bill for an act relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization, amended by the House, and moved that the Senate concur in House amendment S—5563 filed April 6, 1992.

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

Senator Kibbie 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 390) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Lloyd-Jones

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

President Gronstal took the chair at 3:57 p.m.

The Senate stood at ease at 4:00 p.m. until the fall of the gavel.

The Senate resumed session at 4:40 p.m., Senator Kinley presiding.

INTRODUCTION OF BILL

Senate File 2364, by committee on Ways and Means, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

Read first time and **placed on Ways and Means Calendar.**

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2458	Appropriations
H.F.	2465	Appropriations
H.F.	2470	Ways and Means
H.C.R.	117	Business & Labor Relations

SUBCOMMITTEE ASSIGNMENT

Senate File 2352

JUDICIARY: Fuhrman, Chair; Connolly and Sturgeon

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5623.

Final Vote: Ayes, 20: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 1: Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2463, a bill for an act relating to state mandates.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 1: Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2352, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations.

Recommendation: AMEND IN AMENDMENT S—5621 AND THE BILL WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Fuhrman, Connolly, Deluhery, Hagerla, Hester, Miller, Murphy, Pate, and Varn. Nays, 1: Peterson. Absent or not voting, 3: Drake, Horn and Slife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2364 (SSB 2287), a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5619	H.F.	2400	Elaine Szymoniak
S—5620	H.F.	2412	Wally Horn
S—5621	S.F.	2352	Judiciary
S—5622	S.F.	2061	Eugene Fraise Don Gettings
S—5623	H.F.	2452	Appropriations

ADJOURNMENT

On motion of Senator Husak, the Senate adjourned at 4:43 p.m., until 9:00 a.m., Friday, April 10, 1992.

JOURNAL OF THE SENATE

EIGHTY-NINTH CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 10, 1992

The Senate met in regular session at 9:15 a.m., President Gronstal presiding.

Prayer was offered by Reverend Kevin Sorensen, pastor of the Midland Free Evangelical Church, Council Bluffs, Iowa.

The Journal of Thursday, April 9, 1992, was approved.

HOUSE MESSAGES RECEIVED

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 8, 1992, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2207, a bill for an act conforming provisions of the life-sustaining procedures Act to the durable power of attorney for health care law and providing an effective date.

House File 2308, a bill for an act relating to procedures for the involuntary hospitalization of chronic substance abusers and persons who are seriously mentally impaired.

INTRODUCTION OF BILL

Senate File 2365, by committee on Ways and Means, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Read first time and **placed on Ways and Means Calendar.**

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Priebe and Kibbie for the day on request of Senator Hutchins.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointees on the En Bloc Confirmation Calendar:

Maude E. White as a member of the Commission on the Status of African-Americans.

James A. Raecker, D.D.S. as a member of the Dental Examining Board.

Jean E. Oxley as a member of the Mental Health and Mental Retardation Commission.

Bruce G. Kelley as a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

George L. Stigler as a member of the Commission on the Status of Women.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife

Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 6:

Kibbie	Pate	Priebe	Running
Soorholtz	Welsh		

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Rosenberg called up the appointment of Verlon L. Britt as a member of the Environmental Protection Commission, placed on the Individual Confirmation Calendar on March 2, 1992, and found on page 578 of the Senate Journal.

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

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

Ayes, 40:

Borlaug	Boswell	Buhr	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Welsh

Nays, 6:

Connolly	Dieleman	Gronstal	Murphy
Sturgeon	Varn		

Absent or not voting, 4:

Kibbie	Pate	Priebe	Soorholtz

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

Senator Running called up the appointment of Alan L. Thompson as a member of the Barber Examining Board, placed on the Individual Confirmation Calendar on April 1, 1992, and found on page 1146 of the Senate Journal.

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

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

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Kibbie	Pate	Priebe	Soorholtz

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2389

The Senate resumed consideration of House File 2389, a bill for an act relating to professions regulated by the board of dental examiners, deferred April 3, 1992.

Senator Buhr 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. 2389) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 1:

Lind

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

HOUSE AMENDMENT CONSIDERED

Senate File 2298

Senator Vande Hoef called up for consideration Senate File 2298, a bill for an act relating to the retail sales tax, by exempting hay, straw, and paper bedding used in agricultural production, amended by the House, and moved that the Senate concur in House amendment S—5610 filed April 9, 1992.

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

Senator Vande Hoef 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2298) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Vande Hoef
Varn	Welsh		

Nays, 1:

Tinsman

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2363

On motion of Senator Szymoniak, Senate File 2363, a bill for an act relating to the development and implementation of cost-effective health-related measures, including measures relating to pregnant women and children, and making appropriations, was taken up for consideration.

Senator Szymoniak offered amendment S—5603 filed by her on April 8, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5603 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5625 filed by her from the floor to pages 2-4 of the bill and moved its adoption.

Amendment S—5625 was adopted by a voice vote.

Senator Connolly offered amendment S—5598 filed by him on April 8, 1992, to page 4 of the bill.

Senator McLaren raised the point of order that amendment S—5598 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5598 in order.

Senator Kinley took the chair at 10:14 a.m.

Senator Connolly moved the adoption of amendment S—5598.

A record roll call was requested.

On the question "Shall amendment S—5598 be adopted?" (S.F. 2363) the vote was:

Ayes, 27:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fraise	Gettings
Hagerla	Hannon	Hedge	Horn
Hutchins	Kinley	Lloyd-Jones	Miller
Murphy	Peterson	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Welsh	

Nays, 20:

Doyle	Drake	Fuhrman	Gronstal
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Palmer
Pate	Rensink	Rife	Running
Slife	Tieden	Vande Hoef	Varn

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

Amendment S—5598 was adopted.

Senator Kramer asked and received unanimous consent to withdraw amendment S—5612 filed by Senators Kramer, et al., on April 9, 1992, to pages 4 and 5 of the bill.

Senator Szymoniak offered amendment S—5615 filed by her on April 9, 1992, to pages 4 and 5 of the bill and moved its adoption.

Amendment S—5615 was adopted by a voice vote.

Senator Borlaug filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5598 to Senate File 2363 was adopted by the Senate on April 10, 1992.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2363) the vote was:

Ayes, 21:

Borlaug	Drake	Fuhrman	Gronstal
Hagerla	Hester	Husak	Jensen
Kersten	Kramer	Lind	McLaren
Palmer	Pate	Rensink	Rife
Slife	Taylor	Tinsman	Vande Hoef
Varn			

Nays, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Hannon	Hedge	Horn	Hutchins
Kinley	Lloyd-Jones	Miller	Murphy
Peterson	Riordan	Rittmer	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Tieden	Welsh		

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

The motion lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Soorholtz until he arrives on request of Senator Rife.

President Gronstal took the chair at 11:12 a.m.

Senator Szymoniak 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. 2363) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Drake	Fraise	Gronstal	Hannon
Horn	Hutchins	Kinley	Kramer
Lind	Lloyd-Jones	Murphy	Palmer
Peterson	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 17:

Borlaug	Dieleman	Doyle	Fuhrman
Gettings	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	McLaren
Pate	Rensink	Taylor	Tieden
Vande Hoef			

Absent or not voting, 5:

Kibbie	Miller	Priebe	Running
Soorholtz			

Senator Hutchins asked and received unanimous consent that **Senate File 2363** be **immediately messaged** to the House.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2348

Senator Rosenberg called up for consideration Senate File 2348, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1992, and providing and effective date, amended by the House, and moved

that the Senate concur in House amendment S—5611 filed April 9, 1992.

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

Senator Rosenberg 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2348) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 1:

Taylor

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2463.

House File 2463

On motion of Senator Lloyd-Jones, House File 2463, a bill for an act relating to state mandates, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones 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. 2463) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2364.

Senate File 2364

On motion of Senator Husak, Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax

assessments and providing effective and applicability provisions, was taken up for consideration.

Senator Husak 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. 2364) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

UNFINISHED BUSINESS

House File 2452

The Senate resumed consideration of House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial

responsibility provisions, and providing for related matters, deferred on April 1, 1992, referred to the committee on Appropriations on April 6, 1992, reported out with recommendation for amendment and passage, and returned to the Unfinished Business Calendar on April 9, 1992.

Senator Rosenberg offered amendment S—5410 filed by the committee on Judiciary on March 26, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Rosenberg offered amendment S—5623 filed by the committee on Appropriations on April 9, 1992, to pages 3-5, 7-17 and 23-26 of amendment S—5410 and moved its adoption.

Amendment S—5623 was adopted by a voice vote.

Sentor Rosenberg moved the adoption of amendment S—5410 as amended, which motion prevailed by a voice vote.

Senator Rosenberg 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. 2452) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

UNFINISHED BUSINESS
(Deferred April 9, 1992)

House File 2256

The Senate resumed consideration of House File 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date, deferred April 9, 1992.

Senator Hannon offered amendment S—5616 filed by her on April 9, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5616 was adopted by a voice vote.

Senator Riordan asked and received unanimous consent to withdraw amendment S—5614 filed by Senators Riordan and Priebe on April 9, 1992, to page 3 of the bill.

Sentor Riordan offered amendment S—5626 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5626 was adopted by a voice vote.

Senator Hannon 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. 2256) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon

Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kibbie	Priebe	Soorholtz

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

UNFINISHED BUSINESS
(Deferred April 9, 1992)

House File 2362

The Senate resumed consideration of House File 2362, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action, (substituted for Senate File 2176 as amended and deferred April 9, 1992).

Senator Drake offered amendment S—5617 filed by Senators Drake and Rife on April 9, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5617 lost by a voice vote.

Senator Sturgeon offered amendment S—5632 filed by Senators Sturgeon, et al., from the floor to pages 3, 6, 7, 10 and 11 of the bill and moved its adoption.

Amendment S—5632 was adopted by a voice vote.

Senator Slife offered amendment S—5579 filed by Senators Slife and Palmer on April 7, 1992, to page 4 of the bill.

Senator Riordan took the chair at 12:38 p.m.

President Gronstal took the chair at 12:47 p.m.

Senator Slife moved the adoption of amendment S—5579.

A non record roll call was requested.

The ayes were 6, nays 30.

Amendment S—5579 lost.

Senator Palmer withdrew amendment S—5578 filed by him on April 7, 1992, to page 4 of the bill.

Senator Rensink offered amendment S—5633 filed by him from the floor to pages 7, 9, 11 and 13 of the bill and called for a division: lines 3, 9 and 10 as division S—5633A; lines 11-16 as division S—5633B and lines 4-8 as division S—5633C.

Senator Rensink withdrew divisions S—5633A and S—5633C.

Senator Rensink moved the adoption of division S—5633B, which motion lost by a voice vote.

Senator Rensink offered amendment S—5637 filed by Senators Rensink and Doyle from the floor to page 11 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 24.

Amendment S—5637 lost.

Senator Lind offered amendment S—5628 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—5628 lost by a voice vote.

Senator Rensink offered amendment S—5639 filed by him from the floor to pages 12 and 13 of the bill and moved its adoption.

Amendment S—5639 lost by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the day on request of Senator Vande Hoef.

BUSINESS PENDING

House File 2362

The Senate resumed consideration of House File 2362.

Senator Lind offered amendment S—5627 filed by him from the floor to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5627 be adopted?" (H.F. 2362) the vote was:

Ayes, 13:

Borlaug	Fuhrman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
McLaren	Rensink	Rife	Slife
Vande Hoef			

Nays, 30:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Kinley	Lloyd-Jones
Miller	Murphy	Pate	Peterson
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Absent or not voting, 7:

Hutchins	Kibbie	Palmer	Priebe
Running	Soorholtz	Taylor	

Amendment S—5627 lost.

Senator Rensink offered amendment S—5635 filed by him from the floor to pages 1-3 of the bill and called for a division: line 7 as division S—5635A and lines 3-6 as division S—5635B.

Senator Rensink withdrew division S—5635A.

Senator Rensink moved the adoption of division S—5635B, which motion lost by a voice vote.

Senator Rensink offered amendment S—5638 filed by him from the floor to pages 1, 2 and 5-7 of the bill and moved its adoption.

Amendment S—5638 lost by a voice vote.

Senator Rensink offered amendment S—5636 filed by him from the floor to pages 2-4 of the bill and called for a division: lines 21-24 as division S—5636A and lines 3-20 as division S—5636B.

Senator Rensink withdrew division S—5636A.

Senator Rensink moved the adoption of division S—5636B, which motion lost by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer for the remainder of the day on request of Senator Horn.

BUSINESS PENDING

House File 2362

The Senate resumed consideration of House File 2362.

Senator Sturgeon 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. 2362) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kinley	Kramer	Lloyd-Jones	Miller
Murphy	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Varn	Welsh

Nays, 5:

Fuhrman	Lind	McLaren	Slife
Vande Hoef			

Absent or not voting, 5:

Kibbie	Palmer	Priebe	Soorholtz
Taylor			

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

WITHDRAWN

Senator Sturgeon asked and received unanimous consent that **Senate File 2176** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2364** and **House Files 2256, 2362, 2389, 2452** and **2463** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **Senate Joint Resolution 2004** be referred from the Regular Calendar to the committee on **Education**.

The Senate stood at ease at 1:45 p.m. until the fall of the gavel.

The Senate resumed session at 2:28 p.m., President Gronstal presiding.

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 April 10, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates (S—5644).

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 9, 1992, 3:10 p.m.

Members Present: Priebe, Chair; Peterson, Vice Chair; Soorholtz, Ranking Member; Boswell, Doyle, Fraise, Hedge, Hester, Husak, Palmer, Rittmer and Vande Hoef.

Members Absent: McLaren, Miller (excused) and Riordan (excused).

Committee Business: Presentation by the National Psuedorabies Eradication Program regarding the effects to herds of swine in Iowa.

Adjourned: 3:32 p.m.

APPROPRIATIONS

Convened: April 9, 1992, 4:10 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: none.

Committee Business: Recommended passage of House Files 2452 and 2465 as amended; recommended passage of House File 2463.

Adjourned: 5:00 p.m.

JUDICIARY

Convened: April 9, 1992, 3:13 p.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Varn.

Members Absent: Drake and Slife.

Committee Business: Amended Senate File 2352 and placed the bill on the calendar without recommendation.

Adjourned: 3:28 p.m.

STATE GOVERNMENT

Convened: April 9, 1992, 1:42 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen and Vande Hoef.

Members Absent: Kramer and Welsh.

Committee Business: Kay Williams, executive director of the Iowa Campaign Finance Disclosure Commission, addressed the committee regarding ethics and campaign finance in Senate Files 2359 and 2360.

Adjourned: 2:58 p.m.

WAYS AND MEANS

Convened: April 9, 1992, 11:25 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House Files 2449 and 2464; recommended passage of House File 2456 as amended; approved SSBs 2287 and 2291 as committee bills.

Adjourned; 12:10 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in preparing the Senate amendment to the House amendment to Senate File 2117, the following correction was made:

Amendment S—5594:

1. Page 1, line 6, the word "care" was changed to the word "card".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2363, the following correction was made:

1. Page 9, line 3, the words "subsection 3" were changed to the words "subsection 4".

JOHN F. DWYER
Secretary of the Senate

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5640.

Final Vote: Ayes, 16: Boswell, Husak, Tieden, Buhr, Connolly, Hagerla, Lind, Lloyd-Jones, McLaren, Peterson, Rensink, Riordan, Running, Tinsman, Varn and Welsh. Nays, 1: Rosenberg. Absent or not voting, 4: Gettings, Kersten, Pate and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5624.

Final Vote: Ayes, 21: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2366 (LSB 6152), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Boswell, Husak, Tieden, Buhr, Connolly, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Tinsman, Varn and Welsh. Nays, none. Absent or not voting, 3: Gettings, Kersten and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2365 (SSB 2291), a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2456, a bill for an act relating to the production of ethanol, providing for the appropriations and allocation of moneys, providing applicability and effective dates, and providing for the repeal and recodification of provisions of the Act.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S–5631.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Deluhery, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Szymoniak and Taylor. Nays, none. Pass, 3: Connolly, Drake and Rosenberg.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2366, by committee on Appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

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 his approval on this 10th day of April, 1992:

Senate Files 2342, 2179, 2063, 2059, 84 and 2024.

JOHN F. DWYER
Secretary of the Senate

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighty sixth grade students from Washington Elementary School, Atlantic, accompanied by Mrs. Paasch, Mrs. Bates, Wendall Pellett, Cathy Larsen and Paulette Hansen. Senators Hester and McLaren.

Fifty-five eighth grade students from Van Buren Community School, Keosauqua, accompanied by Chuck Russell. Senator Fraise.

Thirty-two sixth grade students from Orient-Macksburg Elementary School, Orient, accompanied by John Dunlevy. Senator Boswell and Riordan.

Twenty-seven fifth grade students from McCallsburg Elementary School, McCallsburg, accompanied by Kathy Bendixen. Senator Sorensen.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2348 passed the Senate on April 10, 1992.

RALPH ROSENBERG

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2348 passed the Senate on April 10, 1992.

LEONARD L. BOSWELL

ANNOUNCEMENT OF APPOINTMENTS BY PRESIDENT OF THE SENATE

The President of the Senate announced the following statutory appointments:

TRUSTEE OF POLICE AND FIRE RETIREMENT SYSTEM
(Code 411.36)

Senator Larry Murphy — Due to Senator Kibbie's resignation from the board and Senator Deluhery not being able to fulfill the commitment for the full term, Senator Murphy will fill the unexpired term and is also appointed for a full term, 4/10/92-4/30/94.

WALLACE TECHNOLOGY TRANSFER BOARD
(Code 28.154)

Senator Leonard Boswell — Due to Senator Kibbie's resignation from the board, Senator Boswell is appointed to fill the unexpired term, 4/10/92-6/30/93.

AMENDMENTS FILED

S–5624	H.F.	2465	Appropriations
S–5625	S.F.	2363	Elaine Szymoniak
S–5626	H.F.	2256	Jim Riordan
S–5627	H.F.	2362	Jim Lind
S–5628	H.F.	2362	Jim Lind
S–5629	H.F.	2205	Beverly Hannon Ralph Rosenberg

S—5630	H.F.	2465	Mike Connolly
S—5631	H.F.	2456	Ways and Means
S—5632	H.F.	2362	Al Sturgeon
			Jim Kersten
			Richard Varn
			John Jensen
			Patrick Deluhery
S—5633	H.F.	2362	Wilmer Rensink
S—5634	S.F.	2352	Donald Doyle
			Linn Fuhrman
S—5635	H.F.	2362	Wilmer Rensink
S—5636	H.F.	2362	Wilmer Rensink
S—5637	H.F.	2362	Wilmer Rensink
			Donald Doyle
S—5638	H.F.	2362	Wilmer Rensink
S—5639	H.F.	2362	Wilmer Rensink
S—5640	H.F.	2462	Appropriations
S—5641	H.F.	2465	Leonard Boswell
			Michael Gronstal
S—5642	S.F.	2362	Ralph Rosenberg
S—5643	S.J.R.	2008	Maggie Tinsman
			Mary Kramer
			Harry Slife
			Elaine Szymoniak
			Larry Murphy
			Ralph Rosenberg
S—5644	S.F.	2355	House amendment

ADJOURNMENT

On motion of Senator Tinsman, the Senate adjourned at 2:30 p.m., until 10:00 a.m., Monday, April 13, 1992.

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
SIXTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 13, 1992

The Senate met in regular session at 10:16 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Mark Harrington, pastor of the St. Marys Catholic Church, Willey, Iowa.

The Journal of Friday, April 10, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Riordan and Running until they arrive on request of Senator Hutchins.

HOUSE MESSAGES RECEIVED

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 9, 1992, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2165, a bill for an act relating to disputes regarding health service charges in workers' compensation cases.

House File 2428, a bill for an act relating to including out-of-state liquor, wine, or beer licensees or permittees in, and exempting class "E" liquor control licensees from, Iowa's dramshop Act.

SPECIAL GUESTS

Senators Lloyd-Jones and Tinsman presented the following guests and escorted them to the rostrum:

Amy Worthen, Iowa Sister States Yamanashi Chair and Makoto Koshiishi, Yamanashi Perfectural Rep in Iowa.

In honor of the 30th Anniversary of the relationship with Iowa, and in response to a joint resolution passed by the Iowa 74th General Assembly, the Japanese Perfecture passed a resolution, which was hand-printed in Japanese, framed and presented by Mr. Koshiishi to the Iowa Senate. The resolution expressed the continuation of the promotion of mutual goodwill and friendship and the propulsion of various kinds of exchange activity between Yamanashi Perfecture and the State of Iowa.

Senator Lloyd-Jones gave brief remarks on the beginning of the relationship between Yamanashi Perfecture and Iowa, and thanked them for the resolution on behalf of the Iowa Senate.

Senator Connolly took the chair at 10:35 a.m.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointee on the En Bloc Confirmation Calendar:

Judith B. Nye as a member of the Iowa Higher Education Loan Authority.

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

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

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen

Szymoniak	Taylor	Tieden	Tinsman
Varn			

Nays, none.

Absent or not voting, 5:

Pate	Running	Sturgeon	Vande Hoef
Welsh			

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

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2366.

Senate File 2366

On motion of Senator Boswell, Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, was taken up for consideration.

Senator Boswell 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. 2366) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan

Rittmer	Rosenberg	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Running	Sturgeon	Welsh

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

Senator Hutchins asked and received unanimous consent that **Senate File 2366 be immediately messaged** to the House.

Senate File 2362

On motion of Senator Peterson, Senate File 2362, a bill for an act relating to polystyrene products and making an appropriation, was taken up for consideration.

Senator Rosenberg offered amendment S—5642 filed by Senators Rosenberg and Murphy on April 10, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5642 was adopted by a voice vote.

Senator Peterson 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. 2362) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Soorholtz	Sorensen	Szymoniak	Tieden
Varn			

Nays, 18:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Slife	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 3:

Running	Sturgeon	Welsh

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

Senator Hutchins asked and received unanimous consent that **Senate File 2362** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2197

Senator Sorensen called up for consideration Senate File 2197, a bill for an act relating to state and local foster care review boards, amended by the House, and moved that the Senate concur in House amendment S—5609 filed April 9, 1992.

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

Senator Sorensen 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2197) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe

Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Pate	Running	Sturgeon	Welsh

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

The Senate stood at ease at 11:18 a.m. until the fall of the gavel.

The Senate resumed session at 11:28 a.m., Senator Connolly presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:30 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., Senator Sturgeon presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Welsh called up the appointment of Linda Hanson as Director of the Department of Personnel, placed on the Individual Confirmation Calendar on February 27, 1992, and found on page 497 of the Senate Journal.

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

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

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rosenberg	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Rittmer Running

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

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2465.

House File 2465

On motion of Senator Varn, House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Varn offered amendment S—5624 filed by the committee on Appropriations on April 10, 1992, to strike everything after the enacting clause of the bill.

Senator Boswell offered amendment S—5641 filed by Senators Boswell and Gronstal on April 10, 1992, to page 15 of amendment S—5624 and moved its adoption.

Amendment S—5641 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he returns on request of Senator Taylor.

BUSINESS PENDING

House File 2465

The Senate resumed consideration of House File 2465.

Senator Connolly offered amendment S—5630 filed by him on April 10, 1992, to page 16 of amendment S—5624.

Senator Lind raised the point of order that amendment S—5630 to amendment S—5624 was not germane.

The Chair ruled the point well taken and amendment S—5630 out of order.

Senator Horn offered amendment S—5650 filed by him from the floor to page 20 of amendment S—5624 and moved its adoption.

Amendment S—5650 was adopted by a voice vote.

Senator Varn offered amendment S—5652 filed by him from the floor to pages 11 and 12 of amendment S—5624 and moved its adoption.

Amendment S—5652 was adopted by a voice vote.

Senator Varn withdrew amendment S—5653 filed by him from the floor to pages 16 and 23 of amendment S—5624.

Senator Varn offered amendment S—5654 filed by him from the floor to pages 21 and 23 of amendment S—5624 and moved its adoption.

Amendment S—5654 was adopted by a voice vote.

Senator Varn moved the adoption of amendment S—5624 as amended, which motion prevailed by a voice vote.

President pro tempore Lloyd-Jones took the chair at 3:02 p.m.

Senator Varn 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. 2465) the vote was:

Ayes, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hagerla	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Tieden	Varn	Welsh	

Nays, 18:

Drake	Fuhrman	Hannon	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Rensink
Rife	Rittmer	Sturgeon	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 1:

Borlaug

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

Senator Hutchins asked and received unanimous consent that **House File 2465** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2462

On motion of Senator Riordan, House File 2462, a bill for an act appropriating funds to the department of economic

development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Riordan offered amendment S—5640 filed by the committee on Appropriations on April 10, 1992, to pages 1-6, 8, 10-13, 22, 24, 26 and the title page of the bill.

Senator Welsh asked and received unanimous consent that action on amendment S—5640 be temporarily deferred.

Senator Taylor offered amendment S—5655 filed by Senators Taylor and Pate from the floor to page 7 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5655 be adopted?" (H.F. 2462) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 10:

Borlaug	Fuhrman	Hedge	Hester
Jensen	Pate	Rensink	Taylor
Tieden	Vande Hoef		

Nays, 40:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Amendment S—5655 lost.

Senator Kramer offered amendment S—5651 filed by Senators Kramer, Slife and Borlaug from the floor to page 20 of the bill.

Senator Hutchins raised the point of order that amendment S—5651 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5651 out of order.

Senator Kramer asked and received unanimous consent to withdraw amendment S—5649 filed by Senators Kramer and Borlaug from the floor to page 10 of the bill.

The Senate resumed consideration of amendment S—5640, previously deferred.

Senator Welsh asked and received unanimous consent to withdraw amendment S—5656 filed by Senators Connolly, et al., from the floor to page 4 of amendment S—5640.

Senator Priebe asked and received unanimous consent that action on amendment S—5640 and **House File 2462** be **deferred.**

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 April 13, 1992, **insisted** on its amendment to **Senate File 2351,** a bill for an act relating to state budget and financial control by requiring certain financial practices, and that the members of the **Conference Committee** on part of the House are: The Representative from Polk, Mr. Hatch, Chair; the Representative from Green, Mr. Blanshan; the Representative from Clayton, Mr. Halvorson; the Representative from Cherokee, Mr. Miller; the Representative from Lee, Mr. Wise.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2351** on the part of the Senate: Senators Varn, Chair; Boswell, Gronstal, McLaren and Lind.

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2205

The Senate resumed consideration of House File 2205, a bill for an act relating to solid waste, deferred April 3, 1992.

Senator Murphy withdrew amendment S—5438 filed by him on March 30, 1992, to pages 1, 3 and the title page of the bill.

Senator Hannon offered amendment S—5572 filed by her on April 6, 1992, to pages 1 and 3 of the bill.

Senator Jensen raised the point of order that amendment S—5572 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5572 out of order.

Senator Gronstal offered amendment S—5447 filed by him on March 31, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5447 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5605 filed by him on April 8, 1992, to pages 1 and 3 of the bill and moved its adoption.

Amendment S—5605 was adopted by a voice vote.

Senator Hannon offered amendment S—5439 filed by her on March 30, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5439 was adopted by a voice vote.

Senator Hannon offered amendment S—5618 filed by her on April 9, 1992, to pages 1 and 2 of the bill and called for a division: lines 3-13 as division S—5618A and lines 14-32 as division S—5618B.

Senator Hannon withdrew division S—5618A.

Senator Hannon moved the adoption of division S—5618B, which motion prevailed by a voice vote.

Senator Connolly withdrew amendment S—5413 filed by him on March 26, 1992, to page 2 of the bill.

Senator Connolly withdrew amendment S—5607 filed by him on April 8, 1992, to page 2 of the bill.

Senator Hannon offered amendment S—5557 filed by her on April 3, 1992, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5557 was adopted by a voice vote.

Senator Hannon asked and received unanimous consent to withdraw amendment S—5629 filed by Senators Hannon and Rosenberg on April 10, 1992, to page 3 of the bill.

Senator Lind offered amendment S—5657 filed by Senators Lind, et al., from the floor to page 3 of the bill and moved its adoption.

Amendment S—5657 was adopted by a voice vote.

Senator Jensen offered amendment S—5385 filed by him on March 26, 1992, to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 16.

Amendment S—5385 was adopted.

President Gronstal took the chair at 4:37 p.m.

Senator Hannon 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. 2205) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson

Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

Senator Hutchins asked and received unanimous consent that **House File 2205** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2462

The Senate resumed consideration of House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, and amendment S—5640 by the committee on Appropriations to pages 1-6, 8, 10-13, 22, 24, 26 and the title page of the bill, previously deferred.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5658 filed by Senators Priebe, et al., from the floor to page 2 of amendment S—5640.

Senator Priebe offered amendment S—5659 filed by Senators Priebe, et al., from the floor to page 2 of amendment S—5640 and moved its adoption.

A non record roll call was requested.

The ayes were 27, nays 8.

Amendment S—5659 was adopted.

Senator Riordan moved the adoption of amendment S—5640 as amended, which motion prevailed by a voice vote.

Senator Riordan 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. 2462) the vote was:

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Palmer	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 24:

Borlaug	Drake	Fuhrman	Gronstal
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

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

Senator Hutchins asked and received unanimous consent that **House File 2462** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2352

On motion of Senator Fuhrman, Senate File 2352, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle license revocations, referred to the committee on Judiciary on April 9, 1992, reported out with amendment and the bill without recommendation on April 9, 1992, was taken up for consideration.

Senator Fuhrman offered amendment S—5621 filed by the committee on Judiciary on April 9, 1992, to page 2 of the bill.

Senator Peterson asked and received unanimous consent that action on amendment S—5621 and **Senate File 2352** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 2231

Senator Murphy called up for consideration Senate File 2231, a bill for an act relating to abuse of dependent persons including the limitations on departmental investigations, the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, the requirement of mandatory reporter training, establishing the crime of homicide by abuse, and providing a penalty, amended by the House in House amendment S—5555 filed April 3, 1992.

Senator Szymoniak offered amendment S—5580 filed by her on April 7, 1992, to House amendment S—5555.

Senator Varn raised the point of order that amendment S—5580 to House amendment S—5555 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5580 in order.

Senator Szymoniak moved the adoption of amendment S—5580 to House amendment S—5555, which motion lost by voice vote.

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

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dieleman for the remainder of the day on request of Senator Hutchins.

BUSINESS PENDING

Senate File 2231

The Senate resumed consideration of Senate File 2231.

Senator Murphy 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2231) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Dieleman

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

Senator Hutchins asked and received unanimous consent that **Senate File 2231** be **immediately messaged** to the House.

The Senate stood at ease at 5:30 p.m. until the fall of the gavel.

The Senate resumed session at 5:42 p.m., President Gronstal presiding.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 10, 1992, 1:50 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Tinsman, Varn and Welsh.

Members Absent: Gettings, Kersten and Szymoniak (all excused).

Committee Business: Amended and approved LSB 6152 as a committee bill; recommended passage of House File 2462 as amended.

Adjourned: 2:15 p.m.

PETITIONS

The following petitions opposing the reduction of Phase III educational funding were presented and placed on file by:

Senator Hester from thirty-six residents of Harrison County.
Senator Lind from 30 residents of Black Hawk County.
Senator Tieden from 13 residents of Allamakee and Winneshiek Counties.

The following petitions opposing any increase in property taxes were presented and placed on file by:

Senator Hedge from 110 residents of Keokuk, Jefferson and Linn.
Senator McLaren from 187 residents of Fremont and Page Counties.

The following petitions were presented and placed on file by:

Senator Lind from 216 residents of Black Hawk County favoring legislation supporting a one cent state sales tax increase for full educational funding.

Senator Lind from 614 residents of Black Hawk County favoring legislation for full funding of the current school foundation formula and to petition the governor and legislature to raise the revenue necessary to fund local schools in Iowa.

Senator Rensink from 31 residents of Woodbury County favoring legislation to maintain quality education.

Senator Gettings from 247 residents of Davis, Wapello and Appanoose Counties favoring opening the walking trails in dry or frozen weather at Lake Wapello to horseback riders.

Senator Taylor from 102 residents of Eastern Iowa opposing the use of public money for the continued operation of Iowa's Labor-Management Councils.

PRESENTATION OF VISITORS

Senator Pate presented the following students who were recipients of the Outstanding Student in Government Award: Brittney Behning, Linn-Mar High School; Korie L. Houser, Regis High School; Trevor R. Cook, Marion High School; Jason Denney, Washington High School and Amy Whitehill, J.F. Kennedy High School.

The Chair welcomed the following visitors who were present in the Senate gallery:

One hundred eighty seventh grade students from Anson Middle School, Marshalltown, accompanied by Connie Mogard. Senator Soorholtz.

Students from Schaller/Crestland School, Schaller, Early and Nemaha, accompanied by Bob Hantsbarger, Lisa Brennenman, Sandy Hurd, Paul Ledley and Supt. Al Meyer. Senator Fuhrman.

Twenty members of the PEO Chapter of Cedar Falls, accompanied by Mrs. Polly Slife. Senator Slife.

The following visitors were present in the Senate gallery on April 10, 1992:

Sixty-five fourth and fifth grade students from Harris Lake Park Elementary School, Harris, accompanied by Judy Brueggeman. Senator Vande Hoef.

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 his approval on this 13th day of April, 1992:

Senate Files 316, 2005, 2110, 2255, 2235 and 2217.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 13, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 511 — Relating to certified exchange boundaries for local exchange utilities and providing an effective date.

SENATE FILE 2275 — Relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

SENATE FILE 2276 — Relating to consumer fraud and providing penalties and providing an effective date.

SENATE JOINT RESOLUTION 2006 — To nullify administrative rules relating to nail technology adopted by the board of cosmetology examiners and providing an effective date.

AMENDMENTS FILED

S—5645	S.F.	2061	Eugene Fraise Don Gettings
S—5646	H.F.	2454	Florence Buhr Leonard Boswell
S—5647	H.F.	2449	William Dieleman William Palmer
S—5648	H.F.	2382	H. Kay Hedge Berl Priebe Jim Riordan

S—5649	H.F.	2462	Mary Kramer
			Allen Borlaug
S—5650	H.F.	2465	Wally Horn
S—5651	H.F.	2462	Mary Kramer
			Harry Slife
			Allen Borlaug
S—5652	H.F.	2465	Richard Varn
S—5653	H.F.	2465	Richard Varn
S—5654	H.F.	2465	Richard Varn
S—5655	H.F.	2462	Ray Taylor
			Paul Pate
S—5656	H.F.	2462	Mike Connolly
			Joe Welsh
			Jim Riordan
			Leonard Boswell
S—5657	H.F.	2205	Jim Lind
			Emil Husak
			Harry Slife
			John Kibbie
			Richard Drake
			Don Gettings
S—5658	H.F.	2462	Berl Priebe
			Jim Kersten
			Richard Drake
			Jim Lind
S—5659	H.F.	2462	Berl Priebe
			Jim Kersten
			Richard Drake
			Jim Lind
S—5660	S.F.	2352	John Peterson

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:44 p.m., until 9:00 a.m., Tuesday, April 14, 1992.

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
SIXTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 14, 1992

The Senate met in regular session at 9:12 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Robert Taylor, pastor of the Reorganized Church of the Latter Day Saints, Cedar Rapids, Iowa.

The Journal of Monday, April 13, 1992, was approved.

PRESENTATION OF PELLA TULIP QUEEN

Senator Dieleman presented Betsy Brandl, Queen of the Fifty-seventh Annual Tulip Time Festival, who in turn introduced the members of her court: Amy Van Vark, Angie Ryken, Amy Vander Werf and Heidi Vermeer.

Queen Betsy invited the members of the Senate to attend the Tulip Time Festival in Pella, May 7, 8 and 9, 1992.

The Queen, her attendants and their parents distributed the famous Dutch cookies to the senators and staff.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he arrives on request of Senator Rife.

HOUSE MESSAGES RECEIVED

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 10, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2011, a bill for an act relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters.

ALSO: That the House has on April 10, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2384, a bill for an act relating to methods by which students may attend instruction in other than the students' public school district of residence; by making changes in the requirement relating to the offering and charging of tuition for drivers education; by making changes in the transportation and athletic participation provisions under open enrollment; making changes in other athletic participation requirements; making changes in the method by which the amount of phase II and phase III moneys transferred between districts engaged in whole grade sharing are calculated; changing the date by which phase III plans must be submitted to the department of education; changing the reporting requirements and testing requirements of some students receiving competent private instruction who are also enrolled in a public school district under dual enrollment or in a home school assistance program; modifying rules relating to parental notice and presence during questioning in sexual abuse investigations; making other related changes; and providing an effective date.

ALSO: That the House has on April 13, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road

use tax fund, and primary road fund and providing an effective date (S—5663).

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2456

On motion of Senator Husak, House File 2456, a bill for an act relating to the production of ethanol, providing for the appropriation and allocation of moneys, providing applicability and effective dates; and providing for the repeal and recodification of provisions of the Act, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—5631 filed by the committee on Ways and Means on April 10, 1992, to pages 3-6 of the bill.

Senator Riordan took the chair at 10:03 a.m.

Senator Husak moved the adoption of amendment S—5631 and requested a non record roll call.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 22, nays 27.

Amendment S—5631 lost.

Senator Drake offered amendment S—5668 filed by him from the floor to pages 2, 3 and 6-8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5668 be adopted?" (H.F. 2456) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten

Kramer	Lind	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Rosenberg	Slife	Tieden	Tinsman
Vande Hoef			

Nays, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Running	Soorholtz	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Absent or not voting, 1:

Taylor

Amendment S—5668 lost.

Senator Husak 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. 2456) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Boswell	Buhr	Deluhery	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hannon	Hester	Horn	Husak
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Riordan	Running	Slife
Soorholtz	Sorensen	Szymoniak	Vande Hoef
Varn	Welsh		

Nays, 17:

Borlaug	Connolly	Drake	Fuhrman
Hagerla	Hedge	Jensen	Kersten
Kramer	McLaren	Pate	Rife
Rittmer	Rosenberg	Sturgeon	Tieden
Tinsman			

Voting present, 2:

Kinley Lind

Absent or not voting, 1:

Taylor

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

Senator Hutchins asked and received unanimous consent that **House File 2456** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointee on the En Bloc Confirmation Calendar:

Gerald L. Fields as a member of the Commission on the Status of African Americans.

Marcia J. Benit as a member of the Credit Union Review Board.

Jerry C. Prahl as a member of the Dental Examining Board.

Terry K. Lichty as a member of the Podiatry Examining Board.

Richard P. Canella as a member of the State Racing and Gaming Commission.

Jack H. Miller as a member of the State Soil Conservation Committee.

Robert D. Ray as a member of the Iowa Statehood Sesquicentennial Commission.

Naomi L. Christensen as a member of the Commission on the Status of Women.

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

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

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

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Taylor

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2454

On motion of Senator Buhr, House File 2454, a bill for an act relating to efficiency in government, and making appropriations, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Buhr offered amendment S—5488 filed by the committee on Appropriations on April 1, 1992, to pages 1, 2 and the title page of the bill.

Senator Buhr offered amendment S—5646 filed by Senators Buhr and Boswell on April 13, 1992, to amendment S—5488 and moved its adoption.

Amendment S—5646 was adopted by a voice vote.

Senator Buhr moved the adoption of amendment S—5488 as amended, which motion prevailed by voice vote.

Senator Horn offered amendment S—5664 filed by him from the floor to pages 1 and 2 of the bill.

Senator Hutchins offered amendment S—5666 filed by him from the floor to amendment S—5664, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5666 to amendment S—5664 be adopted?" (H.F. 2454) the vote was:

Ayes, 32:

Borlaug	Boswell	Buhr	Deluhery
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hester	Husak
Hutchins	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	McLaren
Murphy	Pate	Rensink	Rittmer
Slife	Soorholtz	Sorensen	Sturgeon
Tieden	Vande Hoef	Varn	Welsh

Nays, 9:

Hedge	Horn	Peterson	Rife
Riordan	Rosenberg	Running	Szymoniak
Tinsman			

Voting present, 8:

Connolly	Dieleman	Doyle	Drake
Kinley	Miller	Palmer	Priebe

Nays, 1:

Taylor

Amendment S—5666 was adopted.

Senator Lind raised the point of order that amendment S—5664 as amended was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5664 as amended in order.

Senator Jensen asked and received unanimous consent that action on amendment S—5664 as amended be deferred.

Senator Hutchins asked and received unanimous consent that action on **House File 2454** be **deferred.**

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:35 a.m., until 3:00 p.m.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 13, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 200 — Relating to soil conservation by providing for protection of land subject to a public interest.

SENATE FILE 2145 — Relating to the use of genetic testing in employment situations by employers, employment agencies, labor organizations, and licensing agencies, and providing civil remedies.

SENATE FILE 2266 — Relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

SENATE FILE 2338 — Relating to the use of local sales and services tax moneys.

SENATE FILE 2344 — Relating to the allocation of moneys by the Iowa finance authority.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ten members of the Agriculture/Business class from Iowa Lakes Community College, Emmetsburg, accompanied by Marv Thiesse. Senator Kibbie.

Thirty sixth grade students from Sheffield-Chapin Elementary School, Sheffield. Senator Taylor.

Thirteen fourth grade students from Vernon Middle School, Marion, accompanied by Jenny Carstens. Senator Pate.

Eighty fifth grade students from Audubon Middle School, Audubon, accompanied by Bob Clark. Senator Hutchins.

Ten local and state government students from Lamoni High School, Lamoni, accompanied by Brad Kunecke. Senator Boswell.

Twenty-two sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Heitland. Senator Miller.

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 13, 1992, 5:40 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lloyd-Jones, Pate, Peterson, Rensink, Rosenberg and Tinsman.

Members Absent: Lind, McLaren, Riordan, Running, Szymoniak, Varn and Welsh (all excused).

Committee Business: Approved LSB 6320 as a committee bill.

Adjourned: 5:44 p.m.

RULES AND ADMINISTRATION

Convened: April 13, 1992, 11:20 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Excused the following governor's appointees from introduction before the Senate: Robert D. Ray, Richard P. Canella, Terry K. Lichty, Marcia J. Benit, Jack H. Miller and Jerry C. Prahl.

Adjourned: 11:25 a.m.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: SENATE FILE 2367 (LSB 6320), a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lloyd-Jones, Pate, Peterson, Rensink, Rosenberg and Tinsman. Nays, none. Absent or not voting, 7: Lind, McLaren, Riordan, Running, Szymoniak, Varn and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED

SSB 2298 Ways & Means

Relating to the funding of the gamblers assistance program.

SSB 2299 Ways & Means

Relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

SUBCOMMITTEE ASSIGNMENTS

House File 2470

WAYS AND MEANS: Dieleman, Chair; Deluhery and Fuhrman

SSB 2298

WAYS AND MEANS: Dieleman, Chair; Hedge and Rosenberg

SSB 2299

WAYS AND MEANS: Murphy, Chair; Hester and Szymoniak

AMENDMENTS FILED

S—5661	S.F.	2355	Elaine Szymoniak
S—5662	S.F.	2352	John Peterson
S—5663	S.F.	2345	House amendment
S—5664	H.F.	2454	Wally Horn
S—5665	S.F.	2355	Mark Hagerla
S—5666	H.F.	2454	Bill Hutchins
S—5667	S.F.	2355	Elaine Szymoniak
S—5668	H.F.	2456	Richard Drake
S—5669	H.F.	2454	Richard Varn
S—5670	S.F.	2355	Leonard Boswell

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., Senator Connolly presiding.

INTRODUCTION OF BILL

Senate File 2367, by committee on Appropriations, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

Read first time and **placed on Appropriations Calendar.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

BUSINESS PENDING

House File 2454

The Senate resumed consideration of House File 2454, a bill for an act relating to efficiency in government, and making appropriations, and amendment S—5664 as amended by Senator Horn to pages 1 and 2 of the bill, previously deferred.

Senator Jensen withdrew amendment S—5672 filed by him from the floor to amendment S—5664.

Senator Jensen offered amendment S—5678 filed by him from the floor to amendment S—5664.

Senator Horn asked and received unanimous consent that action on amendment S—5678 to amendment S—5664, amendment S—5664 and **House File 2454** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 2355

Senator Szymoniak called up for consideration Senate File 2355,

a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, amended by the House in House amendment S—5644 filed April 10, 1992.

President pro tempore Lloyd-Jones took the chair at 4:52 p.m.

Senator Szymoniak offered amendment S—5667 filed by her from the floor to pages 1 and 19 of House amendment S—5644.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Pate for the remainder of the day on request of Senator Hagerla.

BUSINESS PENDING

Senate File 2355

The Senate resumed consideration of Senate File 2355.

Senator Szymoniak moved the adoption of amendment S—5667 to House amendment S—5644.

A record roll call was requested.

On the question "Shall amendment S—5667 to House amendment S—5644 be adopted?" (S.F. 2355) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 33:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 13:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kinley
McLaren	Rife	Soorholtz	Tieden
Vande Hoef			

Voting present, 1:

Doyle

Absent or not voting, 3:

Pate	Slife	Taylor

Amendment S—5667 was adopted.

Senator Running offered amendment S—5680 filed by Senators Running, et al., from the floor to page 2 of House amendment S—5644.

Senator Connolly raised the point of order that amendment S—5680 to House amendment S—5644 was not germane.

The Chair ruled the point not well taken and amendment S—5680 in order.

Senator Running moved the adoption of amendment S—5680 to House amendment S—5644.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 25, nays 23.

Amendment S—5680 was adopted.

Senator Running offered amendment S—5683 filed by Senators Running, et al., from the floor to page 1 of House amendment S—5644 and moved its adoption.

Amendment S—5683 was adopted by a voice vote.

Senator Riordan offered amendment S—5676 filed by Senators Riordan, et al., from the floor to pages 2, 4 and 9-13 of House amendment S—5644.

Senator Connolly took the chair at 6:04 p.m.

Senator Riordan moved the adoption of amendment S—5676 to House amendment S—5644.

Amendment S—5676 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5674 filed by her from the floor to pages 2-7 and 9-14 of House amendment S–5644 and called for a division:

Division S—5674A: Page 1, lines 11-13 and page 2, lines 2-42.

Division S—5674B: Page 1, lines 4-10 and lines 14-50; page 2, line 1 and lines 43-50; page 3, lines 1-10.

Senator Szymoniak withdrew division S—5674A to House amendment S—5644.

Senator Szymoniak moved the adoption of division S—5674B to House amendment S—5644, which motion prevailed by a voice vote.

Senator Sturgeon offered amendment S—5686 filed by him from the floor to page 5 of House amendment S—5644 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5686 to House amendment S—5644 be adopted?" (S.F. 2355) the vote was:

Ayes, 8:

Fuhrman	Gettings	Husak	Peterson
Rittmer	Rosenberg	Running	Sturgeon

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Fraise	Hagerla	Hannon
Hedge	Hester	Horn	Hutchins
Jensen	Kersten	Kibbie	Kramer
Lind	McLaren	Murphy	Rensink
Rife	Riordan	Sorensen	Szymoniak
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Absent or not voting, 13:

Borlaug	Doyle	Drake	Gronstal
Kinley	Lloyd-Jones	Miller	Palmer
Pate	Priebe	Slife	Soorholtz
Taylor			

Amendment S—5686 lost.

President Gronstal took the chair at 6:25 p.m.

Senator Tinsman offered amendment S—5673 filed by Senators Tinsman, et al., from the floor to page 14 of House amendment S—5644 and moved its adoption.

Amendment S—5673 was adopted by a voice vote.

Senator Hagerla offered amendment S—5665 filed by him from the floor to page 14 of House amendment S—5644 and moved its adoption.

Amendment S—5665 was adopted by a voice vote.

Senator Boswell offered amendment S—5670 filed by him from the floor to pages 14 and 15 of House amendment S—5644 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5670 to House amendment S—5644 be adopted?" (S.F. 2355) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Husak	Hutchins	Jensen	Kersten
Kramer	Lind	McLaren	Miller
Rensink	Rittmer	Slife	Sorensen
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, 24:

Buhr	Connolly	Deluhery	Doyle

Fraise	Gettings	Gronstal	Hannon
Horn	Kibbie	Kinley	Lloyd-Jones
Murphy	Palmer	Peterson	Priebe
Rife	Riordan	Rosenberg	Running
Soorholtz	Sturgeon	Szymoniak	Welsh

Absent or not voting, 1:

Pate

Amendment S—5670 was adopted.

Senator Szymoniak offered amendment S—5661 filed by her from the floor to pages 15-17 of House amendment 5644 and moved its adoption.

Amendment S—5661 was adopted by a voice vote.

Senator Running offered amendment S—5681 filed by Senators Running, et al., from the floor to pages 17 and 18 of House amendment S—5644 and called for a division: lines 4-8 as division S—5681A and lines 9-11 as division S—5681B.

Senator Running moved the adoption of division S—5681A to House amendment S—5644, which motion prevailed by a voice vote.

Senator Running asked and received unanimous consent that action on division S—5681B to House amendment S—5644 be deferred.

Senator Varn offered amendment S—5684 filed by him from the floor to pages 17 and 18 of House amendment S—5644 and moved its adoption.

Amendment S—5684 was adopted by a voice vote.

With the adoption of amendment S—5684 to House amendment S—5644 the Chair ruled division S—5681B by Senators Running, et al., to pages 17 and 18 of House amendment S—5644, out of order.

Senator Boswell offered amendment S—5693 filed by Senators Boswell and Szymoniak from the floor to page 14 of House amendment S—5644 and moved its adoption.

Amendment S—5693 was adopted by a voice vote.

Senator Szymoniak moved that the Senate concur in the House amendment as amended.

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

Senator Szymoniak moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2355) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 13:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	McLaren
Rife	Soorholtz	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Pate

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

Senator Hutchins asked and received unanimous consent that **Senate File 2355** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2367.

Senate File 2367

On motion of Senator Boswell, Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, was taken up for consideration.

Senator Boswell 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. 2367) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Pate

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

Senator Hutchins asked and received unanimous consent that **Senate File 2367** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2454

The Senate resumed consideration of House File 2454, a bill for an act relating to efficiency in government, and making appropriations, amendment S—5664 as amended, by Senator Horn to pages 1 and 2 of the bill and amendment S—5678 by Senator Jensen to amendment S—5664, previously deferred.

Senator Horn withdrew amendment S—5664 as amended.

With the withdrawal of amendment S—5664 as amended, the following amendments to amendment S—5664 were out of order:

Amendment S—5678 by Senator Jensen.

Amendment S—5671 filed by Senator Jensen from the floor.

Senator Horn offered amendment S—5691 filed by him from the floor to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5691 was adopted by a voice vote.

Senator Varn offered amendment S—5669 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5669 was adopted by a voice vote.

Senator Hutchins asked and received unanimous consent that action on **House File 2454** be **deferred.**

HOUSE MESSAGES RECEIVED

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 14, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates (S—5679).

ALSO: That the House has on April 14, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date (S—5685 to H—5818).

ALSO: That the House has on April 14, 1992, **refused to concur** in the Senate amendments to the following bills in which the concurrence of the House was asked:

House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund.

House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2455

Senator Running called up for consideration House File 2455, a bill for an act relating to and making appropriations to regulatory bodies of state government, including the auditor of state, the campaign finance disclosure commission, the department of employment services, the department of inspections and appeals, the office of the state public defender, the department of commerce, public employment relations board, and the racing and gaming commission, allocating certain standing appropriations subject to certain procedures and conditions, and providing an effective date,

amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5685 to Senate amendment H—5818 filed April 14, 1992.

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

Senator Running moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2455) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fraise	Gettings
Gronstal	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Riordan	Running	Slife
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 11:

Borlaug	Fuhrman	Hagerla	Hedge
Kramer	Lind	McLaren	Rife
Rittmer	Soorholtz	Taylor	

Voting present, 1:

Doyle

Absent or not voting, 2:

Pate Rosenberg

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

HOUSE AMENDMENT CONSIDERED

Senate File 2347

Senator Husak called up for consideration Senate File 2347, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—5679 filed April 14, 1992.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

Senator Hutchins asked and received unanimous consent that **Senate File 2347** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2454

The Senate resumed consideration of House File 2454, a bill for an act relating to efficiency in government, and making appropriations, previously deferred.

Senator Horn filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S–5691 to House File 2454 was adopted by the Senate on April 14, 1992.

The motion prevailed by a voice vote and amendment S—5691 by Senator Horn to pages 1 and 2 of the bill, was taken up for reconsideration.

Senator Hutchins offered amendment S—5694 filed by him from the floor to amendment S—5691 and moved its adoption.

Amendment S—5694 was adopted by a voice vote.

Senator Horn moved the adoption of amendment S—5691 as amended, which motion prevailed by a voice vote.

Senator Buhr 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. 2454) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Peterson	Priebe	Rensink
Rife	Riordan	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Voting present, 2:

Connolly	Rittmer

Absent or not voting, 2:

Pate	Rosenberg

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

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 14, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 84 — Relating to the purchase of recycled products including recycled paper by state agencies.

SENATE FILE 2024 — Relating to the employment of a commission of veteran affairs' executive director to serve two or more counties and providing for training of executive directors of county commissions of veteran affairs.

SENATE FILE 2059 — Relating to the theft of milk containers and the applicability of a penalty and providing an effective date.

SENATE FILE 2063 — Authorizing the department of human services to close the Des Moines district office in reorganizing the department's field operations service delivery system and providing an effective date.

SENATE FILE 2179 — Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, perpetual care cemeteries, funeral services and merchandise, and cemetery merchandise, and providing an effective date.

SENATE FILE 2342 — Establishing a department of human services' field services organizational structure and providing an effective date.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5687.

Final Vote: Ayes, 11: Kibbie, Lloyd-Jones, Buhr, Dieleman, Doyle, Gronstal, Horn, Murphy, Priebe, Running and Sorensen. Nays, 7: Lind, Kramer, McLaren, Pate, Rife, Soorholtz and Vande Hoef. Pass, 1: Drake. Absent, 1: Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2455 passed the Senate on April 14, 1992.

LEONARD L. BOSWELL

MR. PRESIDENT: I move to reconsider the vote by which House File 2455 passed the Senate on April 14, 1992.

RICHARD RUNNING

AMENDMENTS FILED

S–5671	H.F.	2454	John Jensen
S–5672	H.F.	2454	John Jensen
S–5673	S.F.	2355	Maggie Tinsman
			Jim Lind
			Jim Riordan
			Beverly Hannon
S–5674	S.F.	2355	Elaine Szymoniak
S–5675	S.F.	2352	Linn Fuhrman
S–5676	S.F.	2355	Jim Riordan
			Maggie Tinsman
			Beverly Hannon
			Emil Husak
			Wilmer Rensink
			Larry Murphy
			Berl Priebe
S–5677	S.J.R.	2008	Jim Kersten
			Derryl McLaren
			Harry Slife
			John Jensen
			Richard Vande Hoef
			Sheldon Rittmer
S–5678	H.F.	2454	John Jensen
S–5679	S.F.	2347	House amendment
S–5680	S.F.	2355	Ricahrd V. Running
			Beverly Hannon
			Wally Horn
			Jim Kersten
S–5681	S.F.	2355	Richard Running

			Beverly Hannon
			Wally Horn
			Jim Kersten
S—5682	S.F.	2359	Maggie Tinsman
			Jim Kersten
			H. Kay Hedge
			Richard Drake
S—5683	S.F.	2355	Richard Running
			Wilmer Rensink
			George Kinley
			Berl E. Priebe
			Jim Lind
			William Palmer
			Derryl McLaren
			Wiliam Dieleman
			Richard Vande Hoef
			John Jensen
			Donald Doyle
			John Kibbie
			Joe Welsh
			Paul Pate
			John Peterson
			Al Miller
			Allen Borlaug
			Jack Hester
			H. Kay Hedge
			Don Gettings
			Eugene Fraise
			Emil Husak
			Mark Hagerla
			Larry Murphy
			Jim Kersten
			Dale Tieden
S—5684	S.F.	2355	Richard Varn
S—5685	H.F.	2455	House amendment
S—5686	S.F.	2355	Al Sturgeon
S—5687	S.F.	2360	State Government
S—5688	S.F.	2061	Eugene Fraise
			Don Gettings
S—5689	S.F.	2352	Linn Fuhrman
			John Peterson
			Al Sturgeon

			Richard Varn
S—5690	S.F.	2302	Richard Varn
S—5691	H.F.	2454	Wally Horn
S—5692	S.F.	2345	John Peterson
S—5693	S.F.	2355	Leonard Boswell Elaine Szymoniak
S—5694	H.F.	2454	Bill Hutchins

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:35 p.m., until 9:00 a.m., Wednesday, April 15, 1992.

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
SIXTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 15, 1992

The Senate met in regular session at 9:08 a.m., Senator Hannon presiding.

Prayer was offered by the Reverend Joan Leonard, Principal of Christ the King School, Des Moines, Iowa.

The Journal of Tuesday, April 14, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Peterson until he arrives on request of Senator Hutchins.

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 13, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2473, a bill for an act relating to special assessments in self-supported municipal improvement districts.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 13, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2085, a bill for an act relating to cooperative associations by providing for the release of membership lists and amending the manner in which the board of directors may conduct business, the manner of making payments to certain dissenting

shareholders, and the manner in which funds of the association can be used.

ALSO: That the House has on April 14, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 260, a bill for an act relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date.

ALSO: That the House has on April 14, 1992, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date.

ALSO: That the House has on April 14, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters.

ALSO: That the House has on April 14, 1992, concurred in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2203, a bill for an act relating to the abandonment and waste of killed or injured game, fur-bearing animals, or other wildlife, and providing a penalty for a violation.

ALSO: That the House has on April 14, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2468, a bill for an act authorizing the department of revenue and finance to enter into tax agreements with Indian tribes.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President pro tempore Lloyd-Jones took the chair at 9:20 a.m.

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

SENATE INSISTS

House File 2462

Senator Riordan called up for consideration House File 2462, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2462 on the part of the Senate: Senators Riordan, Chair; Running, Kramer, Borlaug and Hutchins.

UNFINISHED BUSINESS
(Deferred April 13, 1992)

Senate File 2352

The Senate resumed consideration of Senate File 2352, a bill for an act setting minimum fines for certain criminal convictions, and increasing the civil penalty assessed for certain motor vehicle

license revocations, and amendment S—5621 by the committee on Judiciary to page 2 of the bill, deferred April 13, 1992.

Senator Hutchins asked and received unanimous consent that action on amendment S—5662 filed by Senator Peterson on April 14, 1992, to amendment S—5621 be deferred.

Senator Fuhrman asked and received unanimous consent that action on amendment S—5675 filed by him on April 14, 1992, to amendment S—5621 be deferred.

Senator Fuhrman offered amendment S—5689 filed by Senators Fuhrman, et al., on April 14, 1992, to amendment S—5621 and moved its adoption.

Amendment S—5689 was adopted by a voice vote.

With the adoption of amendment S—5689 to amendment S—5621, the Chair ruled amendments S—5662 and S—5675 to amendment S—5621, previously deferred, out of order.

Senator Fuhrman moved the adoption of amendment S—5621 as amended, which motion prevailed by a voice vote.

Senator Doyle offered amendment S—5634 filed by Senators Doyle and Fuhrman on April 10, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5634 was adopted by a voice vote.

The Chair ruled amendment S—5660 filed by Senator Peterson on April 13, 1992, to page 2 of the bill, out of order.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until he arrives on request of Senator Horn.

BUSINESS PENDING

Senate File 2352

The Senate resumed consideration of Senate File 2352.

Senator Fuhrman 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. 2352) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Connolly Murphy

Voting present, 1:

Doyle

Absent or not voting, 1:

Palmer

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

Senator Hutchins asked and received unanimous consent that **Senate File 2352** be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

House File 2287

Senator Running withdrew the motion to reconsider House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, filed by him on April 7, 1992, and found on page 1269 of the Senate Journal.

The Senate stood at ease at 9:35 a.m. until the fall of the gavel.

The Senate resumed session at 10:05 a.m., President pro tempore Lloyd-Jones presiding.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Hutchins called up the following eligible appointee on the En Bloc Confirmation Calendar:

James W. Barr as a member of the Mortuary Science Examining Board.

Stephanie A. Stebens as a member of the Commission on Community Action Agencies.

James A. Thomas as a member of the Mental Health and Mental Retardation Commission.

Earl L. Howard as a member of the Respiratory Care Advisory Committee.

Senator Hutchins moved that the foregoing appointments be confirmed by the Senate.

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

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Peterson	Rensink
Rife	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Palmer Priebe Riordan

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

UNFINISHED BUSINESS
(Deferred April 2, 1992)

House File 2334

The Senate resumed consideration of House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations, and amendment S—5516 by Senators Kibbie and Riordan, deferred on April 2, 1992.

Sentor Hester called up the motion to reconsider the vote by which amendment S—5484 to House File 2334 was adopted by the Senate on April 2, 1992, filed by him on April 2, 1992, found on page 1189 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5484 by Senators Hester and Riordan to page 2 of the bill, was taken up for reconsideration.

The motion to reconsider the vote by which amendment S—5484 was adopted by the Senate on April 2, 1992, filed by Senator Priebe on April 2, 1992, and found on page 1189 of the Senate Journal, was out of order.

Senator Hester offered amendment S—5564 filed by him on April 6, 1992, to amendment S—5484 and moved its adoption.

Amendment S—5564 was adopted by a voice vote.

Senator Hester offered amendment S—5539 filed by Senators Hester and Priebe on April 3, 1992, to amendment S—5484 and moved its adoption.

Amendment S—5539 was adopted by a voice vote.

Senator Hester moved the adoption of amendment S—5484 as amended.

A non record roll call was requested.

The ayes were 31, nays 13.

Amendment S—5484 as amended was adopted.

The Senate resumed consideration of amendment S—5516 by Senators Kibbie and Riordan to page 2 of the bill, deferred on April 2, 1992.

Senator Varn offered amendment S—5533 filed by him on April 2, 1992, to amendment S—5516 and moved its adoption.

Amendment S—5533 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—5516 as amended, which motion prevailed by a voice vote.

Senator Kibbie 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. 2334) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Palmer

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

REFUSAL OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Varn called up the appointment of Doug Gross as a member of the Higher Education Strategic Planning Council, placed on the Individual Confirmation Calendar on March 18, 1991, and deferred by Senate Resolution 11 on April 15, 1991.

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

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

Ayes, 29:

Borlaug	Boswell	Deluhery	Drake
Fuhrman	Gronstal	Hagerla	Hedge
Hester	Jensen	Kersten	Kinley
Kramer	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Running	Slife	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 21:

Buhr	Connolly	Dieleman	Doyle
Fraise	Gettings	Hannon	Horn
Husak	Hutchins	Kibbie	Lloyd-Jones
Miller	Murphy	Peterson	Riordan
Rosenberg	Soorholtz	Sorensen	Sturgeon
Szymoniak			

The appointee not having received a two-thirds vote, the Chair declared the Senate **refused to confirm** the appointment of Doug Gross.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Welsh called up the appointment of Cheryl R. Richardson as a member of the Engineering and Land Surveying

Board, placed on the Individual Confirmation Calendar on April 1, 1992, and found on page 1146 on the Senate Journal.

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

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

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

SENATE INSISTS

House File 2465

Senator Varn called up for consideration House File 2465, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2465** on the part of the Senate: Senators Varn, Chair; Boswell, Murphy, Lind and Tieden.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2287** and **2334** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTION

Senate Resolution 106, by committee on Rules and Administration, a senate resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time and **placed on calendar.**

HOUSE MESSAGES RECEIVED

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 13, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2148, a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date (S—5696).

ALSO: That the House has on April 14, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2167, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates (S—5697).

Senate File 2190, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer (S—5698).

Senate File 2316, a bill for an act relating to child support recovery (S—5699).

ALSO: That the House has on April 15, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 531, a bill for an act relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date.

ALSO: That the House has on April 15, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties (S—5701).

ALSO: That the House has on April 15, 1992, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations.

ALSO: That the House has on April 15, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2362, a bill for an act relating to franchise agreements and their enforcement by establishing certain duties and limitations on franchisors, providing certain exemptions, and establishing a civil cause of action.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:35 a.m., until 1:30 p.m.

APPENDIX

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate Chamber on April 14, 1992.

Had I been present, I would have voted "aye" on Senate Files 2355 and 2367 and House File 2454. I would have voted "nay" on House File 2455.

PAUL PATE

PRESENTATION OF VISITORS

Senator Kramer presented a member of the United States Olympic Bobsled Team, Karlos Kirby, a graduate of the University of New Mexico who represented the United States in the 1992 Winter Olympics in Albertville, France.

Mr. Kirby, who did part of his early training in West Des Moines, was named the Bobsled Athlete of the Year in 1989 and will again represent the United States in the 1994 winter olympics in Norway.

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty fifth grade students from Beaman, Conrad, Liscomb, Union-Whitten School, Union, accompanied by Mary Pieper and John Ehn. Senators Jensen, Husak and Taylor.

Sixty fourth grade students from Carey Elementary School, Waverly, accompanied by Mary Rose and Jo Young. Senator Jensen.

Forty ninth grade students from Oelwein High School, Oelwein, accompanied by Mitch Murphy and Steve Pike. Senator Murphy.

Six undergraduate students from Upper Iowa University, Fayette, accompanied by Janette Falck. Senator Murphy.

Sixty sixth grade students from Hansen Elementary School, Cedar Falls, accompanied by Bonnie Noonan. Senator Slife.

Thirty-five fifth grade students from Whittier Elementary School, Oskaloosa, accompanied by Donna DeGroot. Senator Hedge.

REPORTS OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: April 14, 1992, 1:43 p.m.

Members Present: Kibbie, Chair; Lloyd-Jones, Vice Chair; Lind, Ranking Member; Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh.

Members Absent: none.

Committee Business: Recommended passage of Senate Files 2359 and 2360 as amended.

Adjourned: 3:50 p.m.

WAYS AND MEANS

Convened: April 14, 1992, 11:39 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Rosenberg and Szymoniak.

Members Absent: Murphy (excused), Palmer and Taylor (excused).

Committee Business: Assigned bills to subcommittees.

Adjourned: 11:44 a.m.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 15, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 316 — Prohibit sexual harassment of state employees, or persons in the care or custody of a state employee or institution, and of persons attending a state educational institution.

SENATE FILE 2005 — Relating to the Iowa affordable hearing program and providing for an effective date.

SENATE FILE 2110 — Exempting twelfth grade sutdents from physical education requirements under certain conditions.

SENATE FILE 2217 — Relating to distribution of funds within, payments made by, and payments made to the department of economic development.

SENATE FILE 2235 — Relating to the requirements of an abstractor participating in the title guaranty program.

SENATE FILE 2255 — Relating to the fee charged for filing termination of financing statements under the uniform commercial code.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 106, a senate resolution deferring action on the confirmation of an appointment submitted by the Governor (Gretchen Tegeler).

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 8: Hutchins, Gronstal, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 118, a concurrent resolution to honor pharmacist Robert J. Osterhous of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S–5695	S.F.	2345	Don Gettings
S–5696	S.F.	2148	House amendment
S–5697	S.F.	2167	House amendment
S–5698	S.F.	2190	House amendment

S—5699	S.F.	2316	House amendment
S—5700	S.F.	2345	Don Gettings
S—5701	S.F.	2354	House amendment
S—5702	S.F.	2345	Ralph Rosenberg
S—5703	S.F.	2345	Jim Kersten Wally Horn

AFTERNOON SESSION

The Senate reconvened at 1:55 p.m., Senator Riordan presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

MOTION TO RECONSIDER ADOPTED

Senator Horn called up the motion to reconsider House File 2412 filed by him on March 31, 1992, found on page 1112 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2412) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Varn	Welsh

Nays, 12:

Borlaug	Hedge	Hester	Jensen
Kramer	McLaren	Rensink	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 2:

Sturgeon	Szymoniak

The motion prevailed.

Senator Horn moved to reconsider the vote by which House File 2412 went to its last reading, which motion prevailed by a voice vote.

House File 2412

On motion of Senator Horn, House File 2412, a bill for an act relating to educational finance matters, was taken up for reconsideration.

Senator Miller offered amendment S—5504 filed by Senators Miller, Horn and Connolly on April 1, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5504 was adopted by a voice vote.

Senator Horn offered amendment S—5620 filed by him on April 9, 1992, to page 1 of the bill and moved its adoption.

Amendment S—5620 was adopted by a voice vote.

Senator Riordan withdrew the motion to reconsider the vote by which amendment S—5445 to House File 2412 was adopted by the Senate on March 30, 1992, filed by him on March 30, 1992, and found on page 1097 of the Senate Journal.

Senator Horn 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. 2412) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Murphy	Sturgeon	Szymoniak

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

The motion to reconsider the vote by which House File 2412 passed the Senate on March 30, 1992, filed by Senator Riordan on March 30, 1992, and found on page 1097 of the Senate Journal, was out of order.

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2449

On motion of Senator Palmer, House File 2449, a bill for an act relating to the exemption of prosthetic devices oxygen equipment, and certain other drugs and devices from the state sales and use tax and providing a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman asked and received unanimous consent to withdraw amendment S—5647 filed by Senators Dieleman and Palmer on April 13, 1992, to page 1 and the title page of the bill.

Senator Palmer 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. 2449) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller

Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Voting present, 1:

Sturgeon

Absent or not voting, 2:

Murphy Szymoniak

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

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Resolution 106.

Senate Resolution 106

On motion of Senator Hutchins, Senate Resolution 106, a senate resolution deferring action on the confirmation of an appointment submitted by the Governor (Gretchen Tegeler as Director of the Department of Management), was taken up for consideration.

Senator Hutchins moved the adoption of Senate Resolution 106.

A record roll call was requested.

On the question "Shall the resolution be adopted?" (S.R. 106) the vote was:

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Priebe	Riordan	Rosenberg	Running
Sorensen	Szymoniak	Varn	Welsh

Nays, 22:

Borlaug	Drake	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Peterson
Rensink	Rife	Rittmer	Slife
Soorholtz	Sturgeon	Taylor	Tieden
Tinsman	Vande Hoef		

The motion prevailed and the resolution was adopted.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:40 p.m., Senator Sturgeon presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2036

Senator Deluhery called up for consideration Senate File 2036, a bill for an act relating to regulating the investment of public funds and providing an effective date, amended by the House in House amendment S—5531 filed April 2, 1992.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he returns on request of Senator Vande Hoef.

BUSINESS PENDING

Senate File 2036

The Senate resumed consideration of Senate File 2036.

Senator Deluhery offered amendment S—5706 filed by Senators Deluhery and Varn from the floor to pages 1-5, 7-10 and 12 of House amendment S—5531 and moved its adoption.

Amendment S—5706 was adopted by a voice vote.

Senator McLaren asked and received unanimous consent to withdraw amendment S—5707 filed by Senators McLaren, Slife and Kersten from the floor to pages 6 and 7 of House amendment S—5531.

Senator McLaren offered amendment S—5715 filed by Senators McLaren and Slife from the floor to pages 6 and 7 of House amendment S—5531 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5715 to House amendment S—5531 be adopted?" (S.F. 2036) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Borlaug	Boswell	Deluhery	Dieleman
Drake	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 22:

Buhr	Connolly	Doyle	Fraise
Gettings	Gronstal	Hannon	Horn
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Peterson	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Absent or not voting, 2:

Kinley	Soorholtz

Amendment S—5715 was adopted.

Senator Hutchins asked and received unanimous consent that action on House amendment S—5531 as amended and **Senate File 2036** be **deferred.**

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2412** and **2449** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 15, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2339, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws (S—5713).

ALSO: That the House has on April 15, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses (S—5712 to H—5803).

The Senate stood at ease at 4:29 p.m. until the fall of the gavel.

The Senate resumed session at 4:37 p.m., President Gronstal presiding.

COMMITTEE OF THE WHOLE

Senator Hutchins moved that the Senate resolve itself into a committee of the whole to discuss Senate File 2359, a bill for an

act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and that President Gronstal serve as chair of the committee of the whole.

The motion prevailed by a voice vote.

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

Arthur Neu and Mark McCormick, Co-Chairs of the Reform Committee on Government Ethics and Procedure, were in the well of the Senate for questions and answers concerning Senate File 2359.

On motion of Senator Horn, the Senate arose from the committee of the whole and resumed regular session, President Gronstal presiding.

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2359, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5716.

Final Vote: Ayes, 20: Kibbie, Lloyd-Jones, Lind, Buhr, Dieleman, Doyle, Drake, Gronstal, Horn, Kramer, McLaren, Murphy, Pate, Priebe, Rife, Running, Soorholtz, Sorensen, Vande Hoef and Welsh. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2359** be referred from the Regular Calendar to the committee on **Ethics** and returned to the Senate Calendar by 2:00 p.m., Thursday, April 16, 1992.

APPENDIX

PRESENTATION OF VISITORS

Senator Riordan welcomed fifty-five sixth grade students from Greenfield Elementary School, Greenfield, accompanied by Rana Glade and Shawn Wharton, who were present in the Senate gallery as the guests of Senators Boswell and Riordan.

AMENDMENTS FILED

S–5704	S.F.	2345	Sheldon Rittmer
S–5705	S.F.	2345	Sheldon Rittmer
S–5706	S.F.	2036	Patrick Deluhery Richard Varn
S–5707	S.F.	2036	Derryl McLaren Harry Slife Jim Kersten
S–5708	S.F.	2345	Jim Kersten Jim Lind
S–5709	H.F.	2292	Jim Riordan
S–5710	H.F.	2292	Jim Riordan
S–5711	H.F.	2292	Jim Riordan
S–5712	H.F.	2413	House amendment
S–5713	S.F.	2339	House amendment
S–5714	S.F.	2345	Richard Varn Richard Drake
S–5715	S.F.	2036	Derryl McLaren Harry Slife
S–5716	S.F.	2359	State Government
S–5717	S.F.	2359	Jim Kersten Maggie Tinsman
S–5718	S.F.	2061	Richard Drake

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 7:10 p.m., until 9:30 a.m., Thursday, April 16, 1992.

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
SIXTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 16, 1992

The Senate met in regular session at 9:35 a.m., President Gronstal presiding.

Prayer was offered by Candy Boucher, former Senate Secretary from Des Moines, Iowa, who sang "Amazing Grace".

The Journal of Wednesday, April 15, 1992, was approved.

HOUSE MESSAGES RECEIVED

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 14, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2025, a bill for an act prohibiting stalking and providing criminal penalties, and establishing restrictions concerning admissibility to bail.

ALSO: That the House has on April 15, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 414, a bill for an act relating to landlords and tenants (S—5720).

Senate File 2065, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses (S—5719).

Senate File 2320, a bill for an act relating to state aid to school corporations and providing effective date and applicability provisions (S—5722).

ALSO: That the House has on April 15, 1992, **insisted on** its amendment to **Senate File 2347**, a bill for an act relating to agriculture and natural resources, by making appropriations and statutory changes, and providing effective dates, and that the members of the **Conference Committee** on part of the House are: The Representative from Black Hawk, Mr. Shoultz, Chair; the Representative from Muscatine, Mr. Hahn; the Representative from Jefferson, Mr. Kistler; the Representative from Crawford, Mr. Muhlbauer; the Representative from Marion, Mr. Schrader.

ALSO: That the members of the **Conference Committee**, appointed April 15, 1992, on **House File 2462**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, the Wallace technology transfer foundation, INTERNET, state university of Iowa, and Iowa state university of science and technology and creating the strategic investment fund, on the part of the House are: The Representative from Lee, Mr. Wise, Chair; the Representative from Johnson, Mr. Dvorsky; the Representative from Black Hawk, Mr. Hanson; the Representative from Mills, Mr. Harbor; the Representative from Wapello, Mr. Poncy.

ALSO: That the members of the **Conference Committee**, appointed April 15, 1992, on **House File 2465**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and providing effective and applicability provisions, on the part of the House are: The Representative from Linn, Mrs. Chapman, Chair; the Representative from Hamilton, Mrs. Adams; the Representative from Linn, Mr. Corbett; the Representative from Bremer, Mr. Lageschulte; the Representative from Johnson, Mrs. Neuhauser.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2347** on the part of the Senate: Senators Husak, Chair; Priebe, Kibbie, McLaren and Hester.

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House Joint Resolution 2010

The Senate resumed consideration of House Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds

appropriated, allocated, or given for fish, game, and wildlife protection purposes, deferred April 3, 1992.

The Chair ruled amendment S—5554 filed by Senators Priebe, et al., on April 3, 1992, to page 1 and the title page of the bill, out of order.

POINT OF ORDER

Senator Lind raised the point of order that pursuant to Senate Rule 39, subsection 7, the Senate could not be in session because the Ethics Committee was meeting.

The Chair ruled the point well taken and stated the Ethics Committee would be notified.

The Senate stood at ease until the fall of the gavel.

The Senate resumed session, President Gronstal presiding.

BUSINESS PENDING

House Joint Resolution 2010

The Senate resumed consideration of House Joint Resolution 2010.

Senator Kibbie moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

House Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to restrict the expenditure of license fees and excise taxes received from hunting, fishing, and trapping activities or equipment, and other public or private funds appropriated, allocated, or given for fish, game, and wildlife protection purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII of the Constitution of the State of Iowa is amended by adding the following new section:

FISH AND GAME PROTECTION FUNDS. SEC. 9. The revenue from all license fees from hunting, fishing, and trapping activities and excise taxes from hunting, fishing, and trapping weapons, munitions, and equipment, and any public or private funds appropriated, allocated, or given for fish, game, or wildlife protection purposes, shall be used exclusively for activities related to the propagation, management, harvest, and protection of fish, game, and wildlife resources.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months before the date of the election as provided by law.

On the question "Shall the resolution pass?" (H.J.R. 2010) the vote was:

Yeas, 39:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Running	Soorholtz	Sorensen
Sturgeon	Tieden	Welsh	

Nays, 11:

Buhr	Fuhrman	Jensen	Kramer
Rosenberg	Slife	Szymoniak	Taylor
Tinsman	Vande Hoef	Varn	

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

HOUSE AMENDMENT CONSIDERED
(Deferred April 8, 1992)

Senate File 2302

The Senate resumed consideration of Senate File 2302, a bill

for an act relating to domestic abuse, changing the definition of domestic abuse to include assaults between parents of the same child and persons who are involved or have been involved together in an engagement or marriage relationship, providing for the adjudication of acts of domestic abuse as delinquent acts by minors, expanding the jurisdiction of magistrates to cover emergency domestic abuse orders, and providing penalties, House amendment S—5499 as amended and amendment S—5583 by Senator Sturgeon to House amendment S—5499, deferred April 8, 1992.

Senator Varn asked and received unanimous consent that action on amendment S—5583 to House amendment S—5499 be deferred for consideration of amendment S—5690.

Senator Varn offered amendment S—5690 filed by him on April 14, 1992, to House amendment S—5499 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5690 to House amendment S—5499 be adopted?" (S.F. 2302) the vote was:

Ayes, 8:

Gronstal	Hagerla	Husak	Kersten
Lind	Priebe	Tinsman	Varn

Nays, 42:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Hannon
Hedge	Hester	Horn	Hutchins
Jensen	Kibbie	Kinley	Kramer
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Vande Hoef	Welsh		

Amendment S—5690 lost.

Senator Sturgeon moved the adoption of amendment S—5583 to House amendment S—5499, previously deferred, which motion prevailed by a voice vote.

Senator Rosenberg offered amendment S—5723 filed by him from the floor to House amendment S—5499 and moved its adoption.

Amendment S—5723 was adopted by a voice vote.

Senator Rosenberg moved that the Senate concur in the House amendment as amended, which motion prevailed by a voice vote.

Senator Rosenberg 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. 2302) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2345

Senator Gettings called up for consideration Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary

road fund and providing an effective date, amended by the House in House amendment S—5663 filed April 14, 1992.

Senator Kersten offered amendment S—5703 filed by Senators Kersten and Horn on April 15, 1992, to House amendment S—5663 and moved its adoption.

A non record roll call was requested.

The ayes were 25, nays 12.

Amendment S—5703 was adopted.

Senator Gettings offered amendment S—5695 filed by him on April 15, 1992, to House amendment S—5663 and moved its adoption.

Amendment S—5695 was adopted by a voice vote.

Senator Gettings offered amendment S—5700 filed by him on April 15, 1992, to House amendment S—5663 and moved its adoption.

Amendment S—5700 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5702 filed by him on April 15, 1992, to House amendment S—5663 and moved its adoption.

A non record roll call was requested.

The ayes were 23, nays 4.

Amendment S—5702 was adopted.

Senator Kersten offered amendment S—5708 filed by Senators Kersten and Lind on April 15, 1992, to House amendment S—5663 and moved its adoption.

Amendment S—5708 was adopted by a voice vote.

Senator Varn offered amendment S—5714 filed by Senators Varn and Drake on April 15, 1992, to House amendment S—5663.

Senator Connolly raised the point of order that amendment S—5714 was not germane to the House amendment.

The Chair ruled the point well taken and amendment S—5714 out of order.

The Chair ruled amendment S—5721 filed by Senator Connolly from the floor to amendment S—5714 to House amendment S—5663, out of order.

Senator Rittmer offered amendment S—5705 filed by him on April 15, 1992, to House amendment S—5663 and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 11.

Amendment S—5705 was adopted.

Senator Peterson offered amendment S—5692 filed by him on April 14, 1992, to House amendment S—5663.

Senator Drake raised the point of order that amendment S—5692 to House amendment S—5663 was not germane.

The Chair ruled the point well taken and amendment S—5692 out of order.

Senator Rittmer offered amendment S—5704 filed by him on April 15, 1992, to House amendment S—5663 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5704 to House amendment S—5663 be adopted?" (S.F. 2345) the vote was:

Ayes, 25:

Borlaug	Buhr	Connolly	Gronstal
Hagerla	Hedge	Horn	Husak
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Murphy	Palmer
Pate	Priebe	Rife	Rittmer
Running	Slife	Soorholtz	Sorensen
Varn			

Nays, 24:

Boswell	Deluhery	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Hannon	Hester	Hutchins	Jensen
Miller	Peterson	Rensink	Riordan
Rosenberg	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Welsh

Absent or not voting, 1:

Kramer

Amendment S—5704 was adopted.

Senator Lind withdrew amendment S—5726 filed by him from the floor to House amendment S—5663.

Senator Gettings moved that the Senate concur in the House amendment as amended.

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

Senator Gettings moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2345) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gronstal
Hannon	Hester	Horn	Husak
Kersten	Kibbie	Kinley	Miller
Palmer	Peterson	Priebe	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 17:

Borlaug	Drake	Fuhrman	Gettings
Hagerla	Hedge	Jensen	Lind
McLaren	Pate	Rensink	Rife
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 4:

Hutchins	Kramer	Lloyd-Jones	Murphy

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

Senator Hutchins asked and received unanimous consent that **Senate File 2345** be **immediately messaged** to the House.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:20 p.m., until 1:30 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 15, 1992, 9:50 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Excused governor's appointee Stephanie Stebens from introduction before the Senate; recommended passage of Senate Concurrent Resolution 118; approved committee resolution deferring action on the appointment of Gretchen Tegeler as Director of the Department of Management.

Adjourned: 10:00 a.m.

PRESENTATION OF VISITORS

Senator Tinsman presented the following guests from the Bulgarian Association for Fair Elections and Civil Rights (a partner organization of the Iowa Peace Institute) who were visiting from Bulgaria on a federal grant: Ekaterina Mikhailova, Ventzislav Loukanov, Michael Koytchev, Alexander Stoychev, Nickolai Nickolov and Margutt Kevorkyan.

The Chair welcomed the following visitors who were present in the Senate gallery:

Forty-four eighth grade students from Peet Jr. High School, Cedar Falls, accompanied by Carol Hauram. Senator Slife.

Fifth grade students from Western Hills School, West Des Moines, accompanied by Paul Linn. Senator Kramer.

Fifteen seventh and eighth grade students from Ocheyedan Christian School, Ocheyedan, accompanied by Corwin Slagter. Senator Vande Hoef.

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2302 passed the Senate on April 16, 1992.

RALPH ROSENBERG

SUBCOMMITTEE ASSIGNMENT

House File 2458

APPROPRIATIONS: Lloyd-Jones, Chair; Gettings and Tinsman

AMENDMENTS FILED

S–5719	S.F.	2065	House amendment
S–5720	S.F.	414	House amendment
S–5721	S.F.	2345	Mike Connolly
S–5722	S.F.	2320	House amendment
S–5723	S.F.	2302	Ralph Rosenberg
S–5724	H.F.	2417	Dale Tieden Emil Husak
S–5725	S.F.	2316	Linn Fuhrman Richard Running
S–5726	S.F.	2345	Jim Lind

AFTERNOON SESSION

The Senate reconvened at 1:55 p.m., President pro tempore Lloyd-Jones presiding.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 121, by Riordan and Rosenberg, a senate concurrent resolution requesting that the President of the United States and the Congress of the United States safeguard the laws of the United States relating to health, safety, labor, and environmental protection from threats by treaties affecting trade currently being negotiated, including the current Uruguay Round of the General Agreement on Tariffs and Trade and the United States-Mexico Free Trade Agreement.

Read first time and **passed on file.**

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

SENATE RECEDES

Senate File 2257

Senator Kibbie called up for consideration Senate File 2257, a bill for an act relating to the regulation of hunting preserves and providing penalties for violations, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Kibbie 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. 2257) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

HOUSE AMENDMENTS CONSIDERED

Senate File 2316

Senator Szymoniak called up for consideration Senate File 2316, a bill for an act relating to child support recovery, amended by the House in House amendment S—5699 filed April 16, 1992.

Senator Fuhrman offered amendment S—5725 filed by Senators Fuhrman and Running from the floor to House amendment S—5699 and moved its adoption.

A non record roll call was requested.

The ayes were 36, nays 5.

Amendment S—5725 was adopted.

Senator Szymoniak moved that the Senate concur in the House amendment as amended.

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

Senator Szymoniak moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2316) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings	Hutchins	Kersten

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

Senate File 2190

Senator Murphy called up for consideration Senate File 2190, a bill for an act to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer, amended by the House, and moved that the Senate concur in House amendment S—5698 filed April 15, 1992.

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

Senator Murphy 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2190) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Gettings	Hutchins

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2464

On motion of Senator Szymoniak, House File 2464, a bill for an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon asked unanimous consent that House File 2464 be referred to the committee on Judiciary.

Senator Hutchins asked and received unanimous consent that **House File 2464** be referred to the committee on **Judiciary**.

HOUSE AMENDMENTS CONSIDERED

Senate File 2354

Senator Varn called up for consideration Senate File 2354, a bill for an act relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties, amended by the House, and moved that the Senate concur in House amendment S—5701 filed April 15, 1992.

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

Senator Varn 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2354) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

Senate File 2167

Senator Connolly called up for consideration Senate File 2167, a bill for an act to establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—5697 filed April 15, 1992.

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

Senator Connolly 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2167) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 14:

Borlaug	Dieleman	Drake	Fuhrman
Hedge	Jensen	Kramer	Lind
McLaren	Pate	Rensink	Taylor
Tieden	Vande Hoef		

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

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that

Senate File 2365 be referred from the Ways and Means Calendar to the committee on **Judiciary.**

UNFINISHED BUSINESS
(Deferred April 6, 1992)

House File 2382

The Senate resumed consideration of House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty, deferred April 6, 1992.

Senator Hedge asked and received unanimous consent to withdraw amendment S—5577 filed by Senators Hedge and Priebe on April 7, 1992, to page 1 and the title page of the bill.

Senator Hedge offered amendment S—5648 filed by Senators Hedge, Priebe and Riordan on April 13, 1992, to page 1 and the title page of the bill.

Senator Rensink raised the point of order that amendment S—5648 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5648 out of order.

Senator Riordan asked and received unanimous consent that action on **House File 2382** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 2339

Senator Kinley called up for consideration Senate File 2339, a bill for an act relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws, amended by the House, and moved that the Senate concur in House amendment S—5713 filed April 15, 1992.

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

Senator Kinley 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2339) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Slife

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2250

The Senate resumed consideration of House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law, deferred April 3, 1992.

Senator Running offered amendment S—5728 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator Drake asked unanimous consent that action on amendment S—5728 and **House File 2250** be **deferred.**

Senator Hutchins asked and received unanimous consent that action on amendment S—5728 and **House File 2250** be **deferred.**

SENATE INSISTS

House File 2452

Senator Rosenberg called up for consideration House File 2452, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2452** on the part of the Senate: Senators Rosenberg, Chair; Sturgeon, Peterson, Fuhrman and Vande Hoef.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2413

Senator Fraise called up for consideration House File 2413, a bill for an act relating to operation by all-terrain vehicles and snowmobiles on certain underpasses, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5712 to Senate amendment H—5803 filed April 15, 1992.

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

Senator Fraise moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2413) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

SENATE INSISTS

Senate File 2244

Senator Priebe called up for consideration Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

BUSINESS PENDING

House File 2382

The Senate resumed consideration of House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal penalty, previously deferred.

Senator Rensink 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. 2382) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Palmer

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

UNFINISHED BUSINESS
(Deferred April 15, 1992)

Senate File 2036

The Senate resumed consideration of Senate File 2036, a bill for an act relating to regulating the investment of public funds

and providing an effective date, and House amendment S—5531 as amended, deferred April 15, 1992.

Senator Deluhery filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5715 to House amendment S—5531 as amended to Senate File 2036 was adopted by the Senate on April 15, 1992.

President Gronstal took the chair at 4:15 p.m.

Senator Deluhery moved the adoption of the motion to reconsider.

A non record roll call was requested.

The ayes were 26, nays 23.

The motion prevailed and amendment S—5715 by Senators McLaren and Slife to House amendment S—5531, was taken up for reconsideration.

Senator Varn called for a division of amendment S—5715 to House amendment S—5531:

Division S—5715A: page 1, lines 4-32 and lines 37-50; page 2, lines 1-13.

Division S—5715B: page 1, lines 33-36 and page 2, lines 14-22.

Senator McLaren moved the adoption of division S—5715A.

A record roll call was requested.

On the question "Shall division S—5715A to House amendment S—5531 be adopted?" (S.F. 2036) the vote was:

Ayes, 38:

Borlaug	Boswell	Buhr	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Hagerla	Hedge	Hester
Husak	Jensen	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer

Slife	Soorholtz	Sorensen	Sturgeon
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 11:

Connolly	Deluhery	Gronstal	Hannon
Horn	Hutchins	Miller	Peterson
Rosenberg	Running	Szymoniak	

Voting present, 1:

Kersten

Division S—5715A was adopted.

Senator McLaren moved the adoption of division S—5715B to House amendment S—5531.

A record roll call was requested.

On the question "Shall division S—5715B to House amendment S—5531 be adopted?" (S.F. 2036) the vote was:

Ayes, 22:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kinley
Kramer	Lind	McLaren	Palmer
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Voting present, 1:

Kersten

Division S—5715B lost.

Senator Deluhery moved that the Senate concur in the House amendment as amended.

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

Senator Deluhery moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2036) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Voting present, 1:

Kersten

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

IMMEDIATELY MESSASGED

Senator Hutchins asked and received unanimous consent that Senate Files 2036, 2167, 2190, 2257, 2339 and 2354 and House Files 2382 and 2413 and House Joint Resolution 2010 be immediately messaged to the House.

The Senate stood at ease at 4:51 p.m. until the fall of the gavel.

The Senate resumed session at 5:55 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

BILL REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that **House File 2434** be referred from the Unfinished Business Calendar to the committee on **Small Business and Economic Development.**

BUSINESS PENDING

House File 2250

The Senate resumed consideration of House File 2250, a bill for an act relating to an employee's choice of care under workers' compensation law, and amendment S—5728 by Senator Running to strike everything after the enacting clause, previously deferred.

Senator Pate offered amendment S—5732 filed by him from the floor to amendment S—5728.

Senator Running asked and received unanimous consent that action on amendment S—5732 to amendment S—5728, amendment S—5728 and **House File 2250** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 2061

Senator Gettings called up for consideration Senate File 2061, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements, amended by the House in House amendment S—5512 filed April 2, 1992.

Senator Fraise asked and received unanimous consent to withdraw amendment S—5622 filed by Senators Fraise and Gettings on April 9, 1992, to House amendment S—5512.

Senator Fraise asked and received unanimous consent to withdraw amendment S—5645 filed by Senators Fraise and Gettings on April 13, 1992, to House amendment S—5512.

Senator Sturgeon took the chair at 6:08 p.m.

Senator Fraise offered amendment S—5688 filed by Senators Fraise and Gettings on April 14, 1992, to House amendment S—5512 and moved its adoption.

Amendment S—5688 was adopted by a voice vote.

With the adoption of amendment S—5688 to House amendment S—5512, the Chair ruled amendment S—5718 filed by Senator Drake on April 15, 1992, to House amendment S—5512, out of order.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2244** on the part of the Senate: Senators Priebe, Chair; Miller, Hedge, Soorholtz and Riordan.

BUSINESS PENDING

Senate File 2061

The Senate resumed consideration of Senate File 2061 and House amendment S—5512 as amended.

Senator Gettings moved that the Senate concur in the House amendment as amended.

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

Senator Gettings moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2061) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Kinley

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

HOUSE AMENDMENT CONSIDERED

Senate File 2148

Senator Lloyd-Jones called up for consideration Senate File 2148, a bill for an act relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5696 filed April 15, 1992.

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

Senator Lloyd-Jones 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2148) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Kinley

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

MOTION TO OVERRIDE GOVERNOR'S VETO LOST

Senator Priebe called up for consideration Senate File 2013, a bill for an act relating to the delay of the effective date of proposed administrative rules by the administrative rules review committee, and moved to reconsider and pass the bill, the objections of the Governor notwithstanding, as vetoed by the Governor on April 9, 1992.

On the question "Shall the Senate on reconsideration, agree to pass the bill, the objections of the Governor to the contrary notwithstanding?" (S.F. 2013) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 20:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 1:

Kinley

The motion having failed to receive a two-thirds vote was declared to have lost and the Governor's veto was sustained.

ADOPTION OF RESOLUTION

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 118.

Senate Concurrent Resolution 118

On motion of Senator Welsh, Senate Concurrent Resolution 118, a concurrent resolution to honor pharmacist Robert J. Osterhous of Maquoketa, Iowa, on achieving the highest elected office in American pharmacy, President of the American Pharmaceutical Association, with report of committee recommending passage, was taken up for consideration.

Senator Welsh moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

BUSINESS PENDING

House File 2250

The Senate resumed consideration of House File 2250, a bill for an act relating to an employee's choice of care under workers' compensation law, amendment S—5728 and amendment S—5732 to amendment S—5728, previously deferred.

Senator Running offered amendment S—5733 filed by him from the floor to amendment S—5728.

Senator Riordan took the chair at 6:35 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dieleman for the remainder of the evening on request of Senator Horn.

BUSINESS PENDING

House File 2250

The Senate resumed consideration of House File 2250.

Senator Running moved the adoption of amendment S—5733 to amendment S—5728.

A non record roll call was requested.

The ayes were 30, nays 14.

Amendment S—5733 was adopted.

Senator Pate withdrew amendment S—5732 filed by him from the floor to amendment S—5728, previously deferred.

Senator Running moved the adoption of amendment S—5728 as amended, which motion prevailed by a voice vote.

Senator Running 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. 2250) the vote was:

Ayes, 38:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Gettings
Gronstal	Hagerla	Hannon	Horn
Husak	Hutchins	Kersten	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Varn	Welsh		

Nays, 10:

Borlaug	Fuhrman	Hedge	Hester
Jensen	Kibbie	McLaren	Rensink
Taylor	Vande Hoef		

Absent or not voting, 2:

Dieleman	Kinley

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that House File 2250, Senate Files 2061 and 2148, and Senate Concurrent Resolution 118 be immediately messaged to the House.

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 April 16, 1992, **insisted on** its amendment to **Senate File 2307**, a bill for an act relating to the establishment of an Iowa statewide health insurance plan and providing for the applicability of the act, and that the members of the **Conference Committee** on the part of the House are: The Representative from Polk, Mr. Haverland, Chair; the Representative from Story, Mrs. Hammond; the Representative from Fayette, Mr. Hurley; the Representative from Linn, Mr. Osterberg; the Representative from Sioux, Mr. Plasier.

INTRODUCTION OF BILL

Senate File 2368, by committee on Ways and Means, a bill for an act relating to the funding of the gamblers assistance program.

Read first time and **placed on Ways and Means Calendar.**

APPENDIX

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2316 passed the Senate on April 16, 1992.

ELAINE SZYMONIAK

BILL RETURNED TO CALENDAR
(Senate File 2359)

Pursuant to Senate Rule 13 and unanimous consent received by Senator Hutchins on April 15, 1992, on Senate Journal page 1432, **Senate File 2359** was automatically returned to the Senate Regular Calendar from the committee on **Ethics** at 2:00 p.m., Thursday, April 16, 1992, with amendment filed but no committee action taken on the bill, thereby placing the bill on the calendar without recommendation.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.C.R.	121	Rules and Administration
H.F.	2468	Ways and Means
H.F.	2473	Ways and Means

EXPLANATION OF VOTE

MR. PRESIDENT: I inadvertently voted "nay" on the motion to reconsider amendment S—5715 to House amendment S—5531 to Senate File 2036 on April 16, 1992. I intended to vote "present".

JIM KERSTEN

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2470, a bill for an act relating to real property that qualifies for property tax exemptions in a revitalization area and providing effective and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2368 (SSB 2298), a bill for an act relating to the funding of the gamblers assistance program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5727	H.F.	2399	Al Sturgeon
S—5728	H.F.	2250	Richard Running
S—5729	S.F.	2359	Richard Drake
S—5730	S.F.	2359	Richard Drake
S—5731	S.F.	2359	Ethics
S—5732	H.F.	2250	Paul Pate
S—5733	H.F.	2250	Richard Running

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:05 p.m., until 9:00 a.m., Friday, April 17, 1992.

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
SIXTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 17, 1992

The Senate met in regular session at 9:40 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Leonard Boswell, member of the Senate from Decatur County, Davis City, Iowa.

The Journal of Thursday, April 16, 1992, was approved.

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 13, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2370, a bill for an act relating to health insurance availability to employees of small employers and providing for certain assessments.

ALSO: That the House has on April 15, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2435, a bill for an act relating to the administration of the Wallace technology transfer foundation.

ALSO: That the House has on April 16, 1992, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

ALSO: That the House has on April 16, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

ALSO: That the House has on April 16, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bills in which the concurrence of the Senate is asked:

House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county (S—5735 to H—5649).

House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date (S—5734 to H—5916).

ALSO: That the House has on April 16, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

This bill was read first time and **passed on file.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

SPECIAL PRESENTATION TO SENATE PAGE

Michael Murray, Senate Page, was invited to the well of the Senate by Senators Hutchins and Rife and presented with a Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1992 Regular Session of the Seventy-fourth General Assembly.

The Senate rose and expressed its appreciation to Michael.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2470.

House File 2470

On motion of Senator Dieleman, House File 2470, a bill for an act relating to real property that qualifies for property tax exemptions in a revitalization area and providing effective and applicability provisions, with report of committee recommending passage, was taken up for consideration.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2307** on the part of the Senate: Senators Varn, Chair; Sturgeon, Sorensen, Kersten and Slife.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Vande Hoef until he returns on request of Senator Jensen and Senator Borlaug for the day on request of Senator Rittmer.

BUSINESS PENDING

House File 2470

The Senate resumed consideration of House File 2470.

Senator Dieleman 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. 2470) the vote was:

Ayes, 36:

Boswell	Connolly	Deluhery	Dieleman
Drake	Fraise	Fuhrman	Gettings

Hagerla	Hannon	Hedge	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Murphy	Palmer	Pate
Rensink	Rife	Riordan	Rittmer
Rosenberg	Slife	Sorensen	Szymoniak
Taylor	Tieden	Tinsman	Welsh

Nays, 10:

Buhr	Doyle	Gronstal	Jensen
Miller	Peterson	Priebe	Running
Sturgeon	Varn		

Absent or not voting, 4:

Borlaug	Hester	Soorholtz	Vande Hoef

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

HOUSE AMENDMENT CONSIDERED

Senate File 2065

Senator Rosenberg called up for consideration Senate File 2065, a bill for an act relating to violations of an individual's rights, and establishing additional criminal offenses, amended by the House, and moved that the Senate concur in House amendment S—5719 filed April 16, 1992.

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

Senator Rosenberg 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2065) the vote was:

Ayes, 44:

Boswell	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak

Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Running
Slife	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Nays, 3:

Dieleman	Jensen	Sorensen

Absent or not voting, 3:

Borlaug	Soorholtz	Vande Hoef

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

MOTION TO RECONSIDER LOST

House File 242

Senator Welsh called up the motion to reconsider House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties, filed by him on April 1, 1992, found on page 1165 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 242) the vote was:

Ayes, 3:

Lloyd-Jones	Rife	Riordan

Nays, 43:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rittmer
Rosenberg	Running	Slife	Sorensen

Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Varn	Welsh	

Voting present, 1:

Doyle

Absent or not voting, 3:

Borlaug	Soorholtz	Vande Hoef

The motion lost.

The motion to reconsider House File 242 filed by Senator Taylor on April 1, 1992, and found on page 1165 of the Senate Journal, was out of order.

SENATE INSISTS

House File 2457

Senator Buhr called up for consideration House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

Senate File 2355

Senator Szymoniak called up for consideration Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2287

Senator Running called up for consideration House File 2287, a bill for an act to establish a community-based workplace learning

program, and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5734 to Senate amendment H—5916 filed April 17, 1992.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

MOTION TO RECONSIDER LOST

House File 2372

Senator Peterson called up the motion to reconsider House File 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstance, filed by him on April 2, 1992, found on page 1189 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2372) the vote was:

Ayes, 1:

Rife

Nays, 44:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Varn	Welsh

Absent or not voting, 5:

Borlaug	Drake	Kramer	Soorholtz
Vande Hoef			

The motion lost.

The motion to reconsider House File 2372 filed by Senator Dieleman on April 2, 1992, and found on page 1189 of the Senate Journal, was out of order.

APPOINTMENT OF CONFERENCE COMMITTEES

The Chair announced the following conference committee on **Senate File 2355** on the part of the Senate: Senators Szymoniak, Chair; Boswell, Murphy, Hagerla and Tinsman.

The Chair announced the following conference committee on **House File 2457** on the part of the Senate: Senators Buhr, Chair; Miller, Hannon, Rittmer and Tinsman.

UNFINISHED BUSINESS
(Deferred April 8, 1992)

Senate File 2356

The Senate resumed consideration of Senate File 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date, deferred April 8, 1992.

Senator Hutchins asked and received unanimous consent that **Senate File 2356** be referred to the committee on **Judiciary.**

The Senate stood at ease at 10:55 a.m. until the fall of the gavel.

The Senate resumed session at 11:36 a.m., Senator Kinley presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 30 present, 20 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that

Senate File 2065 and **House Files 2287, 2372** and **2470** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2359.

Senate File 2359

On motion of Sentor Lloyd-Jones, Senate File 2359, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, with report of committee on State Government recommending amendment and passage on April 15, 1992, referred to the committee on Ethics on April 15, 1992, returned to the Senate Calendar on April 16, 1992, with amendment filed and no committee action taken on the bill, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5736 filed by her from the floor to strike everything after the enacting clause of the bill.

Senator Priebe rose on a point of parliamentary inquiry to question if one committee can file an amendment to another committee's amendment.

The Chair advised that President Gronstal will state his decision upon convening of the Senate on Monday, April 20, 1992.

Senator Lloyd-Jones moved the adoption of amendment S—5736.

A record roll call was requested.

On the question "Shall amendment S—5736 be adopted?" (S.F. 2359) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 17:

Buhr	Connolly	Deluhery	Drake
Gronstal	Hannon	Horn	Kibbie
Kinley	Lloyd-Jones	Murphy	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak			

Nays, 29:

Boswell	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Miller
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef
Welsh			

Absent or not voting, 4:

Borlaug	Hutchins	Soorholtz	Varn

Amendment S—5736 lost.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2359** be **deferred.**

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2292

The Senate resumed consideration of House File 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties, deferred April 3, 1992.

Senator Buhr offered amendment S—5287 filed by the committee on State Government on March 18, 1992, to pages 1 and 4 of the bill and moved its adoption.

Amendment S—5287 was adopted by a voice vote.

Senator Riordan withdrew amendment S—5709 filed by him on April 15, 1992, to page 1 of the bill.

Senator Hannon withdrew amendment S—5205 filed by her on March 12, 1992, to page 1 of the bill.

Senator Riordan withdrew amendment S—5710 filed by him on April 15, 1992, to page 4 of the bill.

Senator Riordan withdrew amendment S—5711 filed by him on April 15, 1992, to page 4 of the bill.

Senator Buhr 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. 2292) the vote was:

Ayes, 48:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

Borlaug	Soorholtz

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

Senator Hutchins asked and received unanimous consent that **House File 2292** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2369, by committee on Ways and Means, a bill for an act relating to bond issuance elections and authorizing a

political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

Read first time and **placed on Ways and Means Calendar.**

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 April 17, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2412, a bill for an act relating to educational finance matters.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

Convened: April 16, 1992, 8:35 a.m.

Members Present: Kinley, Chair; Doyle, Vice Chair; Soorholtz, Ranking Member and Boswell.

Members Absent: Drake (excused).

Committee Business: General discussion of claims.

Adjourned: 8:45 a.m.

ETHICS

Convened: April 16, 1992, 8:07 a.m.

Members Present: Lloyd-Jones, Chair; Gettings, Vice Chair; Drake, Ranking Member; Hedge, Husak, DeKoster (citizen member) and Knutson (citizen member).

Members Absent: none.

Committee Business: Amended Senate File 2359.

Adjourned: 9:55 a.m.

WAYS AND MEANS

Convened: April 16, 1992, 4:46 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House File 2470; approved SSB 2298 as a committee bill; amended and approved SSB 2299 as a committee bill; deferred action on House File 2396.

Adjourned: 4:52 p.m.

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 his approval on this 17th day of April, 1992:

Senate Files 2094, 2108, 2119, 2133, 2137 and 2213.

JOHN F. DWYER
Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2137, the following correction was made:

1. Page 1, line 7, the word "Supplement," was changed to the word "Supplement

JOHN F. DWYER
Secretary of the Senate

COMMITTEE REPORTS

JUDICIARY

Final Bill Action: SENATE FILE 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Rosenberg, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Slife and Varn. Nays, 3: Fuhrman, Connolly and Peterson. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn. Nays, 1: Fuhrman. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2464, a bill for an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Sturgeon, Rosenberg, Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn. Nays, 1: Fuhrman. Absent or not voting, 1: Murphy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2369 (SSB 2299), a bill for an act relating to bond issuance elections and authorizing a political subdivision to impose an income surtax to partially fund the issuance of certain bonds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Dieleman, Hedge, Deluhery, Fuhrman, Hester, Murphy, Rosenberg and Szymoniak. Nays, 5: Husak, Drake, Fraise, McLaren and Taylor. Pass, 2: Connolly and Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2369 and they were attached to the committee report.

STUDY BILL RECEIVED

SSB 2300 Ways & Means

Relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

AMENDMENTS FILED

S—5734	H.F.	2287	House amendment
S—5735	H.F.	547	House amendment
S—5736	S.F.	2359	Lloyd-Jones
S—5737	S.F.	2360	Jim Kersten Derryl McLaren
S—5738	S.F.	2360	Paul Pate
S—5739	H.F.	2243	Florence Buhr
S—5740	S.F.	2316	Elaine Szymoniak Linn Fuhrman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 12:15 p.m., until 10:00 a.m., Monday, April 20, 1992.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
SIXTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 20, 1992

The Senate met in regular session at 10:10 a.m., Senator Riordan presiding.

Prayer was offered by the Honorable James Riordan, member of the Senate from Dallas County, Waukee, Iowa.

The Journal of Friday, April 17, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Varn and Hannon until they arrive on request of Senator Hutchins and Senator McLaren until he arrives on request of Senator Rife.

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, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2343, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes (S—5742).

ALSO: That the House has on April 17, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the Senate is asked:

House File 2256, a bill for an act relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date.

ALSO: That the House has on April 17, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2036, a bill for an act relating to regulating the investment of public funds and providing an effective date.

ALSO: That the House has on April 17, 1992, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date.

ALSO: That the House has on April 17, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 17, 1992, **insisted on** its amendment to **House File 2287,** a bill for an act to establish a community-based workplace learning program, and providing an effective date, and that the members of the **Conference Committee** on part of the House are: The Representative from Lee, Mr. Wise, Chair; the Representative from Hamilton, Mrs. Adams; the Representative from Black Hawk, Mr. Hanson; the Representative from Clinton, Mr. Ollie; the Representative from Pottawattamie, Mr. Siegrist.

ALSO: That the members of the **Conference Committee,** appointed on April 17, 1992, on **Senate File 2244,** a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date on the part of the House are: The Representative from Kossuth, Ms. Mertz, Chair; the Representative from Palo Alto, Mr. Fogarty; the Representative from Clinton,

Mr. Johnson; the Representative from Mitchell, Mr. Koenigs; the Representative from Muscatine, Mr. Petersen.

ALSO: That the members of the **Conference Committee**, appointed on April 17, 1992, on **Senate File 2355**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates on the part of the House are: The Representative from Story, Mrs. Hammond, Chair; the Representative from Lucas, Mr. Brown; the Representative from Scott, Mr. Grubbs; the Representative from Polk, Mr. Haverland; the Representative from Pottawattamie, Mrs. Hester.

ALSO: That the members of the **Conference Committee**, appointed on April 17, 1992, on **House File 2452**, a bill for an act relating to juvenile and criminal justice, establishing a juvenile court judges commission, providing for continuing supervision of delinquents upon attaining the age of majority under certain circumstances and providing penalties, providing for detention of some runaways for a limited period, expanding provisions for automatic waiver to adult court, establishing and increasing criminal offenses and penalties, establishing or amending certain juvenile and criminal procedures and financial responsibility provisions, and providing for related matters on the part of the House are: The Representative from Appanoose, Mr. Jay, Chair; the Representative from Woodbury, Mr. Hansen; the Representative from Hardin, Mr. McNeal; the Representative from Scott, Mr. Millage; the Representative from Polk, Mr. Sherzan.

ALSO: That the members of the **Conference Committee**, appointed on April 17, 1992, on **House File 2457**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights on the part of the House are: The Representative from Black Hawk, Mrs. Teaford, Chair; the Representative from Worth, Mr. Bartz; the Representative from Dickinson, Ms. Gruhn; the Representative from Dubuque, Mr. Murphy; the Representative from Henry, Mr. Spenner.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 10:38 a.m.

The vote revealed 41 present, 9 absent and a quorum present.

RULING ON POINT OF INQUIRY
(April 17, 1992)

Senate President Gronstal's ruling on a point of parliamentary

inquiry regarding standing committee amendments raised by Senator Priebe on Friday, April 17, 1992:

According to Mason's Manual of Legislative Procedure and Iowa Senate precedent a standing committee may amend another standing committee's amendment.

Senator Gronstal further ruled the committee's of first referral amendment has precedence and that in the future the subsequent committee's amendment shall be drafted in such a way that those amendments effecting the operation of a committee amendment shall be drafted separately from those amendments effecting the operations of the bill.

That shall preserve the committee's of first referral amendment having precedence on the floor of the Senate.

MOTION TO RECONSIDER ADOPTED

Senator Szymoniak called up the motion to reconsider Senate File 2316 filed by her on April 16, 1992, found on page 1467 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2316) the vote was:

Ayes, 42:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tinsman	Vande Hoef		

Nays, 1:

Tieden

Absent or not voting, 7:

Connolly	Hannon	McLaren	Running
Sturgeon	Varn	Welsh	

The motion prevailed.

Senator Szymoniak moved to reconsider the vote by which Senate File 2316 went to its last reading, which motion prevailed by a voice vote.

Senate File 2316

On motion of Senator Szymoniak, Senate File 2316, a bill for an act relating to child support recovery, was taken up for reconsideration.

Senator Szymoniak filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which House amendment S—5699 as amended to Senate File 2316 was adopted by the Senate on April 16, 1992.

The motion prevailed by a voice vote and House amendment 5699 as amended was taken up for reconsideration.

Senator Szymoniak filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5725 to House amendment S—5699 to Senate File 2316 was adopted by the Senate on April 16, 1992.

The motion prevailed by a voice vote and amendment S—5725 by Senators Fuhrman and Running, was taken up for reconsideration.

Senator Fuhrman asked and received unanimous consent that action on amendment S—5725 to House amendment S—5699 be deferred.

Senator Szymoniak offered amendment S—5740 filed by Senators Szymoniak and Fuhrman on April 17, 1992, to House amendment S—5699 and moved its adoption.

Amendment S—5740 was adopted by a voice vote.

With the adoption of amendment S—5740 to House amendment S—5699, the Chair ruled amendment S—5725 previously deferred, out of order.

Senator Szymoniak moved the Senate concur in the House amendment as amended, which motion prevailed by a voice vote.

Senator Szymoniak 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. 2316) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, none.

Absent or not voting, 7:

Hannon	McLaren	Priebe	Running
Sturgeon	Varn	Welsh	

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

Senator Hutchins asked and received unanimous consent that **Senate File 2316** be **immediately messaged** to the House.

The Senate stood at ease at 10:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:07 p.m., Senator Running presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:08 p.m., until 1:30 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: April 17, 1992, 11:02 a.m.

Members Present: Sturgeon, Chair; Rosenberg, Vice Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Drake, Hagerla, Hester, Horn, Miller, Pate, Peterson, Slife and Varn.

Members Absent: Murphy (excused).

Committee Business: Recommended passage of Senate Files 2356 and 2365 and House File 2464.

Adjourned: 11:17 a.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 446, the following correction was made:

1. Page 7, line 8, the word "irregation" was changed to the word "irrigation".

JOHN F. DWYER
Secretary of the Senate

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 his approval on this 20th day of April, 1992:

Senate Files 446, 2293, 2189, 2233, 2265, 2286 and 531.

JOHN F. DWYER
Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5736 to Senate File 2359 failed to be adopted by the Senate on April 17, 1992.

BERL E. PRIEBE

PETITIONS

The following petitions were presented and placed on file by:

Ninety-six residents of Bremer County opposing reduction in funding for the REAP program. Senator Jensen.

One hundred seven students of Mason City Schools supporting a one cent sales tax increase for full funding of educational and environmental programs. Senator Miller.

STUDY BILLS RECEIVED

SSB 2301 Ways & Means

Relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

SSB 2302 Ways & Means

Relating to motor vehicle registration fees and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House File 2468

WAYS AND MEANS: Husak, Chair; Connolly and Hester

House File 2473

WAYS AND MEANS: Palmer, Chair; Deluhery and Drake

SSB 2300

WAYS AND MEANS: Husak, Chair; Rosenberg and Taylor

SSB 2301

WAYS AND MEANS: Husak, Chair; Dieleman and Hedge

SSB 2302

WAYS AND MEANS: Fraise, Chair; Dieleman and Drake

AMENDMENTS FILED

S—5741	H.F.	2439	Richard Varn
S—5742	S.F.	2343	House amendment

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., Senator Sturgeon presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

SENATE INSISTS

Senate File 2345

Senator Gettings called up for consideration Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2345** on the part of the Senate: Senators Gettings, Chair; Connolly, Doyle, Kersten and Jensen.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate Joint Resolution 2008

On motion of Senator Boswell, Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, was taken up for consideration.

Senator Tinsman offered amendment S—5643 filed by Senators Tinsman, et al., on April 10, 1992, to pages 1-5 and the title page of the bill.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2287** on the part of the Senate: Senators Running, Chair; Connolly, Deluhery, Kramer and Taylor.

BUSINESS PENDING

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008.

Senator Connolly took the chair at 2:48 p.m.

Senator Sturgeon took the chair at 2:55 p.m.

Senator Tinsman moved the adoption of amendment S—5643.

A record roll call was requested.

On the question "Shall amendment S—5643 be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 19:

Buhr	Connolly	Deluhery	Dieleman
Gronstal	Hannon	Hutchins	Kibbie
Kramer	Lloyd-Jones	Miller	Murphy
Rosenberg	Running	Slife	Sturgeon
Szymoniak	Tieden	Tinsman	

Nays, 30:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Gettings	Hagerla
Hedge	Hester	Horn	Husak
Jensen	Kersten	Kinley	Lind
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Soorholtz	Sorensen	Taylor	Vande Hoef
Varn	Welsh		

Absent or not voting, 1:

McLaren

Amendment S—5643 lost.

Senator Hutchins asked and received unanimous consent that action on **Senate Joint Resolution 2008** be **deferred.**

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2475** was assigned to the committee on **Ways and Means.**

HOUSE MESSAGES RECEIVED

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 20, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2061, a bill for an act exempting overweight vehicles transporting solid waste from unloading requirements.

ALSO: That the House has on April 20, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2382, a bill for an act relating to the purchase or sale of wild animals illegally taken, transported, or possessed by a person, and subjecting violators to a criminal and a civil penalty.

ALSO: That the House has on April 20, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the House was asked:

House File 2450, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates (S—5743 to H—5834).

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2450

Senator Kibbie called up for consideration House File 2450, a bill for an act relating to public retirement systems and administration and benefits of the Iowa public employees' retirement system, including penalties, making an appropriation, and providing effective and retroactive applicability dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5743 to Senate amendment H—5834 filed April 20, 1992.

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

Senator Kibbie moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2450) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

McLaren

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

Senator Hutchins asked and received unanimous consent that **House File 2450** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 17, 1992)

Senate File 2359

The Senate resumed consideration of Senate File 2359, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, deferred April 17, 1992.

Senator Priebe called up the motion to reconsider the vote by which amendment S—5736 to Senate File 2359 failed to be adopted by the Senate on April 17, 1992, filed by him from the floor, found on page 1492 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5736 by Senator Lloyd-Jones to strike everything after the enacting clause of the bill, was taken up for reconsideration.

Senate Lloyd-Jones moved the adoption of amendment S—5736, which motion prevailed by voice vote.

Senator Lloyd-Jones asked and received unanimous consent that **House File 2466** be **substituted** for **Senate File 2359**, as amended.

Senator Lloyd-Jones asked and received unanimous consent that action on **House File 2466** be **deferred.**

The Senate stood at ease at 3:15 p.m. until the fall of the gavel.

The Senate resumed session at 3:28 p.m., Senator Sturgeon presiding.

BUSINESS PENDING

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution

2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, previously deferred.

Senator Murphy offered amendment S—5746 filed by Senators Murphy, et al., from the floor to pages 1-4 of the resolution and called for a division:

Page 1:

Division A: lines 2 and 3.
Division B: lines 4-23.
Division C: lines 24-33.
Division D: lines 34-45.
Division E: lines 46-50 and page 2, lines 1-6.

Page 2:

Division F: lines 7 and 8.
Division G: lines 9-11.
Division H: lines 12-21.
Division I: lines 22-27.
Division J: lines 28-35.
Division K: lines 36-44.
Division L: lines 45-50 and page 3, lines 1-3.

Page 3:

Division M: lines 4-6.
Division N: lines 7-9.
Division O: lines 10-12.
Division P: lines 13-16.
Division Q: lines 17-20.
Division R: lines 21-24.
Division S: lines 25-30.
Division T: lines 31-34.
Division U: lines 35-41.
Division V: lines 42-50 and page 4, lines 1 and 2.

Page 4:

Division W: lines 3-6.
Division X: lines 7-10.
Division Y: lines 11-14.

Division Z: lines 15-18.
Division AA: lines 19-23.
Division BB: lines 24-26.
Division CC: lines 27-30.
Division DD: lines 31-34.
Division EE: lines 35-38.
Division FF: lines 39-43.
Division GG: lines 44-47.
Division HH: lines 48-50 and page 5, lines 1 and 2.

Page 5:

Division II: lines 3-6.
Division JJ: lines 7-10.
Division KK: lines 11-14.
Division LL: lines 15-18.
Division MM: lines 19-22.
Division NN: lines 23-26.
Division OO: lines 27-30.
Division PP: lines 31-33.
Division QQ: lines 34-37.
Division RR: lines 38-42.
Division SS: lines 43-47.
Division TT: lines 48-50.

Page 6:

Division UU: lines 1-5.
Division VV: lines 6-9.
Division WW: lines 10-12.
Division XX: lines 13-16.
Division YY: lines 17-21.
Division ZZ: lines 22-26.
Division AAA: lines 27-33.
Division BBB: lines 34-39.
Division CCC: lines 40-43.
Division DDD: lines 44-47.
Division EEE: lines 48-50.

Page 7:

Division FFF: lines 1-7.
Division GGG: lines 8-13 and 28-50; page 8, lines 1-29.
Division HHH: lines 14-21.

Division III: lines 22-24.
Division JJJ: lines 25 and 26.
Division KKK: line 27.
Division LLL: 30-50 and Page 9, lines 1-8.

Page 8:

Division MMM: lines 9-13.

Senator Boswell raised the point of order that amendment S—5746 was not germane.

The Chair ruled the point not well taken because a germaneness question would need to be raised on each division.

Senator Murphy asked and received unanimous consent that action on amendment S—5746 be deferred.

Senator Szymoniak offered amendment S—5744 filed by Senators Szymoniak and Kramer from the floor to page 1 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5744 be adopted?" (S.J.R. 2008) the vote was:

Ayes, 22:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kinley
Kramer	Lloyd-Jones	Miller	Murphy
Rosenberg	Running	Sturgeon	Szymoniak
Tinsman	Welsh		

Nays, 27:

Borlaug	Boswell	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Lind
McLaren	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Slife	Soorholtz	Sorensen	Taylor
Tieden	Vande Hoef	Varn	

Absent or not voting, 1:

Palmer

Amendment S—5744 lost.

Senator Szymoniak offered amendment S—5745 filed by Senators Szymoniak, et al., from the floor to page 1 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5745 be adopted?" (S.J.R. 2008) the vote was:

Ayes, 23:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Kersten	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Riordan
Rosenberg	Running	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 26:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kibbie
Lind	McLaren	Pate	Peterson
Priebe	Rensink	Rife	Rittmer
Slife	Soorholtz	Sorensen	Taylor
Tieden	Vande Hoef		

Absent or not voting, 1:

Kramer

Amendment S—5745 lost.

The Senate resumed consideration of amendment S—5746 by Senators Murphy, et al., to pages 1-4 of the resolution, previously deferred.

Senator Murphy asked and received unanimous consent that action on division S—5746A be deferred for consideration of division S—5746J.

Senator Hannon moved the adoption of division S—5746J and requested a record roll call.

On the question "Shall division S—5746J be adopted?" (S.J.R. 2008) the vote was:

Ayes, 16:

Buhr	Connolly	Deluhery	Gronstal
Hannon	Hutchins	Lloyd-Jones	Miller
Murphy	Peterson	Rife	Riordan
Rosenberg	Running	Sturgeon	Szymoniak

Nays, 34:

Borlaug	Boswell	Dieleman	Doyle
Drake	Fraise	Fuhrman	Gettings
Hagerla	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Palmer	Pate	Priebe	Rensink
Rittmer	Slife	Soorholtz	Sorensen
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Division S—5746J lost.

Senator Murphy asked and received unanimous consent that action on division S—5746B be deferred for consideration of division S—5746MM.

Senator Murphy moved the adoption of division S—5746MM and requested a record roll call.

On the question "Shall division S—5746MM be adopted?" (S.J.R. 2008) the vote was:

Ayes, 19:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Lloyd-Jones	Miller	Murphy
Peterson	Rosenberg	Running	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 31:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
McLaren	Palmer	Pate	Priebe

Rensink	Rife	Riordan	Rittmer
Slife	Soorholtz	Sorensen	Taylor
Tieden	Tinsman	Vande Hoef	

Division S—5746MM lost.

Senator Connolly moved the adoption of division S—5746O and requested a record roll call.

On the question "Shall division S—5746O be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 25:

Borlaug	Boswell	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kramer	Lind
McLaren	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 1:

Kersten

Division S—5746O lost.

Senator Buhr moved the adoption of division S—5746FF and requested a record roll call.

On the question "Shall division S—5746FF be adopted?" (S.J.R. 2008) the vote was:

Ayes, 24:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tieden	Welsh

Nays, 26:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Priebe	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tinsman
Vande Hoef	Varn		

Division S—5746FF lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he returns on request of Senator Vande Hoef.

BUSINESS PENDING

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008.

Senator Hannon moved the adoption of division S—5746E and requested a record roll call.

On the question "Shall division S—5746E be adopted?" (S.J.R. 2008) the vote was:

Ayes, 23:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Peterson
Priebe	Riordan	Rosenberg	Running
Sturgeon	Szymoniak	Welsh	

Nays, 25:

Boswell	Drake	Fraise	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Palmer	Pate	Rensink
Rife	Rittmer	Slife	Soorholtz
Sorensen	Taylor	Tinsman	Vande Hoef
Varn			

Absent or not voting, 2:

Borlaug	Tieden

Division S—5746E lost.

Senator Hannon moved the adoption of division S—5746P.

A record roll call was requested.

On the question "Shall division S—5746P be adopted?" (S.J.R. 2008) the vote was:

Ayes, 22:

Connolly	Deluhery	Dieleman	Doyle
Gettings	Gronstal	Hannon	Horn
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Welsh		

Nays, 27:

Boswell	Buhr	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Kinley
Kramer	Lind	McLaren	Palmer
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Absent or not voting, 1:

Borlaug

Division S—5746P lost.

Senator Riordan took the chair at 5:23 p.m.

Senator Szymoniak moved the adoption of division S—5746W.

A record roll call was requested.

On the question "Shall division S—5746W be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Kinley	Lloyd-Jones	Miller
Murphy	Peterson	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 27:

Boswell	Doyle	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 1:

Borlaug

Division S—5746W lost.

Senator Running moved the adoption of division S—5746EE and requested a non record roll call.

The ayes were 21, nays 25.

Division S—5746EE lost.

Senator Rosenberg moved the adoption of division S—5746S and requested a non record roll call.

The ayes were 16, nays 28.

Division S—5746S lost.

Senator Running moved the adoption of division S—5746U and requested a record roll call.

On the question "Shall division S—5746U be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Buhr	Connolly	Deluhery	Doyle
Gettings	Gronstal	Hannon	Horn
Hutchins	Miller	Murphy	Palmer
Peterson	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Welsh

Nays, 28:

Borlaug	Boswell	Dieleman	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kinley	Kramer	Lind	McLaren
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Absent or not voting, 2:

Kibbie	Lloyd-Jones

Division S—5746U lost.

Senator Hutchins asked and received unanimous consent that action on **Senate Joint Resolution 2008** be **deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2360

On motion of Senator Gronstal, Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gronstal offered amendment S—5687 filed by the committee on State Government on April 14, 1992, to pages 1, 2, 4, 5 and 7-10 of the bill and moved its adoption.

Amendment S—5687 was adopted by a voice vote.

Senator Pate asked and received unanimous consent that action on **Senate File 2360** be **deferred.**

BUSINESS PENDING

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, and amendment S—5746 by Senators Murphy, et al., to pages 1-4 of the resolution, previously deferred.

Senator Connolly moved the adoption of division S—5746G and requested a record roll call.

On the question "Shall division S—5746G be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Buhr	Deluhery	Dieleman	Doyle
Gettings	Gronstal	Hannon	Horn
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Palmer	Riordan	Rittmer
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 26:

Borlaug	Boswell	Connolly	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kinley	Kramer	Lind	McLaren
Pate	Peterson	Priebe	Rensink
Rife	Slife	Soorholtz	Taylor
Tieden	Vande Hoef		

Division S—5746G lost.

Senator Hutchins asked and received unanimous consent that action on **Senate Joint Resolution 2008** be **deferred.**

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 20, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions (S—5756).

ALSO: That the House has on April 20, 1992, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 681, a bill for an act relating to the confidentiality of certain information relating to waste reduction under the public records law.

House File 2292, a bill for an act relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

ALSO: That the House has on April 20, 1992, passed the following bill in which the concurrence of the House was asked:

House File 2467, a bill for an act to establish a family resource center demonstration program.

This bill was read first time and **passed on file.**

APPENDIX

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2061)

A conference committee report signed by the following Senate and House members was filed April 20, 1992, on House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates:

On the Part of the Senate:	On the Part of the House:
JOHN KIBBIE, Chair	EUGENE BLANSHAN, Chair
LARRY MURPHY	DOROTHY CARPENTER
PAUL PATE	DARRELL HANSON
	DONALD KNAPP

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5746G to Senate Joint Resolution 2008 failed to be adopted by the Senate on April 20, 1992.

LEONARD BOSWELL

SUBCOMMITTEE ASSIGNMENT

House File 2475

WAYS AND MEANS: Rosenberg, Chair; Husak and McLaren

AMENDMENTS FILED

S—5743	H.F.	2450	House amendment
S—5744	S.J.R.	2008	Elaine Szymoniak Mary Kramer
S—5745	S.J.R.	2008	Elaine Szymoniak Larry Murphy Beverly Hannon Florence Buhr
S—5746	S.J.R.	2008	Larry Murphy

			Ralph Rosenberg
			Florence Buhr
			Elaine Szymoniak
			Richard Running
			Beverly Hannon
			Mike Connolly
			Al Sturgeon
			Albert Sorensen
			Jean Lloyd-Jones
S—5747	S.J.R.	2008	Larry Murphy
S—5748	S.J.R.	2008	Leonard Boswell
			Emil Husak
			Jim Kersten
S—5749	S.J.R.	2008	Beverly Hannon
			Larry Murphy
			Elaine Szymoniak
S—5750	S.J.R.	2008	Richard Varn
S—5751	S.J.R.	2008	Alvin Miller
S—5752	S.J.R.	2008	Ralph Rosenberg
S—5753	S.J.R.	2008	Mary Kramer
			Alvin Miller
			Elaine Szymoniak
S—5754	S.J.R.	2008	Richard Varn
S—5755	S.J.R.	2008	Sheldon Rittmer
S—5756	S.F.	2364	House amendment
S—5757	H.F.	2466	Maggie Tinsman
			Jim Kersten
			H. Kay Hedge
			Richard Drake
S—5758	H.F.	2466	John Kibbie
			Jean Lloyd-Jones
			Jim Lind
			Richard Drake
			Michael Gronstal

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 6:34 p.m., until 9:00 a.m., Tuesday, April 21, 1992.

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
SIXTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 21, 1992

The Senate met in regular session at 9:10 a.m., President Gronstal presiding.

Prayer was offered by Marilyn Rensink, Senate Secretary from Sioux County, Sioux Center, Iowa.

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, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2343, a bill for an act relating to soil and water conservation by providing for financial incentives.

ALSO: That the House has on April 20, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation.

This bill was read first time and **passed on file.**

BILL ASSIGNED TO COMMITTEE

President Gronstal announced that **House File 2471** was assigned to the committee on **Appropriations.**

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

OBJECTION TO REQUEST FOR UNANIMOUS CONSENT

Senator Hutchins asked unanimous consent to take up for consideration House File 2243, Senate File 2360 and House File 675.

Objection was raised by Senator Husak to taking up House File 675 and unanimous consent was received to take up House File 2243 and Senate File 2360.

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2243

The Senate resumed consideration of House File 2243, a bill for an act relating to the requirements for licensure as a certified public accountant, substituted for Senate File 2141 as amended and deferred on March 27, 1992.

Senator Connolly took the chair at 9:45 a.m.

Senator Buhr offered amendment S—5739 filed by her on April 17, 1992, to page 2 of the bill and moved its adoption.

Amendment S—5739 was adopted by a voice vote.

Senator Buhr 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. 2243) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake

Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 2:

Fuhrman Welsh

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

Senator Buhr asked and received unanimous consent that **Senate File 2141** be **withdrawn** from further consideration of the Senate.

Senator Hutchins asked and received unanimous consent that **House File 2243** be **immediately messaged** to the House.

OBJECTION TO REQUEST FOR UNANIMOUS CONSENT WITHDRAWN

Senator Husak withdrew his objection to take up for consideration of House File 675.

UNFINISHED BUSINESS
(Deferred April 20, 1992)

Senate File 2360

The Senate resumed consideration of Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, deferred April 20, 1992.

Senator Pate offered amendment S—5765 filed by him from the floor to pages 2-4, 6-8, 10 and the title page of the bill.

Senator Hutchins raised the point of order that amendment S—5765 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5765 out of order.

Senator Pate withdrew amendment S—5766 filed by him from the floor to pages 2-4, 6-8, 10 and the title page of the bill.

Senator Pate offered amendment S—5738 filed by him on April 17, 1992, to page 2 of the bill.

A record roll call was requested.

On the question "Shall amendment S—5738 be adopted?" (S.F. 2360) the vote was:

Ayes, 23:

Borlaug	Drake	Fuhrman	Hagerla
Hannon	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Rensink	Rife	Rittmer
Slife	Soorholtz	Sturgeon	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Szymoniak
Varn			

Absent or not voting, 2:

Dieleman	Welsh

Amendment S—5738 lost.

Senator Rife offered amendment S—5764 filed by him from the floor to page 10 of the bill.

Senator Kibbie raised the paoint of order that amendment S—5764 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5764 out of order.

Senator Kersten offered amendment S—5737 filed by Senators Kersten and McLaren on April 17, 1992, to page 10 of the bill and moved its adoption.

Amendment S—5737 was adopted by a voice vote.

Senator Lind asked and received unanimous consent that action on **Senate File 2360** be **deferred.**

HOUSE AMENDMENT CONSIDERED

Senate File 2343

Senator Gettings called up for consideration Senate File 2343, a bill for an act relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, providing an exemption for the sale of antique vehicles, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, creating a penalty for violating a license restriction, and making other technical changes, amended by the House, and moved that the Senate concur in House amendment S—5742 filed April 20, 1992.

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

Senator Gettings 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2343) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen

Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn			

Nays, none.

Absent or not voting, 1:

Welsh

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

The Senate stood at ease at 11:03 a.m. until the fall of the gavel.

The Senate resumed session, 11:20 a.m., Senator Rosenberg presiding.

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 21, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2357, a bill for an act providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

ALSO: That the House has on April 21, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 21, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds (S—5774).

ALSO: That the House has on April 21, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law (S—5775 to H—5957).

ALSO: That the members of the **Conference Committee,** appointed April 21, 1992, on **Senate File 2345,** a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, on the part of the House are: The Representative from Des Moines, Mr. Cohoon, Chair; the Representative from Lyon, Mr. DeGroot; the Representative from Woodbury, Mr. Gill; the Representative from Pottawattamie, Mr. Pavich; the Representative from Woodbury, Mr. Shoning.

ALSO: That the House has, on April 21, 1992, adopted the conference committee report and passed **House File 2061,** a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates.

RECESS

On motion of Senator Husak, the Senate recessed at 11:24 a.m., until 2:00 p.m.

APPENDIX

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 his approval on this 21st day of April, 1992:

Senate Files 2040, 2198, 2294, 2236, 2301 and 2148.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 21, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2094 — Relating to the regulation of transportation and the placement of special event signs, the recalculation of needs on transferred roads, the maximum speed limits for movement of certain truck trailers, mobile homes, and factory-built structures, and the penalty for failure to maintain adequate records.

SENATE FILE 2108 — Relating to the registration and use of boats and motorboats.

SENATE FILE 2119 — Relating to essential county purposes and the use of general obligation bonds for funding of local water services.

SENATE FILE 2133 — Relating to requirements for notice to an underground facility operator by a person planning certain excavation activities near the underground facility, establishing procedures, and providing for civil liability and injunctive relief, and providing an effective date.

SENATE FILE 2137 — Relating to motor vehicle certificates of title, by eliminating component part reviews, requiring a damage disclosure statement, restricting transfer of certain salvage certificates, defining salvage pools, relating to vehicle recycler license applications, and creating a penalty and providing an effective date.

SENATE FILE 2213 — Providing for the linked investment for tomorrow act, by providing for certificates of deposit placed in eligible lending institutions, and a rural small business transfer linked investment loan program, providing for

the deposit of state moneys in lending institutions, and providing retroactive applicability and effective dates.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Ninety fifth grade students from Crossroads Elementary School, West Des Moines, accompanied by Mrs. Anderson, Mrs. Morton and Miss Garman. Senator Kramer.

Seventy-five fourth grade students from Westwood Elementary School, Ankeny, accompanied by Bob Stone. Senator Palmer.

Fifty sixth grade students from Central Decatur Elementary School, accompanied by Michelle Griffieon. Senator Boswell.

REPORT OF COMMITTEE MEETING

WAYS AND MEANS

Convened: April 20, 1992, 3:19 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Deluhery, Drake, Fraise, Fuhrman, Hester, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: Connolly, McLaren (excused) and Murphy.

Committee Business: Assigned bills to subcommittees.

Adjourned: 3:22 p.m.

AMENDMENTS FILED

S—5759	S.J.R.	2008	Jim Lind
S—5760	H.F.	2466	Jean Lloyd-Jones Emil Husak H. Kay Hedge
S—5761	H.F.	2466	John Kibbie Richard Drake
S—5762	H.F.	2466	Jim Kersten Maggie Tinsman

S—5763	H.F.	2466	Mary Kramer H. Kay Hedge
S—5764	S.F.	2360	Jack Rife
S—5765	S.F.	2360	Paul Pate
S—5766	S.F.	2360	Paul Pate
S—5767	H.F.	2466	Jack Rife
S—5768	S.J.R.	2008	Albert Sorensen
S—5769	H.F.	2466	H. Kay Hedge Mary Kramer William Palmer Harry Slife Berl Priebe George Kinley
S—5770	H.F.	2466	H. Kay Hedge Richard Drake Mary Kramer Harry Slife
S—5771	H.F.	2466	William Palmer
S—5772	H.F.	2466	H. Kay Hedge Mary Kramer Harry Slife
S—5773	H.F.	2400	Elaine Szymoniak
S—5774	S.F.	2361	House amendment
S—5775	H.F.	2250	House amendment

AFTERNOON SESSION

The Senate reconvened at 2:18 p.m., Senator Connolly presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2343** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2360

The Senate resumed consideration of Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, previously deferred.

Senator Lind offered amendment S—5779 filed by Senators Lind and Rife from the floor to page 10 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5779 be adopted?" (S.F. 2360) the vote was:

Ayes, 24:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kinley	Kramer	Lind	McLaren
Palmer	Pate	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings

Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Lloyd-Jones	Miller
Peterson	Priebe	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Welsh			

Absent or not voting, 1:

Murphy

Amendment S—5779 lost.

Senator Gronstal 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. 2360) the vote was:

Ayes, 34:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 16:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kramer	Lind
McLaren	Pate	Rensink	Rife
Slife	Soorholtz	Taylor	Tieden

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

Senator Hutchins asked and received unanimous consent that **Senate File 2360 be immediately messaged** to the House.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2061

Senator Kibbie called up the conference committee report on

House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, filed on April 20, 1992, and moved its adoption.

A non record roll call was requested.

The ayes were 34, nays 15.

The conference committee report and the recommendations and amendments contained therein was adopted.

Senator Kibbie 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. 2061) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

HOUSE AMENDMENT CONSIDERED

Senate File 2361

Senator Boswell called up for consideration Senate File 2361, a bill for an act relating to and making appropriations of petroleum

overcharge funds, amended by the House in House amendment S—5774 filed April 21, 1992.

Senator Rosenberg offered amendment S—5776 filed by him from the floor to House amendment S—5774 and moved its adoption.

Amendment S—5776 was adopted by a voice vote.

Senator Boswell moved that the Senate concur in the House amendment as amended.

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

Senator Boswell moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2361) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2250

Senator Running called up for consideration House File 2250, a bill for an act relating to an employee's choice of care under the workers' compensation law, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5775 to Senate amendment H—5957 filed April 21, 1992.

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

Senator Running moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2250) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tieden	Tinsman	Varn	Welsh

Nays, 6:

Hedge	Hester	Jensen	Rensink
Taylor	Vande Hoef		

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

HOUSE AMENDMENT CONSIDERED

Senate File 2364

Senator Husak called up for consideration Senate File 2364, a bill for an act relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions, amended by the House, and moved that the Senate concur in House amendment S—5756 filed April 20, 1992.

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

Senator Husak 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2364) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

UNFINISHED BUSINESS

Senate File 2356

The Senate resumed consideration of Senate File 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date, deferred April 8, 1992, referred to committee on Judiciary on April 17, 1992, with report of committee recommending passage and the bill returned to the Unfinished Business Calendar on April 17, 1992.

Senator Szymoniak 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. 2356) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Kersten	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 6:

Deluhery	Fuhrman	Jensen	Peterson
Rensink	Welsh		

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 547

Senator Rosenberg called up for consideration House File 547, a bill for an act relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5735 to Senate amendment H—5649 filed April 17, 1992.

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

Senator Rosenberg moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 547) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

CONSIDERATION OF BILLS
(Ways and Means Calendar)

House File 2464

On motion of Senator Szymoniak, House File 2464, a bill for

an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date, with report of committee on Ways and Means recommending passage, referred to committee on Judiciary on April 17, 1992, with report of committee recommending passage and returned to the Ways and Means calendar on April 17, 1992, was taken up for consideration.

Senator Szymoniak 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. 2464) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Fuhrman

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

Senate File 2365

On motion of Senator Taylor, Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date, with report of committee on Ways and Means recommending passage, referred to committee on Judiciary on April 17, 1992, with report of committee on Judiciary recommending passage and returned to

the Ways and Means Calendar on April 17, 1992, was taken up for consideration.

Senator Taylor 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. 2365) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Fuhrman

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

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2439

The Senate resumed consideration of House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, deferred April 3, 1992.

Senator Varn withdrew amendment S—5741 filed by him on April 20, 1992, to pages 1-4 of the bill.

Senator Varn offered amendment S—5788 filed by him from the floor to pages 1-4, 6 and 7 of the bill.

Senator Sturgeon took the chair at 4:22 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Riordan until he returns on request of Senator Gronstal.

BUSINESS PENDING

House File 2439

The Senate resumed consideration of House File 2439 and amendment S—5788.

Senator Connolly asked and received unanimous consent that action on amendment S—5788 and **House File 2439** be **deferred.**

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2364** and **House Files 547** and **2250** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Gettings until he returns on request of Senator Husak and Senator Slife for the remainder of the day on request of Senator Rife.

MOTION TO RECONSIDER ADOPTED

Senator Rosenberg filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2361 passed the Senate on April 21, 1992.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2361) the vote was:

Ayes, 39:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gronstal	Hannon	Hedge
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rittmer	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Welsh	

Nays, 8:

Borlaug	Hagerla	Hester	McLaren
Rife	Taylor	Tieden	Vande Hoef

Absent or not voting, 3:

Gettings	Riordan	Slife

The motion prevailed.

Senator Rosenberg moved to reconsider the vote by which Senate File 2361 went to its last reading, which motion prevailed by a voice vote.

Senate File 2361

On motion of Senator Boswell, Senate File 2361, a bill for an act relating to and making appropriations of petroleum overcharge funds, was taken up for reconsideration.

Senator Rosenberg filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5774 as amended to Senate File 2361 on April 21, 1992.

The motion prevailed by a voice vote and House amendment S—5774 as amended was taken up for reconsideration.

Senator Rosenberg filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5776 to House amendment S—5774 to Senate File 2361 was adopted by the Senate on April 21, 1992.

The motion prevailed by a voice vote.

Senator Rosenberg withdrew amendment S—5776 to House amendment S—5774.

Senator Boswell moved that the Senate concur in the House amendment which motion prevailed by a voice vote.

Senator Boswell 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2361) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Rosenberg
Running	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Gettings	Riordan	Slife

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

Senator Hutchins asked and received unanimous consent that **Senate File 2361** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 20, 1992)

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, and amendment S—5746 by Senators Murphy, et al., to pages 1-4 of the bill, deferred April 20, 1992.

Senator Lind offered amendment S—5759 to divisions A-D, F, H, I, K, L, Q, R, T, V, X, Y, Z, AA-DD, GG-LL and NN-MMM of amendment S—5746 and called for a division:

Line 3 as division A
Line 4 as division B
Line 5 as division C
Lines 6 and 7 as division D
Line 8 as division E
Line 9 as division F
Lines 10 and 11 as division G
Line 12 as division H
Lines 13 and 14 as division I
Lines 15 and 16 as division J

Senator Lind withdrew division S—5759J to division S—5746ZZ.

Senator Riordan took the chair at 5:20 p.m.

Senator Rosenberg moved the adoption of division S—5746ZZ.

A non record roll call was requested.

The ayes were 18, nays 26.

Division S—5746ZZ lost.

Senator Szymoniak moved the adoption of division S—5746AAA and requested a record roll call.

On the question "Shall division S—5746AAA be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Tinsman	Welsh		

Nays, 26:

Borlaug	Boswell	Doyle	Drake
Fraise	Fuhrman	Hagerla	Hedge
Hester	Husak	Jensen	Kersten
Kibbie	Kramer	McLaren	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Soorholtz	Taylor	Tieden
Vande Hoef	Varn		

Absent or not voting, 2:

Lind	Slife

Division S—5746AAA lost.

Senator Szymoniak called up division S—5746III.

Senator Hutchins asked and received unanimous consent that action on division S—5746III and **Senate Joint Resolution 2008** be **deferred.**

HOUSE MESSAGES RECEIVED

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 21, 1992, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Concurrent Resolution 102, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture (S—5778).

ALSO: That the House has on April 21, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2238, a bill for an act to permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

ALSO: That the House has on April 21, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2203, a bill for an act relating to the availability of adoption records for the purpose of medical research or treatment of a patient in a medical facility (S—5777).

Senate File 2248, a bill for an act relating to escorts for the movement of mobile homes and other factory-built structures (S—5794).

Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees (S—5793).

ALSO: That the House has on April 21, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2372, a bill for an act permitting a political subdivision to become a debtor under chapter 9 of the federal Bankruptcy Code under certain circumstances.

ALSO: That the House has on April 21, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2316, a bill for an act relating to child support recovery.

INTRODUCTION OF BILLS

Senate Joint Resolution 2009, by Hutchins and Rife, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

Read first time and **passed on file.**

Senate File 2370, by committee on Ways and Means, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

Read first time and **placed on Ways and Means Calendar.**

Senate File 2371, by Hutchins and Rife, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions.

Read first time and **passed on file.**

Senate File 2372, by committee on Ways and Means, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

Read first time and **placed on Ways and Means Calendar.**

BILL ASSIGNED TO COMMITTEE

The Chair announced that **Senate File 2371** was assigned to the committee on **Education.**

APPENDIX

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

H.F.	2467	Education
S.J.R.	2009	Rules and Administration

STUDY BILL RECEIVED

SSB 2303 Appropriations

Relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992.

SUBCOMMITTEE ASSIGNMENT

SSB 2303

APPROPRIATIONS: Boswell, Chair; Husak and Tieden

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2356 passed the Senate on April 21, 1992.

AL STURGEON

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2356 passed the Senate on April 21, 1992.

ELAINE SZYMONIAK

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2365 passed the senate on April 21, 1992.

AL STURGEON

MR. PRESIDENT: I move to reconsider the vote by which House File 2464 passed the Senate on April 21, 1992.

AL STURGEON

MR. PRESIDENT: I move to reconsider the vote by which House File 2464 passed the Senate on April 21, 1992.

ELAINE SZYMONIAK

MR. PRESIDENT: I move to reconsider the vote by which House File 2061 passed the Senate on April 21, 1992.

RICHARD RUNNING

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2287)

A conference committee report signed by the following Senate and House members was filed April 21, 1992, on House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

On the Part of the Senate:	On the Part of the House:
RICHARD RUNNING, Chair	PHILLIP WISE, Chair
MIKE CONNOLLY	JANET ADAMS
PATRICK DELUHERY	DONALD HANSON
MARY KRAMER	C. ARTHUR OLLIE
RAY TAYLOR	BRENT SIEGRIST

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2373 (SSB 2289), a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 18: Boswell, Husak, Tieden, Buhr, Gettings, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, 1: Connolly. Absent or not voting, 2: Kersten and Riordan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2373 and they were attached to the committee report.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2370 (SSB 2300), a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Szymoniak and Taylor. Nays, none. Absent or not voting, 2: Palmer and Rosenberg.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2372 (SSB 2301), a bill for an an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Dieleman, Husak, Connolly, Deluhery, Drake, Fraise, Murphy, Rosenberg and Szymoniak. Nays, 5: Hedge, Fuhrman, Hester, McLaren and Taylor. Absent or not voting, 1: Palmer.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2373, by committee on Appropriations, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates.

Read first time under Rule 28 and **placed on Appropriations Calendar.**

AMENDMENTS FILED

S—5776	S.F.	2361	Ralph Rosenberg
S—5777	S.F.	2203	House amendment
S—5778	S.C.R.	102	House amendment
S—5779	S.F.	2360	Jim Lind Jack Rife
S—5780	H.F.	2466	Mark Hagerla

			Derryl McLaren
			Jack Rife
			H. Kay Hedge
			Harry Slife
			Mary Kramer
			Berl Priebe
			John Jensen
			William Dieleman
			George Kinley
S—5781	H.F.	2466	Ralph Rosenberg
S—5782	H.F.	2466	Ralph Rosenberg
S—5783	H.F.	2466	Richard Drake
S—5784	H.F.	2466	Ralph Rosenberg
S—5785	H.F.	2466	Richard Varn
S—5786	H.F.	2466	Berl Priebe
			Jean Lloyd-Jones
S—5787	H.F.	2466	Jean Lloyd-Jones
			Emil Husak
S—5788	H.F.	2439	Richard Varn
S—5789	H.F.	2466	Jean Lloyd-Jones
S—5790	H.F.	2466	Richard Drake
			Michael Gronstal
			Bill Hutchins
			Jack Rife
			John Jensen
S—5791	S.J.R.	2008	Florence Buhr
S—5792	S.J.R.	2008	Florence Buhr
S—5793	S.F.	2353	House amendment
S—5794	S.F.	2248	House amendment
S—5795	S.J.R.	2008	Sheldon Rittmer
S—5796	H.F.	2466	Jack Rife
S—5797	H.F.	2466	George Kinley

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 5:53 p.m., until 9:00 a.m., Wednesday, April 22, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED FIRST CALENDAR DAY
SIXTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 22, 1992

The Senate met in regular session at 9:08 a.m., President Gronstal presiding.

Prayer was offered by the Reverend Lynda Carlson, pastor of the Pleasantville and Fairview Christian Churches, Pleasantville, Iowa.

The Journals of Monday, April 20 and Tuesday, April 21, 1992, were approved.

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 21, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2035, a bill for an act relating to the discharge of an adoptive father's obligation for support of an adopted child (S—5799).

Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date (S—5798).

ALSO: That the House has on April 21, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2478, a bill for an act relating to the repeal of the seed capital tax credit and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 21, 1992, adopted the conference committtee report and passed **House File 2287**, a bill for an act to establish a community-based workplace learning program, and providing an effective date.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sorensen until he arrives on request of Senator Horn.

HOUSE AMENDMENTS CONSIDERED

Senate Concurrent Resolution 102

Senator Priebe called up for consideration Senate Concurrent Resolution 102, a concurrent resolution to express support for the establishment in Iowa of a national Swine-Pork Research Center of the Agricultural Research Service of the United States Department of Agriculture, amended by the House, and moved that the Senate concur in House amendment S—5778 filed April 21, 1992.

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

Senator Priebe moved the adoption of Senate Concurrent Resolution 102 as amended by the House and concurred in by the Senate, which motion prevailed by a voice vote.

Senate File 2353

Senator Running called up for consideration Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees, amended by the House, and moved that the Senate concur in House amendment S—5793 filed April 21, 1992.

Senator Murphy asked and received unanimous consent that action on House amendment S—5793 and **Senate File 2353** be **deferred.**

Senate File 2248

Senator Dieleman called up for consideration Senate File 2248, a bill for an act relating to escorts for the movement of mobile homes and other factory-build structures, amended by the House, and moved that the Senate concur in House amendment S—5794 filed April 21, 1992.

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

Senator Dieleman 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2248) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Sorensen

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

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2287

Senator Running called up the conference committee report on House File 2287, a bill for an act to establish a community-based workplace learning program, and providing an effective date, filed on April 21, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Running 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. 2287) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Fuhrman

Absent or not voting, 2:

Hutchins Sorensen

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

UNFINISHED BUSINESS
(Deferred March 27, 1992)

House File 2356

The Senate resumed consideration of House File 2356, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties, substituted for Senate File 2229 as amended and deferred on March 27, 1992.

Senator Varn offered amendment S—5800 filed by him from the floor to pages 1, 5 and 6 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she returns on request of Senator Horn.

BUSINESS PENDING

House File 2356

The Senate resumed consideration of House File 2356 and amendment S—5800.

Senator Lind asked and received unanimous consent that action on amendment S—5800 and **House File 2356** be **deferred.**

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2370.

Senate File 2370

On motion of Senator Husak, Senate File 2370, a bill for an act relating to the authority of a county board of supervisors to license persons providing emergency medical service originating within the county and to establish a fee, was taken up for consideration.

Senator Husak 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. 2370) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 30:

Boswell	Connolly	Deluhery	Dieleman
Doyle	Drake	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kersten	Kinley	Kramer	Lloyd-Jones
McLaren	Murphy	Pate	Peterson
Priebe	Rife	Rittmer	Rosenberg
Slife	Soorholtz	Tieden	Tinsman
Varn	Welsh		

Nays, 19:

Borlaug	Buhr	Fraise	Fuhrman
Hagerla	Hedge	Hester	Jensen
Kibbie	Lind	Miller	Palmer
Rensink	Riordan	Running	Sorensen
Sturgeon	Taylor	Vande Hoef	

Absent or not voting, 1:

Szymoniak

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

BILL ASSIGNED TO COMMITTEE

President Gronstal announced that **House File 2478** was assigned to the committee on **Ways and Means.**

The Senate stood at ease at 10:43 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:50 a.m., Senator Deluhery presiding.

HOUSE MESSAGES RECEIVED

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 21, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2290, a bill for an act relating to the provision of solid waste collection (S—5817).

ALSO: That the House has on April 22, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2243, a bill for an act relating to the requirements for licensure as a certified public accountant.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to send an immediate message to the House on **Senate File 2248** and **Senate Concurrent Resolution 102.**

Senator Hutchins asked and received unanimous consent that **Senate File 2370** and **House File 2287** be **immediately messaged** to the House.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:52 a.m., until 1:30 p.m.

APPENDIX

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2365 passed the Senate on April 21, 1992.

RAY TAYLOR

MR. PRESIDENT: I move to reconsider the vote by which House File 2061 passed the Senate on April 21, 1992.

JOHN KIBBIE

PRESENTATION OF VISITORS

Senator Hutchins presented Senators Dan Lynch, Omaha and D. Paul Hartnett, Bellvue, members of the Nebraska Legislature.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-four twelfth grade students from Rockwell-Swaledale School, Rockwell. Senator Borlaug.

AMENDMENTS FILED

S—5798	S.F.	2360	House amendment
S—5799	S.F.	2035	House amendment
S—5800	H.F.	2356	Richard Varn
S—5801	H.F.	2466	Jean Lloyd-Jones Don Gettings Mike Connolly H. Kay Hedge
S—5802	H.F.	2466	Jean Lloyd-Jones Michael Gronstal
S—5803	H.F.	2466	Jean Lloyd-Jones Don Gettings Mike Connolly H. Kay Hedge
S—5804	H.F.	2466	Jean Lloyd-Jones Emil Husak
S—5805	H.F.	2466	Richard Vande Hoef

S—5806	S.F.	2373	Derryl McLaren
S—5807	H.F.	2356	Ralph Rosenberg
			Richard Varn
S—5808	S.F.	2372	Al Sturgeon
S—5809	S.F.	2372	Ray Taylor
S—5810	S.F.	2369	Ralph Rosenberg
S—5811	S.F.	2372	Mark R. Hagerla
			Jack Hester
			Ray Taylor
S—5812	H.F.	2439	Florence Buhr
			Mike Connolly
			Maggie Tinsman
S—5813	H.F.	2466	Richard Varn
S—5814	H.F.	2466	Don Gettings
S—5815	H.F.	2466	Donald Doyle
			Harry Slife
S—5816	H.F.	2466	Richard Varn
S—5817	S.F.	2290	House amendment
S—5818	H.F.	2466	Jim Lind

AFTERNOON SESSION

The Senate reconvened at 1:50 p.m., Senator Sorensen presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

Senator Connolly took the chair at 2:02 p.m.

The vote revealed 40 present, 10 absent and a quorum present.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate File 2372.

Senate File 2372

On motion of Senator Sturgeon, Senate File 2372, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties, was taken up for consideration.

Senator Hagerla offered amendment S—5811 filed by Senators Hagerla, Hester and Taylor from the floor to page 1 of the bill.

Senator Sturgeon raised the point of order that amendment S—5811 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5811 out of order.

Senator Taylor offered amendment S—5809 filed by him from the floor to page 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 28.

Amendment S—5809 lost.

Senator Sturgeon offered amendment S—5808 filed by him from the floor to pages 2 and 3 of the bill.

Senator Riordan took the chair at 2:35 p.m.

Senator Sturgeon moved the adoption of amendment S—5808 and requested a non-record roll call.

The ayes were 24, nays 21.

Amendment S—5808 was adopted.

Senator Sturgeon 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. 2372) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Boswell	Buhr	Connolly	Deluhery
Fraise	Fuhrman	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 23:

Borlaug	Dieleman	Doyle	Drake
Hagerla	Hedge	Hester	Jensen
Kersten	Kramer	Lind	McLaren
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

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

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2356

Senator Sturgeon withdrew the motion to reconsider Senate File 2356, a bill for an act legalizing the proceedings of the City Council of the City of Urbandale relating to the granting of retroactive

prior approval of an industrial property tax exemption, providing for the Act's applicability, and providing an effective date, filed by him on April 21, 1992, and found on page 1540 of the Senate Journal.

Senator Szymoniak withdrew the motion to reconsider Senate File 2356 filed by her on April 21, 1992, and found on page 1540 of the Senate Journal.

Senate File 2365

Senator Sturgeon withdrew the motion to reconsider Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date, filed by him on April 21, 1992, and found on page 1540 of the Senate Journal.

Senator Taylor withdrew the motion to reconsider Senate File 2365 filed by him from the floor and found on page 1551 of the Senate Journal.

House File 2464

Senator Sturgeon withdrew the motion to reconsider House File 2464, a bill for an act relating to the abatement or refund of property taxes for certain institutions in certain counties and providing an effective date, filed by him on April 21, 1992, and found on page 1540 of the Senate Journal.

Senator Szymoniak withdrew the motion to reconsider House File 2464 filed by her on April 21, 1992, and found on page 1541 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2356** and **2365** and **House File 2464** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

Senator Sturgeon called up the following motion to reconsider Senate File 2372 filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2372 passed the Senate on April 22, 1992.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2372) the vote was:

Ayes, 19:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Taylor	Tinsman	Vande Hoef	

Nays, 31:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Tieden	Varn	Welsh	

The motion lost.

The following motion to reconsider filed by Senator Fuhrman from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2372 passed the Senate on April 22, 1992.

Senator Horn asked and received unanimous consent that **Senate File 2372** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2203

Senator Szymoniak called up for consideration Senate File 2203, a bill for an act relating to the availabilty of adoption records for the purpose of medical research or treatment of a patient in a medical facility, amended by the House, and moved that the Senate concur in House amendment S—5777 filed April 21, 1992.

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

Senator Szymoniak 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2203) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

The Senate stood at ease at 4:00 p.m. until the fall of the gavel.

The Senate resumed session at 4:13 p.m., Senator Rittmer 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 April 22, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date.

This bill was read first time and **passed on file.**

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 122, by Rittmer and Slife, a concurrent resolution to honor Alan R. Tubbs of De Witt, Iowa, on achieving the Office of President of the American Bankers Association.

Read first time and **passed on file.**

Senate Concurrent Resolution 123, by Hagerla, a concurrent resolution to honor Robert G. Hand of Des Moines on achieving the Office of Chairman of the National Grocers Association.

Read first time and **passed on file.**

QUORUM CALL

Senator Murphy requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

The Senate stood at ease at 4:28 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:25 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred April 20, 1992)

House File 2466

The Senate resumed consideration of House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, substituted for Senate File 2359 as amended and deferred April 20, 1992.

Senator Kinley offered amendment S—5797 filed by him on April 21, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Husak offered amendment S—5834 filed by him from the floor to pages 1 and 3 of amendment S—5797.

Senator Hutchins asked and received unanimous consent that action on amendment S—5834 to amendment S—5797 and amendment S—5797 and **House File 2466** be deferred.

The Senate stood at ease at 7:00 p.m. until the fall of the gavel.

The Senate resumed session at 7:18 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent to send an immediate message to the House on **Senate File 2203**.

BUSINESS PENDING

House File 2466

The Senate resumed consideration of House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, and amendment S—5797 by Senator Kinley striking everything after the enacting clause and to the title page of the bill, and amendment S—5834 by Senator Husak to amendment S—5797, previously deferred.

Senator Husak asked and received unanimous consent that action on amendment S—5834 to amendment 5797 be deferred.

Senator Husak offered amendment S—5844 filed by him from the floor to pages 1 and 3 of amendment S—5797 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5844 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 45:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 5:

Dieleman	Kinley	Taylor	Tieden
Vande Hoef			

Amendment S—5844 was adopted.

With the adoption of amendment S—5844 to amendment S—5797, the Chair ruled the following amendments out of order:

S—5834 by Senator Husak to pages 1 and 3 of amendment S—5797, previously deferred and S—5843 filed by Senator Husak from the floor to pages 1 and 3 of amendment S—5797.

Senator Taylor asked and received unanimous consent that action on amendment S—5823 filed by him from the floor to page 1 of amendment S—5797 be deferred.

Senator Taylor offered amendment S—5845 filed by him from the floor to page 1 of amendment S—5797.

Senator Hutchins asked and received unanimous consent that action on amendment S—5845 to amendment S—5797, amendment S—5797, and **House File 2466** be **deferred.** (amendment S—5823 to amendment S—5797 pending).

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 22, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 460, a bill for an act relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

ALSO: That the House has on April 22, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2482, a bill for an act relating to fees collected for practitioner licensing by the board of educational examiners and making an appropriation.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 22, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2385, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties (S—5849 to H—5759).

INTRODUCTION OF BILL

Senate File 2374, by committee on Appropriations, a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992.

Read first time and **placed on Appropriations Calendar.**

APPENDIX

CERTIFICATES OF RECOGNITION

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

Brittney Behning, Marion — For recognition as the "Outstanding Student in Government", Linn-Mar High School, 1992. Senator Pate (5-1-92).

Trevor R. Cook, Marion — For recognition as the "Outstanding Student in Government", Marion High School, 1992. Senator Pate (5-1-92).

Jason Denney, Cedar Rapids — For recognition as the "Outstanding Student in Government", Washington High School, 1992. Senator Pate (5-1-92).

Korie L. Houser, Cedar Rapids — For recognition as the "Outstanding Student in Government", Regis High School, 1992. Senator Pate (5-1-92).

Amy Whitehill, Cedar Rapids — For recognition as the "Outstanding Student in Government", J.F. Kennedy High School, 1992. Senator Pate (5-1-92).

Lawrence and Dolly Lilienthal, Durant — For celebration of their 50th wedding anniversary. Senator Hannon (4-21-92).

Waukee Middle School Band, Waukee — For their outstanding contribution to international relations by performing for the Russian Parliament Delegation on February 22, 1992. Senator Riordan (4-21-92).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 21, 1992, 6:00 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Kersten (excused).

Committee Business: Amended and approved SSB 2289 as a committee bill; amended SSB 2303 and ordered redrafted for final approval as a committee bill.

Adjourned: 7:20 p.m.

WAYS AND MEANS

Convened: April 21, 1992, 11:05 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Approved SSBs 2300 and 2301 as committee bills.

Adjourned: 11:11 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2371

EDUCATION: Connolly, Chair; Horn and Rensink

House File 2467

EDUCATION: Connolly, Chair; Szymoniak and Tinsman

House File 2471

APPROPRIATIONS: Boswell, Chair; Gettings and Tieden.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-five fifth grade students from Lake View Elementary School, Centerville, accompanied by Mrs. Stephens. Senator Gettings.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 22, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 446 — Relating to agricultural chemicals, by regulating the use of chemicals in irrigation distribution systems, providing for fees, providing for penalties, and providing for an effective date and date of applicability.

SENATE FILE 531 — Relating to the refund of property taxes paid by a nonprofit entity providing services to the blind and providing an effective date.

SENATE FILE 2189 — Relating to invention development services, providing for fees, and making penalties applicable.

SENATE FILE 2233 — Relating to the residency requirement for clerks of the district court.

SENATE FILE 2265 — Relating to elections of judicial nominating commissioners.

SENATE FILE 2286 — Relating to insurance regulation, including the financial supervision and solvency oversight of insurance companies by the commissioner of insurance and accreditation of the division of insurance as an approved insurance regulator by the national association of insurance commissioners, and providing penalties and an effective date.

SENATE FILE 2293 — Relating to cities subject to civil service.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2374 (LSB 6327), a bill for an act relating to certain statutory appropriations made from the general fund of the state and the lottery fund for the fiscal year beginning July 1, 1992.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boswell, Husak, Tieden, Lloyd-Jones, Peterson, Riordan, Rosenberg, Szymoniak, Tinsman, Varn and Welsh. Nays, 6: Buhr, Hagerla, Lind, McLaren, Pate and Rensink. Pass, 1: Running. Absent or not voting, 3: Connolly, Gettings and Kersten.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2371, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Connolly, Horn, Taylor, Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Tinsman and Varn. Nays, none. Absent or not voting, 2: Szymoniak and Tieden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RESOLUTIONS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following resolutions to committee:

S. C. R.	122	Rules and Administration
S. C. R.	123	Rules and Administration

AMENDMENTS FILED

S—5819	H.F.	2466	William Dieleman
S—5820	H.F.	2466	John Kibbie
S—5821	H.F.	2466	John Kibbie
S—5822	H.F.	2466	Derryl McLaren
S—5823	H.F.	2466	Ray Taylor
S—5824	H.F.	2466	Donald V. Doyle Harry Slife Linn Fuhrman
S—5825	H.F.	2466	Paul Pate Maggie Tinsman Mary Kramer
S—5826	H.F.	2466	Don Gettings
S—5827	H.F.	2466	John Kibbie
S—5828	H.F.	2356	Donald Doyle
S—5829	H.F.	2466	Jack Rife
S—5830	H.F.	2466	Richard Vande Hoef
S—5831	H.F.	2466	Jim Lind
S—5832	H.F.	2466	Paul Pate
S—5833	H.F.	2466	Emil Husak
S—5834	H.F.	2466	Emil Husak
S—5835	H.F.	2466	Donald Doyle Harry Slife Linn Fuhrman
S—5836	H.F.	2466	Jack Rife
S—5837	H.F.	2466	Donald Doyle Harry Slife Linn Fuhrman
S—5838	H.F.	2466	Jim Lind
S—5839	H.F.	2466	Jim Lind

S—5840	H.F.	2356	Richard Varn
S—5841	H.F.	2466	Jim Lind
S—5842	H.F.	2466	Jim Lind
S—5843	H.F.	2466	Emil Husak
S—5844	H.F.	2466	Emil Husak
S—5845	H.F.	2466	Ray Taylor
S—5846	H.F.	2466	Jim Lind
S—5847	H.F.	2466	Jim Lind
S—5848	H.F.	2466	Donald Doyle Harry Slife Linn Fuhrman
S—5849	H.F.	2385	House amendment

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:44 p.m., until 8:00 a.m., Thursday, April 23, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED SECOND CALENDAR DAY
SIXTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 23, 1992

The Senate met in regular session at 8:16 a.m., Senator Sorensen presiding.

Prayer was offered by the Reverend Blake Blakesly, pastor of the Scotch Ridge United Presbyterian Church, Carlisle, Iowa.

The Journal of Wednesday, April 22, 1992, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred April 21, 1992)

House File 2439

The Senate resumed consideration of House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, and amendment S—5788 by Senator Varn to pages 1-4, 6 and 7 of the bill, deferred April 21, 1992.

Senator Buhr offered amendment S—5812 filed by Senators Buhr, Connolly and Tinsman on April 22, 1992, to page 8 of the bill and moved its adoption.

Amendment S—5812 was adopted by a voice vote.

Senator Varn asked and received unanimous consent that action on **House File 2439** be **deferred** (amendment S—5788 pending).

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate File 2373

On motion of Senator Varn, Senate File 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates, was taken up for consideration.

Senator McLaren offered amendment S—5806 filed by him on April 22, 1992, to pages 21-23 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5806 be adopted?" (S.F. 2373) the vote was:

Ayes, 26:

Borlaug	Connolly	Deluhery	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	Kersten	Kramer	Lind
McLaren	Palmer	Pate	Rensink
Rife	Rittmer	Rosenberg	Slife
Soorholtz	Sorensen	Taylor	Tieden
Tinsman	Vande Hoef		

Nays, 23:

Boswell	Buhr	Dieleman	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Peterson	Priebe	Riordan	Running
Sturgeon	Varn	Welsh	

Absent or not voting, 1:

Szymoniak

Amendment S—5806 was adopted.

Senator Varn offered amendment S—5852 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5852 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on **Senate File 2373** be **deferred.**

The Senate stood at ease at 9:35 a.m. until the fall of the gavel.

The Senate resumed session at 9:52 a.m., President Gronstal presiding.

The Senate stood at ease at 9:54 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:15 a.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent and a quorum present.

President Gronstal took the chair at 11:23 a.m.

BUSINESS PENDING

Senate File 2373

The Senate resumed consideration of Senate File 2373, a bill for an act relating to state budgeting processes and providing applicability provisions and effective dates, previously deferred.

Senator Connolly offered amendment S—5856 filed by him from the floor to page 3 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 31, nays 17.

Amendment S—5856 was adopted.

Senator Rosenberg offered amendment S—5858 filed by him from the floor to page 9 of the bill.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Riordan and Priebe until they return on request of Senator Hutchins.

BUSINESS PENDING

Senate File 2373

The Senate resumed consideration of Senate File 2373.

Senator Rosenberg moved the adoption of amendment S—5858.

A non record roll call was requested.

The ayes were 25, nays 7.

Amendment S—5858 was adopted.

Senator Connolly 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. 2373) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 47:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Rensink
Rife	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Connolly

Absent or not voting, 2:

Priebe Riordan

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

Senator Hutchins asked and received unanimous consent that **Senate File 2373** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2439

The Senate resumed consideration of House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty, previously deferred (amendment S—5788 pending).

Senator Rosenberg offered amendment S—5861 filed by Senators Rosenberg and Connolly from the floor to amendment S—5788 and moved its adoption.

Amendment S—5861 was adopted by a voice vote.

Senator Varn moved the adoption of S—5788 as amended, which motion prevailed by a voice vote.

Senator Varn 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. 2439) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Gettings	Gronstal
Hannon	Horn	Hutchins	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Welsh			

Nays, 18:

Borlaug	Drake	Fraise	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	McLaren	Rensink
Rife	Rittmer	Slife	Soorholtz
Tieden	Vande Hoef		

Absent or not voting, 3:

Priebe Riordan Running

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

Senator Hutchins asked and received unanimous consent that **House File 2439** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 22, 1992)

House File 2466

The Senate resumed consideration of House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, amendment S—5797 by Senator Kinley to strike everything after the enacting clause and to the title page of the bill, amendment S—5823 by Senator Taylor to page 1 of amendment S—5797 and amendment S—5845 by Senator Taylor to page 1 of amendment S—5797, deferred on April 22, 1992.

Senator Sturgeon took the chair at 12:33 p.m.

Senator Taylor moved the adoption of amendment S—5845 to amendment S—5797, which motion lost by a voice vote.

Senator Lind offered amendment S—5841 filed by him on April 22, 1992, to page 2 of amendment S—5797, moved its adoption and requested a non record roll call.

The ayes were 34, nays 12.

Amendment S—5841 was adopted.

Senator Gettings offered amendment S—5826 filed by him on April 22, 1992, to page 3 of amendment S—5797.

Senator Varn raised the point of order that amendment S—5826 was not germane to amendment S—5797.

The Chair ruled the point well taken and amendment S—5826 out of order.

Senator Lind offered amendment S—5839 filed by him on April 22, 1992, to page 4 of amendment S—5797.

Senator Lind asked and received unanimous consent that action on amendment S—5839 to amendment S—5797 be temporarily deferred.

Senator Husak offered amendment S—5833 filed by him on April 22, 1992, to pages 4 and 8 of amendment S—5797.

Senator Lloyd-Jones asked and received unanimous consent that action on amendment S—5833 to amendment S—5797 be deferred.

Senator Lind offered amendment S—5842 filed by him on April 22, 1992, to page 4 of amendment S—5797 and moved its adoption.

Amendment S—5842 lost by a voice vote.

Senator Lind offered amendment S—5847 filed by him on April 22, 1992, to pages 4 and 5 of amendment S—5797.

Senator Lloyd-Jones asked and received unanimous consent that action on amendment S—5847 to amendment S—5797 be deferred.

Senator Doyle asked and received unanimous consent to withdraw amendment S—5824 filed by Senators Doyle, Slife and Fuhrman on April 22, 1992, to pages 5 and 8 of amendment S—5797.

Senator Doyle asked and received unanimous consent to withdraw amendment S—5835 filed by Senators Doyle, Slife and Fuhrman on April 22, 1992, to pages 5 and 8 of amendment S—5797.

Senator Doyle offered amendment S—5848 filed by Senators Doyle, Slife and Fuhrman on April 22, 1992, to pages 5 and 8 of amendment S—5797 and called for a division: Lines 4-19 as division S—5848A and lines 20-25 as division S—5848B.

Senator Lloyd-Jones asked and received unanimous consent that action on division S—5848A to amendment S—5797 be deferred.

Senator Doyle moved the adoption of division S—5848B to amendment S—5797.

A record roll call was requested.

On the question "Shall division S—5848B to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Boswell	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Hannon	Horn
Husak	Hutchins	Jensen	Kibbie
Lloyd-Jones	Miller	Murphy	Peterson
Riordan	Running	Slife	Sorensen
Szymoniak	Taylor	Tinsman	Varn
Welsh			

Nays, 25:

Borlaug	Buhr	Connolly	Deluhery
Drake	Gronstal	Hagerla	Hedge
Hester	Kersten	Kinley	Kramer
Lind	McLaren	Palmer	Pate
Priebe	Rensink	Rife	Rittmer
Rosenberg	Soorholtz	Sturgeon	Tieden
Vande Hoef			

Division S—5848B lost.

Senator Tinsman offered amendment S—5860 filed by Senators Tinsman, et al., from the floor to page 5 of amendment S—5797.

Senator Connolly took the chair at 2:11 p.m.

Senator Tinsman moved the adoption of amendment S—5860 to amendment S—5797.

A non record roll call was requested.

The ayes were 18, nays 28.

Amendment S—5860 lost.

Senator Pate offered amendment S—5832 filed by him on April 22, 1992, to page 7 of amendment S—5797.

Senator Murphy raised the point of order that amendment S—5832 was not germane to amendment S—5797.

The Chair ruled the point not well taken and amendment S—5832 in order.

Senator Pate moved the adoption of amendment S—5832 to amendment S—5797 and requested a record roll call.

On the question "Shall amendment S—5832 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Ayes, 21:

Borlaug	Fraise	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Miller
Pate	Rensink	Rife	Rittmer
Slife	Taylor	Tieden	Tinsman
Vande Hoef			

Nays, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Lloyd-Jones
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Amendment S—5832 lost.

Senator Running took the chair at 2:35 p.m.

Senator Lind offered amendment S—5846 filed by him on April 22, 1992, to page 7 of amendment S—5797 and moved its adoption.

A non record roll call was requested.

The ayes were 20, nays 26.

Amendment S—5846 lost.

Senator Rosenberg withdrew amendment S—5850 filed by him from the floor to page 7 of amendment S—5797.

Senator Doyle offered amendment S—5865 filed by Senators Doyle and Peterson from the floor to page 7 of amendment S—5797 and moved its adoption.

Amendment S—5865 was adopted by a voice vote.

Senator Rife withdrew amendment S—5836 filed by him on April 22, 1992, to page 7 of amendment S—5797.

Senator Lind withdrew amendment S—5838 filed by him on April 22, 1992, to page 7 of amendment S—5797.

Senator Kibbie offered amendment S—5827 filed by him on April 22, 1992, to page 8 of amendment S—5797 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5827 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Boswell	Buhr	Dieleman	Doyle
Fraise	Gettings	Hannon	Hester
Horn	Husak	Hutchins	Kibbie
Kinley	Miller	Murphy	Peterson
Priebe	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Tieden
Varn	Welsh		

Nays, 24:

Borlaug	Connolly	Deluhery	Drake
Fuhrman	Gronstal	Hagerla	Hedge
Jensen	Kersten	Kramer	Lind
Lloyd-Jones	McLaren	Palmer	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tinsman	Vande Hoef

Amendment S—5827 was adopted.

Senator Kibbie withdrew amendment S—5821 filed by him on April 22, 1992, to page 8 of amendment S—5797.

Senator Varn asked and received unanimous consent that action on amendment S—5851 filed by him from the floor to page 1 of amendment S—5797 be deferred.

Senator Taylor withdrew amendment S—5823 to page 1 of amendment S—5797, deferred on April 22, 1992.

Senator Husak withdrew amendment S—5867 filed by him from the floor to pages 2 and 5-7 of amendment S—5797.

Senator Murphy offered amendment S—5868 filed by him from the floor to page 4 of amendment S—5797 and moved its adoption.

A non record roll call was requested.

The ayes were 14, nays 35.

Amendment S—5868 lost.

Senator Lloyd-Jones offered amendment S—5864 filed by her from the floor to page 4 of amendment S—5797 and moved its adoption.

Amendment S—5864 was adopted by a voice vote.

Senator Dieleman took the chair at 3:53 p.m.

With the adoption of amendment S—5864 to amendment S—5797, the Chair ruled amendment S—5839 filed by Senator Lind on April 22, 1992, to page 4 of amendment S—5797, previously deferred, out of order.

Senator Lloyd-Jones offered amendment S—5869 filed by her from the floor to pages 4 and 8 of amendment S—5797 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5869 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Borlaug	Deluhery	Dieleman	Doyle
Drake	Fuhrman	Gronstal	Hester
Kersten	Lind	Lloyd-Jones	McLaren
Pate	Rensink	Rife	Rittmer
Rosenberg	Running	Slife	Soorholtz

Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, 21:

Boswell	Buhr	Connolly	Fraise
Gettings	Hagerla	Hannon	Hedge
Horn	Husak	Hutchins	Kibbie
Kinley	Miller	Murphy	Palmer
Peterson	Priebe	Riordan	Sorensen
Welsh			

Voting present, 2:

Jensen	Kramer

Amendment S—5869 was adopted.

With the adoption of amendment S—5869 to amendment S—5797, the Chair ruled amendment S—5833 by Senator Husak to pages 4 and 8 of amendment S—5797, previously deferred, out of order.

Senator Riordan took the chair at 4:30 p.m.

Senator Kinley asked and received unanimous consent that action on amendment S—5847 by Senator Lind to page 4 of amendment S—5797 continue to be deferred.

Senator Rosenberg offered amendment S—5871 filed by him from the floor to page 5 of amendment S—5797.

Senator McLaren asked and received unanimous consent that action on amendment S—5871 to amendment S—5797 be deferred.

Senator Husak filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5844 to amendment S—5797 to House File 2466 was adopted by the Senate on April 22, 1992.

The motion prevailed by a voice vote.

Senator Husak asked and received unanimous consent that action on amendment S—5844 to amendment S—5797 be deferred.

Senator Husak offered amendment S—5866 filed by Senators Husak and Lind from the floor to page 1 of amendment S—5797 and moved its adoption.

Amendment S—5866 was adopted by a voice vote.

With the adoption of amendment S—5866 to amendment S—5797, the Chair ruled the following amendments out of order:

S—5851 by Senator Varn to page 1 of amendment S—5797, previously deferred and S—5844 by Senator Husak to pages 1 and 3 of amendment S—5797, previously deferred.

MOTIONS TO RECONSIDER WITHDRAWN

Senator Murphy withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5841 to amendment S—5797 to House File 2466 was adopted by the Senate on April 23, 1992.

Senator Lind withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5841 to amendment S—5797 to House File 2466 was adopted by the Senate on April 23, 1992.

Senator Hutchins asked and received unanimous consent that action on **House File 2466** be **deferred.**

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed April 23, 1992, on Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date:

On the Part of the Senate:	On the Part of the House:
BERL E. PRIEBE, Chair	DOLORES MERTZ, Chair
H. KAY HEDGE	DANIEL FOGARTY
ALVIN V. MILLER	ROBERT JOHNSON
JIM RIORDAN	DEO KOENIGS
JOHN E. SOORHOLTZ	DAN PETERSEN

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2244

Senator Priebe called up the conference committee report on Senate File 2244, a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date, filed on April 23, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Priebe 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. 2244) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Lloyd-Jones

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

Senator Hutchins asked and received unanimous consent that **Senate File 2244** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2290

Senator Miller called up for consideration Senate File 2290, a bill for an act relating to the provision of solid waste collection, amended by the House in House amendment S—5817 filed April 22, 1992.

Senator Miller offered amendment S—5859 filed by him from the floor to House amendment S—5817 and moved its adoption.

Amendment S—5859 was adopted by a voice vote.

Senator Miller moved that the Senate concur in the House amendment as amended.

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

Senator Miller moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2290) the vote was:

Ayes, 50:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

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

Senator Hutchins asked and received unanimous consent that **Senate File 2290** be **immediately messaged** to the House.

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 21, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 109, a concurrent resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies.

ALSO: That the House has on April 21, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 242, a bill for an act relating to adoption and permanent termination of parental rights records, and providing penalties.

ALSO: That the House has on April 22, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date (S—5855).

Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date (S—5854).

ALSO: That the House has on April 22, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2454, a bill for an act relating to efficiency in government, and making appropriations (S—5853 to H—5909).

ALSO: That the House has on April 23, 1992, concurred in the Senate amendment to the House amendment, and passed the following bill in which the concurrence of the House was asked:

Senate File 2117, a bill for an act relating to implementation of a statewide system utilizing a governmental services card.

ALSO: That the House has on April 23, 1992, passed the following bills in which the concurrence of the Senate is asked:

House File 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalties applicable.

This bill was read first time and **passed on file.**

House File 2483, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 23, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for violations.

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2476** was assigned to the committee on **Judiciary.**

INTRODUCTION OF RESOLUTIONS

Senate Resolution 107, by Hagerla, a resolution to honor Robert G. Hand of Des Moines on achieving the Office of Chairman of the National Grocers Association.

Read first time and **passed on file.**

Senate Concurrent Resolution 124, by Szymoniak, Lloyd-Jones, Murphy, Hannon, Kramer, Rittmer, Miller, Slife, McLaren, Riordan, Deluhery, Tinsman, and Taylor, a concurrent resolution expressing support for independent living centers for persons with disabilities in Iowa.

Read first time and **passed on file.**

BUSINESS PENDING

House File 2466

The Senate resumed consideration of House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, amendment S—5797 as amended by Senator Kinley striking everything after the enacting clause and to the title page of the bill, amendments S—5847 and S—5871 and division S—5848A to amendment S—5797, previously deferred.

Senator Rosenberg moved the adoption of amendment S—5871 to amendment S—5797.

A record roll call was requested.

On the question "Shall amendment S—5871 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Buhr	Connolly	Deluhery	Gettings
Gronstal	Hannon	Horn	Hutchins
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 25:

Borlaug	Boswell	Dieleman	Doyle
Drake	Fraise	Fuhrman	Hagerla
Hedge	Hester	Husak	Jensen
Kersten	Kramer	Lind	McLaren
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Amendment S—5871 lost.

Senator McLaren offered amendment S—5872 filed by him from the floor to page 5 of amendment S—5797.

Senator Buhr took the chair at 5:53 p.m.,

Senator Connolly took the chair at 6:05 p.m.

Senator McLaren moved the adoption of amendment S—5872 to amendment S—5797.

A record roll call was requested.

On the question "Shall amendment S—5872 to amendment S—5797 be adopted?" (H.F. 2466) the vote was:

Ayes, 14:

Borlaug	Boswell	Drake	Fuhrman
Hedge	Kersten	Kramer	Lind
McLaren	Miller	Pate	Rife
Slife	Soorholtz		

Nays, 36:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Fraise	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Lloyd-Jones	Murphy	Palmer
Peterson	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Amendment S—5872 lost.

Senator Doyle moved the adoption of division S—5848A to amendment S—5797, previously deferred, which motion prevailed by a voice vote.

Senator Lind asked and received unanimous consent that action on amendment S—5847 to amendment S—5797 continue to be deferred.

Senator Lind offered amendment S—5874 filed by him from the floor to pages 4 and 5 of amendment S—5797 and moved its adoption.

Amendment S—5874 was adopted by a voice vote.

Senator Lind withdrew amendment S—5847 to amendment S—5797, previously deferred.

Senator Kinley moved the adoption of amendment S—5797 as amended and requested a record roll call.

On the question "Shall amendment S—5797 as amended be adopted?" (H.F. 2466) the vote was:

Ayes, 39:

Borlaug	Boswell	Buhr	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Hagerla	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Slife
Soorholtz	Sorensen	Taylor	Tieden
Tinsman	Vande Hoef	Welsh	

Nays, 11:

Connolly	Deluhery	Gronstal	Hannon
Lloyd-Jones	Riordan	Rosenberg	Running
Sturgeon	Szymoniak	Varn	

Amendment S—5797 as amended was adopted.

With the adoption of amendment S—5797 as amended, the Chair ruled the following amendments out of order:

S—5757 filed by Senators Tinsman, et al., on April 20, 1992, to page 26 of the bill.

S—5758 filed by Senators Kibbie, et al., on April 20, 1992, to pages 1, 4-7, 12-15, 19, 22-30, 32, 37, 39 and 44 of the bill.

S—5760 filed by Senators Lloyd-Jones, Husak and Hedge on April 21, 1992, to amendment S—5758.

S—5761 filed by Senators Kibbie and Drake on April 21, 1992, to amendment S—5758.

S—5762 filed by Senators Kersten and Tinsman on April 21, 1992, to page 27 of the bill.

S—5763 filed by Senators Kramer and Hedge on April 21, 1992, to page 22 of the bill.

S—5767 filed by Senator Rife on April 21, 1992, to pages 19, 20, 43 and 44 of the bill.

S—5769 filed by Senators Hedge, et al., on April 21, 1992, to page 35 of the bill.

S—5770 filed by Senators Hedge, et al., on April 21, 1992, to page 16 of the bill.

S—5771 filed by Senator Palmer on April 21, 1992, to pages 10 and 11 of the bill.

S—5772 filed by Senators Hedge, Kramer and Slife on April 21, 1992, to page 26 of the bill.

S—5780 filed by Senators Hagerla, et al., on April 21, 1992, to page 44 of the bill.

S—5781 filed by Senator Rosenberg on April 21, 1992, to page 44 of the bill.

S—5782 filed by Senator Rosenberg on April 21, 1992, to page 30 of the bill.

S—5783 filed by Senator Drake on April 21, 1992, to amendment S—5758.

S—5784 filed by Senator Rosenberg on April 21, 1992, to page 32 of the bill.

S—5785 filed by Senator Varn on April 21, 1992, to page 29 of the bill.

S—5786 filed by Senators Priebe and Lloyd-Jones on April 21, 1992, to page 14 of the bill.

S—5787 filed by Senators Lloyd-Jones and Husak on April 21, 1992, to pages 4, 14-16, 18, 20, 29, 32, 38, 39 and 44 of the bill.

S—5789 filed by Senator Lloyd-Jones on April 21, 1992, to pages 6, 11 and 44 of the bill.

S—5790 filed by Senators Drake, et al., on April 21, 1992, to pages 5, 6, 11 and 12 of the bill.

S—5796 filed by Senator Rife on April 21, 1992, to page 40 of the bill.

S—5801 filed by Senators Lloyd-Jones, et al., on April 22, 1992, to page 6 of the bill.

S—5802 filed by Senators Lloyd-Jones and Gronstal on April 22, 1992, to page 17 of the bill.

S—5803 filed by Senators Lloyd-Jones, et al., on April 22, 1992, to page 40 of the bill.

S—5804 filed by Senators Lloyd-Jones and Husak on April 22, 1992, to amendment S—5758.

S—5805 filed by Senator Vande Hoef on April 22, 1992, to page 7 of the bill.

S—5813 filed by Senator Varn on April 22, 1992, to amendment S—5758.

S—5814 filed by Senator Gettings on April 22, 1992, to pages 23 and 32 of the bill.

S—5815 filed by Senators Doyle and Slife on April 22, 1992, to pages 19 and 44 of the bill.

S—5816 filed by Senator Varn on April 22, 1992, to page 3 of the bill.

S—5818 filed by Senator Lind on April 22, 1992, to pages 10 and 11 of the bill.

S—5819 filed by Senator Dieleman on April 22, 1992, to pages 19 and 44 of the bill.

S—5820 filed by Senator Kibbie on April 22, 1992, to page 44 of the bill.

S—5822 filed by Senator McLaren on April 22, 1992, to pages 8, 9 and 29 of the bill.

S—5825 filed by Senators Pate, Tinsman and Kramer on April 22, 1992, to page 37 of the bill.

S—5829 filed by Senator Rife on April 22, 1992, to pages 1, 7, 8, 19, 23, 28, 32 and 40-43 of the bill.

S—5830 filed by Senator Vande Hoef on April 22, 1992, to pages 3, 33 and 35 of the bill.

S—5831 filed by Senator Lind on April 22, 1992, to amendment S—5758.

S—5837 filed by Senators Doyle, Slife and Fuhrman on April 22, 1992, to page 19 of the bill.

S—5862 filed by Senators Lloyd-Jones and Husak from the floor to amendment S—5758.

S—5863 filed by Senator Varn from the floor to amendment S—5814.

Senator Lloyd-Jones 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:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 6:

Hannon	Jensen	Lloyd-Jones	Rensink
Riordan	Szymoniak		

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

Senator Hutchins asked and received unanimous consent that **House File 2466** be **immediately messaged** to the House.

BILLS ASSIGNED TO COMMITTEE

The Chair announced that **House Files 2477** and **2483** were assigned to the committee on **Ways and Means**.

The Senate stood at ease at 7:08 p.m. until the fall of the gavel.

The Senate resumed session at 7:49 p.m., Senator Connolly presiding.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

Senator Running took the chair at 8:00 p.m.

The vote revealed 38 present, 12 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Priebe and Miller for the remainder of the evening on request of Senator Horn.

UNFINISHED BUSINESS
(Deferred April 21, 1992)

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, and division S—5746III deferred on April 21, 1992.

Senator Szymoniak moved the adoption of division S—5746III.

A non record roll call was requested.

The ayes were 16, nays 23.

Division S—5746III lost.

Senator Riordan took the chair at 8:12 p.m.

Senator Buhr moved the adoption of division S—5746UU.

A record roll call was requested.

On the question "Shall division S—5746UU be adopted?" (S.J.R. 2008) the vote was:

Ayes, 19:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Lloyd-Jones	Murphy	Peterson
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Welsh	

Nays, 24:

Borlaug	Boswell	Drake	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Taylor	Tinsman	Vande Hoef	Varn

Absent or not voting, 7:

Doyle	Kinley	Miller	Palmer
Priebe	Soorholtz	Tieden	

Division S—5746UU lost.

Senator Hutchins asked and received unanimous consent that action on amendment S—5746 and **Senate Joint Resolution 2008** be **deferred.**

APPENDIX

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 his approval on this 23rd day of April, 1992:

Senate Files 2203, 2323, 390, 2298, 2231, 2011, 2197 and 260.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON CLAIMS

Convened: April 22, 1992, 8:30 a.m.

Members Present: Kinley, Chair; Doyle, Vice Chair; Soorholtz, Ranking Member and Boswell.

Members Absent: Drake.

Committee Business: Approved and disapproved claims.

Adjourned: 8:40 a.m.

APPROPRIATIONS

Convened: April 22, 1992, 4:05 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Hagerla, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: Connolly, Gettings and Kersten (all excused).

Committee Business: Approved LSB 6327 as a committee bill.

Adjourned: 4:09 p.m.

EDUCATION

Convened: April 22, 1992, 11:52 a.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Taylor, Ranking Member; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Tieden, Tinsman and Varn.

Members Absent: Szymoniak (excused).

Committee Business: Assigned bills to subcommittees; recommended passage of Senate File 2371; deferred action on House File 2467.

Adjourned: 12:08 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 260, the following correction was made:

1. Page 10,, line 11, the words "lease purchase" were changed to the words "lease-purchase".

JOHN F. DWYER
Secretary of the Senate

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which division S—5746G to Senate Joint Resolution 2008 failed to be adopted by the Senate on April 20, 1992.

MIKE CONNOLLY

SUBCOMMITTEE ASSIGNMENT

House File 2478

WAYS AND MEANS: Fraise, Chair; Drake and Husak

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

One hundred twenty fifth grade students from Nevada Middle School, Nevada, accompanied by Mrs. Gallagher. Senator Rosenberg.

One hundred fifth and sixth grade students from Blessed Sacrament School, Sioux City, accompanied by Kathy Cunningham. Senators Sturgeon and Doyle.

Fifty third grade students from St. Pius X School, Urbandale, accompanied by Denise Zimmeiman. Senator Szymoniak.

Ninety-five eleventh and twelfth grade students from North High School, Sioux City, accompanied by Mr. Hejhal, Mrs. Lucas and Mrs. Clausen. Senator Sturgeon.

One hundred twelfth grade students from Johnston High School, Johnston, accompanied by Jerry Kinder and David Pitz. Senator Palmer.

Forty-one sixth grade students from Keota Elementary School, Keota, accompanied by Rod Hill. Senator Hedge.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 23, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2040 — Relating to changing the title "juvenile court referee" to "associate juvenile judge" and to the appeal of associate juvenile judge orders, findings, and decision.

SENATE FILE 2148 — Relating to the cost of disciplinary hearings conducted by professional licensing boards, and providing an effective date.

SENATE FILE 2198 — Relating to authorization of state departments' acceptance of payments by credit card.

SENATE FILE 2236 — To Exempt nonpublic schools from the regular vocational education standards for grades seven through twelve.

SENATE FILE 2294 — Authorizing the administrator of the division of mental health, mental retardation, and developmental disabilities of the department of human services to establish a public housing unit within a bureau of the division.

SENATE FILE 2301 — Relating to unfair and discriminatory practices in housing and subjecting violators to civil actions and existing criminal penalties.

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bills to committee:

S.R.	107	Rules and Administration
S.C.R.	124	Rules and Administration
H.C.R.	109	Rules and Administration
H.F.	2481	Ways and Means
H.F.	2482	Appropriations

CERTIFICATES OF RECOGNITION

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

East Central Iowa Special Olympics — For dedication to the Special Olympians of East Central Iowa. Senator Pate (4-25-92).

Kathy Halvorsen, Marion — For placing first in the 1992 "Business Education Essay" Contest, Marion Chamber of Commerce. Senator Pate (4-22-92).

Oanh Nguyen, Marion — For placing second in the 1992 "Business Education Essay" Contest, Marion Chamber of Commerce. Senator Pate (4-22-92).

Tasha Wood, Marion — For placing third in the 1992 "Business Education Essay" Contest, Marion Chamber of Commerce. Senator Pate (4-22-92).

CONFERENCE COMMITTEE REPORT RECEIVED

A conference committee report signed by the following Senate and House members was filed April 23, 1992, on House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights:

On the Part of the Senate:

FLORENCE BUHR, Chair
BEVERLY HANNON
ALVIN MILLER
SHELDON RITTMER
MAGGIE TINSMAN

On the Part of the House:

JANE TEAFORD, Chair
JOSEPHINE GRUHN
PAT MURPHY

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5875.

Final Vote: Ayes, 20: Boswell, Husak, Tieden, Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman and Varn. Nays, 1: Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5850	H.F.	2466	Ralph Rosenberg
S—5851	H.F.	2466	Richard Varn
S—5852	S.F.	2373	Richard Varn
S—5853	H.F.	2454	House amendment
S—5854	S.F.	2367	House amendment
S—5855	S.F.	2366	House amendment
S—5856	S.F.	2373	Mike Connolly
S—5857	S.F.	2367	Richard Drake Jim Lind John Jensen Richard Vande Hoef Ray Taylor Maggie Tinsman
S—5858	S.F.	2373	Ralph Rosenberg
S—5859	S.F.	2290	Alvin Miller
S—5860	H.F.	2466	Maggie Tinsman H. Kay Hedge Jim Kersten Richard Drake
S—5861	H.F.	2439	Ralph Rosenberg Mike Connolly
S—5862	H.F.	2466	Jean Lloyd-Jones Emil Husak
S—5863	H.F.	2466	Richard Varn

S—5864	H.F.	2466	Jean Lloyd-Jones
S—5865	H.F.	2466	Donald Doyle John Peterson
S—5866	H.F.	2466	Emil Husak Jim Lind
S—5867	H.F.	2466	Emil Husak
S—5868	H.F.	2466	Larry Murphy
S—5869	H.F.	2466	Jean Lloyd-Jones
S—5870	S.F.	2366	Leonard Boswell
S—5871	H.F.	2466	Ralph Rosenberg
S—5872	H.F.	2466	Derryl McLaren
S—5873	S.F.	2374	Derryl McLaren John Soorholtz Dale Tieden
S—5874	H.F.	2466	Jim Lind
S—5875	H.F.	2471	Appropriations

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 8:20 p.m., until 9:00 a.m., Friday, April 24, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED THIRD CALENDAR DAY
SEVENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 24, 1992

The Senate met in regular session at 9:12 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Mary Kramer, member of the Senate from Polk County, Des Moines, Iowa.

The Journal of Thursday, April 23, 1992, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murphy until he arrives on request of Senator Hutchins.

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 22, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters (S—5876).

ALSO: That the House has on April 22, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 110, a concurrent resolution to urge the Congress of the United States to study and enact initiatives to ensure that highly erodible land under the federal Conservation Reserve Program is protected and to ensure that such protection does not jeopardize the economic stability of the American farmer.

This resolution was read first time and **passed on file.**

ALSO: That the House has on April 23, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2218, a bill for an act relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date (S—5877).

ALSO: That the House has on April 23, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2484, a bill for an act relating to speculative shell buildings by allowing a for-profit entity to receive a property tax exemption for the building under certain circumstances and allowing accelerated depreciation of the building for income tax purposes and providing applicability date provisions.

Read first time and **passed on file.**

ALSO: That the House has, on April 23, 1992, adopted the conference committee report and passed **Senate File 2244,** a bill for an act relating to the care and feeding of swine by cooperative associations and providing an effective date.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2400

On motion of Senator Szymoniak, House File 2400, a bill for an act relating to the funding for emergency medical services,

authorizing a county to impose a local option tax or combination of taxes to provide local funding, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5606 filed by her on April 8, 1992, to strike everything after the enacting clause and to the title page of the bill.

Senator Szymoniak offered amendment S—5773 filed by her on April 21, 1992, to pages 1, 10 and 11 of amendment S—5606 and moved its adoption.

Amendment S—5773 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5619 filed by her on April 9, 1992, to amendment S—5606 and moved its adoption.

Amendment S—5619 was adopted by a voice vote.

Senator Szymoniak moved the adoption of amendment S—5606 as amended, which motion prevailed by a voice vote.

With the adoption of amendment S—5606 as amended, the Chair ruled the following amendments out of order:

S—5552 filed by Senator Szymoniak on April 3, 1992, to pages 1, 5 and the title page of the bill and S—5585 filed by the committee on Ways and Means on April 7, 1992, to page 2 of the bill.

Senator Szymoniak 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. 2400) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Gettings	Gronstal	Hagerla
Hannon	Hester	Horn	Husak
Jensen	Kibbie	Kinley	Kramer
Lloyd-Jones	Miller	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Slife

Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, 7:

Fuhrman	Hedge	Kersten	Lind
McLaren	Murphy	Sturgeon	

Absent or not voting, 3:

Hutchins	Running	Welsh

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

President pro tempore Lloyd-Jones took the chair at 10:56 a.m.

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2400** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2193** be referred from the Ways and Means Calendar to the committee on **Ways and Means.**

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2385

Senator Sorensen called up for consideration House File 2385, a bill for an act relating to the waste reduction and recycling incentives, and providing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5849 to Senate amendment H—5759 filed April 22, 1992.

A non record roll call was requested.

The ayes were 10, nays 31.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

UNFINISHED BUSINESS
(Deferred April 22, 1992)

House File 2356

The Senate resumed consideration of House File 2356 as amended, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties, and amendment S—5800, by Senator Varn to pages 1, 5 and 6 of the bill, deferred April 22, 1992.

Senator Varn called for a division of amendment S—5800: Lines 3-24 and 31-37 as division S—5800A and lines 25-30 as division S—5800B.

Senator Varn withdrew division S—5800B.

Senator Varn offered amendment S—5840 filed by him on April 22, 1992, to division S—5800A and moved its adoption.

Amendment S—5840 was adopted by a voice vote.

Senator Varn moved the adoption of division S—5800A as amended, which motion prevailed by a voice vote.

Senator Doyle withdrew amendment S—5828 filed by him on April 22, 1992, to pages 4 and 5 of the bill.

Senator Varn asked and received unanimous consent that action on **House File 2356** be **deferred.**

HOUSE AMENDMENTS CONSIDERED

Senate File 2366

Senator Boswell called up for consideration Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are

consolidated into new or existing block grants and providing an effective date, amended by the House in House amendment S—5855 filed April 23, 1992.

Senator Boswell offered amendment S—5870 filed by him on April 23, 1992, to House amendment S—5855 and moved its adoption.

Amendment S—5870 was adopted by a voice vote.

Senator Boswell moved that the Senate concur in the House amendment as amended.

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

Senator Boswell moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2366) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 2:

Running	Welsh

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

Senate File 2249

Senator Kibbie called up for consideration Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S—5556 filed April 3, 1992.

Senator Priebe withdrew amendments S—5582 and S—5590 filed by him on April 7, 1992, to House amendment S—5556.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Boswell	Connolly	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Hagerla
Hannon	Hedge	Hester	Jensen
Lloyd-Jones	Palmer	Pate	Peterson
Rensink	Rittmer	Rosenberg	Sorensen
Sturgeon	Taylor	Tinsman	Vande Hoef
Varn			

Nays, 24:

Borlaug	Buhr	Deluhery	Drake
Gronstal	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	McLaren	Miller	Priebe
Rife	Riordan	Running	Slife
Soorholtz	Szymoniak	Tieden	Welsh

Absent or not voting, 1:

Murphy

The motion prevailed and the Senate concurred in the House amendment.

Senator Kibbie 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2249) the vote was:

Ayes, 33:

Boswell	Buhr	Connolly	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Husak	Hutchins	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
McLaren	Miller	Palmer	Pate
Peterson	Rife	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn			

Nays, 16:

Borlaug	Deluhery	Hedge	Hester
Horn	Jensen	Murphy	Rensink
Riordan	Running	Slife	Soorholtz
Taylor	Tieden	Vande Hoef	Welsh

Voting present, 1:

Priebe

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 Hutchins asked and received unanimous consent that **House File 2385** and **Senate File 2366** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2035

Senator Hannon called up for consideration Senate File 2035, a bill for an act relating to the discharge of an adoptive father's

obligation for support of an adopted child, amended by the House, and moved that the Senate concur in House amendment S—5799 filed April 22, 1992.

Senator Hannon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2035) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, none.

Absent or not voting, 1:

Gettings

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

BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2484** was assigned to the committee on **Ways and Means.**

The Senate stood at ease at 11:15 a.m. until the fall of the gavel.

The Senate resumed session at 12:42 p.m., President pro tempore Lloyd-Jones presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake for the remainder of the day on request of Senator Rife.

QUORUM CALL

Senator Husak requested a non record roll call to determine that a quorum was present.

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

The Senate stood at ease at 12:46 p.m. until the fall of the gavel.

The Senate resumed session at 1:08 p.m., President pro tempore Lloyd-Jones presiding.

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2035** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2356

The Senate resumed consideration of House File 2356, a bill for an act relating to the authorization of actions by the department of natural resources regarding the federal Clean Air Act as amended to January 1, 1991, and providing penalties, previously deferred.

Senator Rosenberg offered amendment S—5879 filed by Senators Rosenberg and Varn from the floor to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 17, nays 29.

Amendment S—5879 lost by a voice vote.

Senator Kersten withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which division S—5800A to House File 2356 was adopted by the Senate on April 24, 1992.

The following motion to reconsider filed by Senator Kersten from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5840 to division S—5800A to House File 2356 was adopted by the Senate on April 24, 1992.

Senator Varn 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. 2356) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise
Fuhrman	Gettings	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kibbie	Kinley
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Drake	Gronstal	Kersten	Kramer

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

Senator Varn asked and received unanimous consent that **Senate File 2229** be **withdrawn** from further consideration of the Senate.

Senator Hutchins asked and received unanimous consent that **House File 2356** be **immediately messaged** to the House.

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 24, 1992, passed the following bills in which the concurrence of the House was asked:

Senate File 2365, a bill for an act relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

Senate File 2372, a bill for an act relating to employer obligations toward non-English speaking employees, and providing for a fee and civil penalties.

ALSO: That the House has on April 24, 1992, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 2290, a bill for an act relating to the provision of solid waste collection.

Senate File 2366, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

ALSO: That the House has on April 24, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2439, a bill for an act relating to lead abatement by establishing a lead inspection and abatement program, and providing a penalty.

ALSO: That the House has on April 24, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2485, a bill for an act relating to urban renewal including the division of revenue from taxation of urban renewal projects, use of tax increment financing revenues, and description of urban renewal plans, and providing an applicability provision.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 24, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions.

ALSO: That the House has on April 24, 1992, adopted the conference committee report and passed **House File 2457,** a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2457

Senator Buhr called up the conference committee report on House File 2457, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, and the department of human rights, filed on April 23, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Buhr 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. 2457) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Fraise

Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Lind	Lloyd-Jones
McLaren	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 1:

Taylor

Absent or not voting, 2:

Drake Kramer

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

President Gronstal took the chair at 2:22 p.m.

UNFINISHED BUSINESS
(Deferred April 23, 1992)

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments, and amendment S—5746, deferred on April 23, 1992.

Senator Murphy asked and received unanimous consent to withdraw the division of amendment S—5746 requested by him on April 20, 1992, except those divisions that had previously been defeated by the Senate.

Senator Lind withdrew division S—5759A to amendment S—5746.

Senator Sturgeon offered amendment S—5878 filed by him from the floor to page 1, 7 and 9 of amendment S—5746.

Senator Boswell raised the point of order that amendment S—5878 to amendment S—5746 was not germane.

Senator Boswell withdrew his point of order.

Senator Sturgeon moved the adoption of amendment S—5878 to amendment S—5746 and requested a record roll call.

On the question "Shall amendment S—5878 to amendment S—5746 be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 17:

Deluhery	Dieleman	Gronstal	Hutchins
Kersten	Kinley	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sturgeon	Szymoniak
Welsh			

Nays, 31:

Borlaug	Boswell	Buhr	Connolly
Doyle	Fraise	Fuhrman	Gettings
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kramer	Lind	McLaren	Palmer
Pate	Rensink	Rife	Rittmer
Slife	Sorensen	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Absent or not voting, 2:

Drake	Soorholtz

Amendment S—5878 lost.

Senator Murphy asked and received unanimous consent to withdraw the remainder of amendment S—5746.

The Chair ruled the following amendments to amendment S—5746 out of order:

Divisions S—5759A through S—5759I by Senator Lind.

S—5747 filed by Senator Murphy on April 20, 1992.

S—5768 filed by Senator Sorensen on April 21, 1992.

Senator Rosenberg withdrew amendment S—5752 filed by him on April 20, 1992, to page 1 of the resolution.

Senator Varn offered amendment S—5754 filed by him on April 20, 1992, to pages 1 and 2 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5754 be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gettings	Gronstal	Hannon
Hutchins	Kinley	Lloyd-Jones	Miller
Murphy	Riordan	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Varn	Welsh	

Nays, 25:

Borlaug	Boswell	Fraise	Fuhrman
Hagerla	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	McLaren	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Rittmer	Slife	Taylor
Vande Hoef			

Absent or not voting, 2:

Drake	Soorholtz

Amendment S—5754 lost.

Senator Miller offered amendment S—5751 filed by him on April 20, 1992, to page 2 of the resolution, moved its adoption and requested a non record roll call.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 24, nays 23.

Amendment S—5751 was adopted.

Senator Kersten asked and received unanimous consent to withdraw amendment S—5677 filed by Senators Kersten, et al., on April 14, 1992, to page 2 of the resolution and moved its adoption.

Senator Boswell offered amendment S—5748 filed by Senators Boswell, Husak and Kersten on April 20, 1992, to pages 2 and 4 of the resolution and called for a division: lines 2-10 as division S—5748A and lines 11-24 as division S—5748B.

Senator Rittmer offered amendment S—5795 filed by him on April 21, 1992, to division S—5748A and moved its adoption.

Amendment S—5795 lost by a voice vote.

Senator Boswell moved the adoption of division S—5748A, which motion prevailed by a voice vote.

Senator Rittmer offered amendment S—5755 filed by him on April 20, 1992, to division S—5748B and moved its adoption.

Amendment S—5755 was adopted by a voice vote.

Senator Buhr offered amendment S—5791 filed by her on April 21, 1992, to division S—5748B and called for a division: lines 3-8 as division S—5791A and lines 9-13 as division S—5791B.

Senator Buhr moved the adoption of division S—5791A to division S—5748B, which motion prevailed by a voice vote.

Senator Buhr moved the adoption of division S—5791B to division S—5748B, which motion prevailed by a voice vote.

With the adoption of divisions S—5791A and S—5791B to division S—5748B, the Chair ruled amendment S—5792 filed by Senator Buhr on April 21, 1992, to division S—5748B, out of order.

Senator Boswell moved the adoption of division S—5748B as amended and requested a record roll call.

On the question "Shall division S—5748B as amended be adopted?" (S.J.R. 2008) the vote was:

Ayes, 16:

Buhr	Connolly	Deluhery	Gettings
Gronstal	Hannon	Hutchins	Lloyd-Jones
Miller	Murphy	Rosenberg	Running
Sturgeon	Szymoniak	Varn	Welsh

Nays, 31:

Borlaug	Boswell	Dieleman	Doyle
Fraise	Fuhrman	Hagerla	Hedge
Hester	Horn	Husak	Jensen
Kersten	Kibbie	Kramer	Lind
McLaren	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Slife	Sorensen	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 3:

Drake	Kinley	Soorholtz

Division S—5748B lost.

Senator Kramer offered amendment S—5753 filed by Senators Kramer, Miller and Szymoniak on April 20, 1992, to pages 2 and 3 of the resolution and moved its adoption.

A non record roll call was requested.

The ayes were 18, nays 26.

Amendment S—5753 lost.

Senator Hannon offered amendment S—5749 filed by Senators Hannon, Murphy and Szymoniak on April 20, 1992, to page 3 of the resolution and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 16, nays 26.

Amendment S—5749 lost.

Senator Varn offered amendment S—5750 filed by him on April 20, 1992, to page 3 of the resolution, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5750 be adopted?" (S.J.R. 2008) the vote was:

Ayes, 14:

Buhr	Gettings	Gronstal	Hannon
Lloyd-Jones	Miller	Murphy	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn		

Nays, 31:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Hagerla	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Rife
Rittmer	Slife	Taylor	Tieden
Tinsman	Vande Hoef	Welsh	

Absent or not voting, 5:

Drake	Kinley	Kramer	Peterson
Soorholtz			

Amendment S—5750 lost.

Senator Boswell called up the motion to reconsider the vote by which division S—5746G to Senate Joint Resolution 2008 failed to be adopted by the Senate on April 20, 1992, filed by him on April 20, 1992, found on page 1511 of the Senate Journal and moved its adoption.

The motion lost by a voice vote.

The motion to reconsider the vote by which division S—5746G to Senate Joint Resolution 2008 filed by Senator Connolly on April 23, 1992, and found on page 1595 of the Senate Journal, was out of order.

Senator Horn filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5751 to Senate Joint Resolution 2008 was adopted by the Senate on April 24, 1992.

A record roll call was requested.

On the question "Shall the motion to reconsider be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Borlaug	Boswell	Fraise	Fuhrman
Gettings	Hagerla	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kramer	Lind	McLaren
Pate	Peterson	Priebe	Rensink
Rife	Slife	Taylor	Vande Hoef
Welsh			

Nays, 22:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gronstal	Hannon	Hutchins
Lloyd-Jones	Miller	Murphy	Palmer
Riordan	Rittmer	Rosenberg	Running
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Varn		

Absent or not voting, 3:

Drake	Kinley	Soorholtz

The motion prevailed and amendment S—5751 by Senator Miller to page 2 of the resolution, was taken up for reconsideration.

Senator Miller moved the adoption of amendment S—5751.

A record roll call was requested.

On the question "Shall amendment S—5751 be adopted?" (S.J.R. 2008) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Buhr	Connolly	Deluhery	Dieleman
Doyle	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Lloyd-Jones
Miller	Murphy	Palmer	Riordan
Rittmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 22:

Borlaug	Boswell	Fraise	Fuhrman
Hagerla	Hedge	Hester	Husak
Jensen	Kersten	Kramer	Lind
McLaren	Pate	Peterson	Priebe
Rensink	Rife	Slife	Taylor
Tieden	Vande Hoef		

Absent or not voting, 3:

Drake	Kinley	Soorholtz

Amendment S—5751 was adopted.

The following motion to reconsider filed by Senator Buhr from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5878 to amendment S—5746 to Senate Joint Resolution 2008 failed to be adopted by the Senate on April 24, 1992.

Senator Hutchins asked and received unanimous consent that action on **Senate Joint Resolution 2008** be **deferred.**

The Senate stood at ease at 4:22 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:45 p.m., President Gronstal presiding.

BUSINESS PENDING

Senate Joint Resolution 2008

The Senate resumed consideration of Senate Joint Resolution 2008, previously deferred.

Senator Boswell moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 2008, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new Article XIII:

ARTICLE XIII.

TAXPAYERS' RIGHTS.

SECTION 1. The state government and each local government is subject to a revenue limit and a spending limit as provided in section 8. Each government's beginning revenue limit is equal to its total revenue in the base year, or, if higher, in any of the three preceding fiscal years. This limit is adjusted annually for the cumulative percentage rate of price inflation or deflation since the base year and for any cumulative percentage population increase since the base year. Each county government's revenue limit includes all townships in the county. A school district's "population" is its full-time equivalent student enrollment. The "base year" is the last fiscal year before this article becomes effective.

SEC. 2. "Revenue" includes all amounts received from all sources, except (1) amounts refunded to the payors; (2) gifts and contracts from nongovernmental sources; (3) amounts received from the federal government; (4) fees voluntarily paid for specific services, but any part of a fee in excess of the actual cost of providing that specific service is revenue; (5) an amount equal to a government's net cost increase required by a federal law or rule adopted after this Article becomes effective, but only to the extent not offset by federal funds; (6) amounts borrowed after approval by vote of the electors; (7) amounts borrowed by issuing revenue bonds on which no payment can be made from tax revenue; and (8) receipts applied to repay money borrowed lawfully, including interest.

SEC. 3. The state revenue limit excludes, and the local limits include, state revenue transferred to local governments or applied as tax credits against local taxes.

SEC. 4. If a government's revenue in a fiscal year exceeds its revenue limit, its limit for the next fiscal year shall be reduced by the excess amount.

SEC. 5. A government's revenue limit may be increased in an amount approved by a majority of that government's electors voting in a referendum.

SEC. 6. One or more revenue limits may be temporarily increased by law adopted by two-thirds vote of the whole membership of each house of the General Assembly and approved by the Governor. A local government's revenue limit may be temporarily increased by not more than ten percent, by vote of three-fourths of the whole membership of the local government's governing body after prominent notice and public hearing. Each increase under this section is effective for only one fiscal year.

SEC. 7. Any change in a limit under section 4, 5, or 6 is effective only for the specified fiscal year or years and does not affect computation of the limit under section 1.

SEC. 8. Each government's total spending in a fiscal year shall not exceed the sum of its (1) revenue limit for that year, adjusted for any change under section 4, 5, or 6, or actual revenue, whichever is less; (2) actual receipts in that year which are excluded from revenue by section 2; and (3) net unspent funds carried over from the preceding year.

SEC. 9. "Revenue" includes all receipts for a government's trust funds for unemployment, retirement, medical, or other benefits but does not include earnings of these trust funds. "Spending" includes all payments and transfers into, and excludes payments out of, these trust funds. "Net unspent funds" excludes these trust funds.

SEC. 10. If a new local government is created, the state shall establish its base year and the amount of its beginning revenue limit, and shall reduce the appropriate state or local revenue limit or limits by that amount. If two or more local governments are combined, their revenue limits shall be combined. If a service or program is transferred by law among local governments, their revenue limits shall be proportionally adjusted by law, with no increase in the combined limits. The state may transfer any part of its revenue limit to a local government but shall not transfer any part of a local limit to the state.

SEC. 11. If a state law or rule adopted after this Article becomes effective requires a local government to incur a net cost increase, the state shall pay to the local government the amount of the necessary net cost increase, and shall increase the local revenue limit and decrease the state revenue limit by that amount.

SEC. 12. Any state or local government plan for retirement or other employee benefits shall be completely funded within ten years after this Article becomes effective and at all times thereafter, in accordance with generally accepted actuarial and accounting principles.

SEC. 13. The state and local governments shall use consistent accounting, in accordance with generally accepted accounting principles, for all purposes.

SEC. 14. Any taxpayer has standing to sue to enforce this Article and laws implementing it. If successful, the taxpayer shall be reimbursed for all reasonable expenses of the suit.

SEC. 15. This Article becomes effective for the first state fiscal year beginning at least six months after its approval by the electors. The state by law shall implement this Article and may adopt further restrictions and limits.

Sec. 2. DECLARATION OF INTENT. It is the intent of the General Assembly in agreeing to the foregoing proposed amendment that:

1. This declaration of intent shall be relied on by the electors and the courts, with the same results as if it were in the Constitution.

2. Article XIII does not authorize any borrowing and does not impair the debt limits and other provisions of Article VII.

3. To make the adjustment for price inflation or deflation, the most reliable index of general price inflation in the United States shall be selected in good faith as provided by law. The selection of index shall not be changed if the change would have the effect of weakening the limits. Except for school districts, the adjustment for population shall be made by using the most recent federal census, but use of the most recent federal census estimate may be permitted by law.

4. Official revisions of inflation and population data affect revenue limits for future fiscal years, but do not change limits for the fiscal year in which a revision is made or for prior years.

5. "Revenue" includes, but is not limited to, all taxes, fees, charges, assessments, and other receipts of the state and local governments, except amounts expressly excluded by section 2, 3,

or 9 of Article XIII. Amounts transferred between governments are counted as revenue only once.

6. "Fees voluntarily paid for specific services" includes fees for hospital, recreational, public utility, and similar services, but does not include any tax, assessment, toll, or filing, permit, registration, or license fee.

7. A government which excludes an amount from revenue under section 2 of Article XIII must accurately determine and establish the correct amount excluded.

8. "Government" includes all parts, agencies, enterprises, and operations of a government. "Local government" includes each city, county, school district, special district, and political subdivision in the state, except that townships are included with county governments.

9. Because county limits include townships, a county government may limit the total revenue and spending of townships in that county.

10. If a government has a deficit of net unspent funds at the end of a fiscal year, the deficit is subtracted in computing the next year's spending limit under section 8 of Article XIII. However, section 8 is intended to prevent any such deficit and to require each government to operate on a balanced budget.

11. Article XIII shall be interpreted and implemented to achieve its purpose to limit the growth of revenue and spending of the state and local governments.

Sec. 3.The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution pass?" (S.J.R. 2008) the vote was:

Yeas, 27:

Borlaug	Boswell	Doyle	Fraise
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	McLaren	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Taylor
Tieden	Tinsman	Vande Hoef	

Nays, 20:

Buhr	Connolly	Deluhery	Dieleman
Gettings	Gronstal	Hannon	Horn
Hutchins	Lloyd-Jones	Miller	Murphy
Palmer	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Absent or not voting, 3:

Drake	Kinley	Soorholtz

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

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2345)

A conference committee report signed by the following Senate and House members was filed April 24, 1992, on Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date:

On the Part of the Senate:	On the Part of the House:
DON GETTINGS, Chair	DENNIS COHOON, Chair
MIKE CONNOLLY	KENNETH DE GROOT
DONALD DOYLE	PATRICK GILL
JOHN JENSEN	EMIL PAVICH
JIM KERSTEN	

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2351)

A conference committee report signed by the following Senate and House members was filed April 24, 1992, on Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices:

On the Part of the Senate:

RICHARD VARN, Chair
LEONARD BOSWELL
MICHAEL E. GRONSTAL
DERRYL McLAREN
JIM LIND

On the Part of the House:

JACK HATCH, Chair
TOM MILLER
PHILIP WISE

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Tieden for the remainder of the evening on request of Senator Lind.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2351

Senator Varn called up the conference committee report on Senate File 2351, a bill for an act relating to state budget and financial control by requiring certain financial practices, filed on April 24, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Varn 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. 2351) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	McLaren
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vande Hoef	Varn	Welsh	

Nays, 3:

Connolly	Rosenberg	Running

Absent or not voting, 4:

Drake	Kinley	Soorholtz	Tieden

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Vande Hoef and Taylor for the remainder of the evening on request of Senator Jensen.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senate Joint Resolution 2007

On motion of Senator Varn, Senate Joint Resolution 2007, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve, was taken up for consideration.

Senator Varn offered amendment S—5561 filed by him on April 6, 1992, to pages 1 and 2 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5561 be adopted?" (S.J.R. 2007) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 37:

Borlaug	Boswell	Buhr	Deluhery
Dieleman	Doyle	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak

Hutchins	Jensen	Kersten	Kibbie
Kramer	Lind	McLaren	Miller
Murphy	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Slife	Szymoniak	Tinsman	Varn
Welsh			

Nays, 7:

Connolly	Lloyd-Jones	Palmer	Rosenberg
Running	Sorensen	Sturgeon	

Absent or not voting, 6:

Drake	Kinley	Soorholtz	Taylor
Tieden	Vande Hoef		

Amendment S—5561 was adopted.

Senator Varn withdrew amendment S—5881 filed by him from the floor to pages 1 and 2 of the resolution.

Senator Varn offered amendment S—5882 filed by him from the floor to pages 1 and 2 of the resolution.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he returns on request of Senator Rife.

BUSINESS PENDING

Senate Joint Resolution 2007

The Senate resumed consideration of Senate Joint Resolution 2007.

Senator Varn moved the adoption of amendment S—5882.

A record roll call was requested.

On the question "Shall amendment S—5882 be adopted?" (S.J.R. 2007) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 36:

Boswell	Buhr	Deluhery	Dieleman
Doyle	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kramer
Lind	McLaren	Miller	Murphy
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Slife
Szymoniak	Tinsman	Varn	Welsh

Nays, 6:

Connolly	Lloyd-Jones	Rosenberg	Running
Sorensen	Sturgeon		

Absent or not voting, 8:

Borlaug	Drake	Kinley	Palmer
Soorholtz	Taylor	Tieden	Vande Hoef

Amendment S—5882 was adopted.

Senator Varn moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

Senate Joint Resolution 2007, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article VII, Constitution of the State of Iowa, is amended by adding the following new section:

SPENDING LIMITATION AND MAINTENANCE OF CASH RESERVE. SEC. 9. A cash reserve shall be maintained by the state and moneys in the cash reserve shall be separate from the general fund of the state and shall not be considered part of the general fund of the state except in determining the cash position of the state. Moneys in the cash reserve may be used for cash flow purposes provided that any moneys so allocated during a fiscal year are returned to the cash reserve by the end of that fiscal year.

The cash reserve at the beginning of a fiscal year shall contain moneys equal to five percent of the revenue estimate for the general fund of the state for that fiscal year adjusted by subtracting estimated tax refunds payable from the estimated revenue and by adding any new revenue which may be considered to be eligible for deposit in the general fund. The governor shall recommend and the general assembly shall adopt a budget which limits spending to the extent necessary to maintain the case reserve at the level required under this paragrpah and to maintain the general fund so that the general fund of the state maintains a positive ending fiscal year balance in accordance with generally accepted accounting principles. However, the limitations of this paragraph shall not be construed to require more than one percent of adjusted revenue estimate for the general fund of the state to be set aside for these purposes in any one fiscal year.

Moneys in the cash reserve may be appropriated by the general assembly only in the fiscal year from which the appropriation is made and the moneys shall only be appropriated for nonrecurring emergency expenditures. The moneys shall only be appropriated in a bill or joint resolution in which the appropriation is the only subject matter of the bill or joint resolution and which contains a statement of the reasons why the appropriation is necessary. In addition, moneys shall not be appropriated from the cash reserve such that the balance in the cash reserve would be less than three percent of the adjusted revenue estimate unless the bill or joint resolution making the appropriation is approved by a vote of at least three-fifths of the members of each chamber of the general assembly and is signed by the governor.

This section applies to fiscal years commencing on or after July 1, 1995.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution pass?" (S.J.R. 2007) the vote was:

Yeas, 35:

Boswell	Deluhery	Dieleman	Doyle
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kramer	Lind
McLaren	Miller	Murphy	Pate
Peterson	Priebe	Rensink	Rife
Riordan	Rittmer	Slife	Szymoniak
Tinsman	Varn	Welsh	

Nays, 7:

Buhr	Connolly	Lloyd-Jones	Rosenberg
Running	Sorensen	Sturgeon	

Absent or not voting, 8:

Borlaug	Drake	Kinley	Palmer
Soorholtz	Taylor	Tieden	Vande Hoef

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren until he arrives on request of Senator Rife and Senator Kinley until he returns on request of Senator Varn.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2345

Senator Gettings called up the conference committee report on Senate File 2345, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund and providing an effective date, filed on April 24, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Gettings 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. 2345) the vote was:

Ayes, 37:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Fuhrman

Gettings	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Peterson	Priebe	Rensink	Rife
Riordan	Rosenberg	Running	Slife
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 4:

Hagerla	Pate	Rittmer	Sorensen

Absent or not voting, 9:

Borlaug	Drake	Kinley	McLaren
Palmer	Soorholtz	Taylor	Tieden
Vande Hoef			

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 Hutchins asked and received unanimous consent that **Senate Files 2345** and **2351** be **immediately messaged** to the House.

APPENDIX

STUDY BILLS RECEIVED

SSB 2304 Judiciary

Legalizing the proceedings of the City Council of the City of Des Moines relating to the granting of retroactive prior approval for an industrial property tax exemption, providing for the Act's applicability, and providing an effective date.

SSB 2305 Ways & Means

Relating to the powers and duties of the health data commission, and providing for the collection of fees.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-seven eighth grade students from St. Edwards School, Waterloo, accompanied by Donald Sullivan and Caroline Miecznikowski. Senators Slife and Lind.

Thirty eighth grade students from St. Patrick School, Cedar Falls, accompanied by Mike Griffith. Senator Slife.

The following visitors were present in the Senate gallery:

Forty-eight fifth grade students from Madrid Elementary School, Madrid, accompanied by Chris Hustice. Senator Sorensen.

Thirty-three third grade students from United Community School, Boone, accompanied by Mary Clark and Jill Eller. Senator Sorensen.

Twenty-four fifth grade students from Crawford Elementary School, Ames, accompanied by Mr. Schloerke. Senator Rosenberg.

Eighty-two fifth grade students from Terrace Elementary School, Ankeny, accompanied by Marilyn Kelley. Senator Palmer.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 117

BUSINESS AND LABOR RELATIONS: Buhr, Chair; Slife and Sturgeon

House File 2482

APPROPRIATIONS: Buhr, Chair; Riordan and Tinsman

House File 2476

JUDICIARY: Rosenberg, Chair; Slife and Sturgeon

House File 2477

WAYS AND MEANS: Fraise, Chair; Dieleman and Drake

House File 2481

WAYS AND MEANS: Connolly, Chair; Deluhery and Fuhrman

House File 2483

WAYS AND MEANS: Connolly, Chair; Deluhery and Drake

House File 2484

WAYS AND MEANS: Palmer, Chair; Hester and Rosenberg

SSB 2304

JUDICIARY: Peterson, Chair; Fuhrman and Varn

SSB 2305

WAYS AND MEANS: Murphy, Chair; Szymoniak and Taylor

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 his approval on this 24th day of April, 1992:

Senate Files 2065. 2257, 2190, 2339, 2167, 2354 and 2036.

JOHN F. DWYER
Secretary of the Senate

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 23, 1992, 7:15 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: none.

Committee Business: Recommended passage of House File 2471 as amended.

Adjourned: 7:56 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2036, the following corrections were made:

1. Page 18, line 17, the word "officers" was changed to the word "officers'".

2. Page 19, line 18, the word "officers" was changed to the word "officers'".

3. Page 19, line 20, the word "employees" was changed to the word "employees".

4. Page 31, line 11, the words "Section 14" were changed to the words "Section 16".

ALSO: That in enrolling Senate File 2167, the following corrections were made:

1. Page 2, line 7, the words "funding under under" were changed to the words "funding under".

2. Page 5, line 26, the words "Section 3" were changed to the words "Section 4".

ALSO: That in enrolling Senate File 2354, the following correction was made:

1. Page 18, line 9, the words "insolvency. The" were changed to the words "insolvency. The".

ALSO: That in engrossing the Senate amendment to House File 2466, the following corrections were made:

1. Page 1, line 36, the number "(10)" was changed to the number "(9)".

2. Page 1, line 40, the number "(11)" was changed to the number "(10)".

3. Page 10, line 48, the words "Sections 1, 2, 3, 6, 8, 9, and 10" were changed to the words "Sections 1, 2, 4, 7, 10, 12 and 13".

4. Page 10, line 49, the words "Sections 5 and 11" were changed to the words "Sections 6 and 14".

5. Page 10, line 50, the word "takes" was changed to the word "take".

6. Page 11, line 1, the words "Section 5" were changed to the words "Section 6".

JOHN F. DWYER
Secretary of the Senate

RESOLUTION ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following resolution to committee:

H.C.R. 110 Rules and Administration

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE CONCURRENT RESOLUTION 117, a concurrent resolution to designate Labor Day, September 7, 1992, as Help Yourself, Buy American Day.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Running, Sturgeon, Fuhrman, Buhr, Peterson, Rensink and Slife. Nays, none. Absent or not voting, 3: Kinley, Palmer and Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Sturgeon, Fuhrman, Connolly, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson and Slife. Nays, none. Absent or not voting, 4: Rosenberg, Deluhery, Drake and Varn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2475, a bill for an act relating to waste tire management, including the imposoing of fees and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dieleman, Husak, Hedge, Connolly, Deluhery, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2478, a bill for an act relating to the repeal of the seed capital tax credit and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Dieleman, Husak, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer and Taylor. Nays, none. Absent or not voting, 3: McLaren, Rosenberg and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992.

JIM LIND

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992.

GEORGE KINLEY

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992.

PAUL PATE

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5556 to Senate File 2249 on April 24, 1992.

PAUL PATE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992.

JOHN KIBBIE

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992.

WILLIAM W. DIELEMAN

MR. PRESIDENT: I move to reconsider the vote by which House File 2457 passed the Senate on April 24, 1992.

LEONARD BOSWELL

MR. PRESIDENT: I move to reconsider the vote by which House File 2457 passed the Senate on April 24, 1992.

FLORENCE BUHR

AMENDMENTS FILED

S—5876	S.F.	2254	House amendment
S—5877	S.F.	2218	House amendment
S—5878	S.J.R.	2008	Al Sturgeon

S—5879	H.F.	2356	Ralph Rosenberg Richard Varn
S—5880	H.F.	2471	Mark Hagerla Dale Tieden Don Gettings Richard Drake
S—5881	S.J.R.	2007	Richard Varn
S—5882	S.J.R.	2007	Richard Varn

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:18 p.m., until 10:00 a.m., Monday, April 27, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED SIXTH CALENDAR DAY
SEVENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 27, 1992

The Senate met in regular session at 10:24 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Elaine Szymoniak, member of the Senate from Polk County, Des Moines, Iowa.

The Journal of Friday, April 24, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren for the day and Senators Vande Hoef and Kersten until they arrive on request of Senator Rife.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Pate until he arrives on request of Senator Hagerla.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2476.

House File 2476

On motion of Senator Rosenberg, House File 2476, a bill for an act relating to sexual abuse or sexual exploitation by a counselor or therapist and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg 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. 2476) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 6:

Hutchins	Kersten	McLaren	Pate
Sturgeon	Welsh		

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

ADOPTION OF RESOLUTION

Senator Horn asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 117.

House Consurrent Resolution 117

On motion of Senator Buhr, House Concurrent Resolution 117, a concurrent resolution to designate Labor Day, September 7, 1992,

as Help Yourself, Buy American Day, with report of committee recommending passage, was taken up for consideration.

Senator Buhr moved the adoption of House Concurrent Resolution 117, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2218

Senator Lind called up for consideration Senate File 2218, a bill for an act relating to the regulation of swimming pools, spas, and swimming pool or spa water heaters regulated by the Iowa department of public health and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5877 filed April 24, 1992.

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

Senator Lind 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Rensink	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Szymoniak	Taylor
Tieden	Tinsman	Varn	

Nays, 1:

Vande Hoef

Absent or not voting, 6:

Kersten	McLaren	Pate	Priebe
Sturgeon	Welsh		

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

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2478.

House File 2478

On motion of Senator Fraise, House File 2478, a bill for an act relating to the repeal of the seed capital tax credit and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Fraise 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. 2478) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn

Nays, none.

Absent or not voting, 6:

Kersten	McLaren	Rife	Sturgeon
Tieden	Welsh		

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

Senate File 2368

On motion of Senator Dieleman, Senate File 2368, a bill for an act relating to the funding of the gamblers assistance program, was taken up for consideration.

Senator Dieleman 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. 2368) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn		

Nays, none.

Absent or not voting, 4:

Kersten	McLaren	Sturgeon	Welsh

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2476** and **2478**, **House Concurrent Resolution 117**, **Senate Files 2218** and **2368** be **immediately messaged** to the House.

MOTION TO RECONSIDER LOST

House File 2061

Senator Kibbie called up the motion to reconsider House File 2061, a bill for an act relating to the transfer of assets of terminated city fire or police retirement systems with unfunded accrued liabilities to the statewide system, and providing effective and retroactive applicability dates, filed by him on April 22, 1992, found on page 1551 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2061) the vote was:

Ayes, 7:

Borlaug	Deluhery	Rittmer	Rosenberg
Running	Taylor	Tinsman	

Nays, 38:

Boswell	Buhr	Connolly	Dieleman
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hagerla	Hannon
Hedge	Hester	Horn	Husak
Hutchins	Jensen	Kibbie	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Rife	Riordan
Slife	Soorholtz	Szymoniak	Tieden
Vande Hoef	Varn		

Absent or not voting, 5:

Kersten	McLaren	Sorensen	Sturgeon
Welsh			

The motion lost.

The motion to reconsider House File 2061 filed by Senator Running on April 21, 1992, and found on page 1541 of the Senate Journal, was out of order.

Senator Horn asked and received unanimous consent that **House File 2061** be **immediately messaged** to the House.

BILL ASSIGNED TO COMMITTEE

President Gronstal announced that **House File 2485** was assigned to the committee on **Ways and Means.**

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2454

Senator Buhr called up for consideration House File 2454, a bill for an act relating to efficiency in government, and making appropriations, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5853 to Senate amendment H—5909 filed April 23, 1992.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

Senator Horn asked and received unanimous consent that **House File 2454** be **immediately messaged** to the House.

The Senate stood at ease at 10:59 a.m. until the fall of the gavel.

The Senate resumed session at 11:37 a.m., President Gronstal presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

The Senate stood at ease at 11:33 a.m. until the fall of the gavel.

The Senate resumed session at 11:51 a.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:57 a.m., until 1:30 p.m.

APPENDIX

PETITIONS

The following petitions urging that all local budget property tax dollar levies for the fiscal year 1993 be no greater than the prior year levy; and favoring legislative action that (1) would not force program and funding to local governments and property taxes; (2) would enable local government to develop budgets on a timely basis with the knowledge of the level of state funding; and (3) would prioritize programs and spending in such a way to operate within current revenues:

Senator Borlaug from 267 residents of Chickasaw County.
Senator Borlaug from 131 residents of Howard County.
Senator Borlaug from 419 residents of Mitchell County.
Senator Borlaug from 325 residents of Cerro Gordo County.
Senator Doyle from 310 residents of Woodbury, Monona and Ida Counties.
Senator Drake from 592 residents of Muscatine, Louisa and Johnson Counties.
Senator Fuhrman from 1518 residents of Buena Vista, Calhoun, Pocahontas and Sac Counties.
Senator Hedge from 644 residents of Jefferson County.
Senator Hedge from 361 residents of Mahaska County.
Senator McLaren from 223 residents of Mills, Montgomery and Page Counties.
Senator Rensink from 237 residents of Plymouth County.
Senator Rensink from 92 residents of Sioux County.
Senator Rittmer from 484 residents of Clinton County.
Senator Vande Hoef from 209 residents of O'Brien County.
Senator Vande Hoef from 373 residents of Osceola and Lyon Counties.

The following petition was presented and placed on file by:

Senator Hester from 34 residents of Harrison County supporting continuation of the Iowa Regional Library System.

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 his approval on this 27th day of April, 1992:

Senate Files 2061, 2357, 2238, 2343, 2364, 2248 and 460.

JOHN F. DWYER
Secretary of the Senate

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on April 27, 1992.

Had I been present, I would have voted "aye" on Senate File 2218, House File 2476 and House Concurrent Resolution 117.

PAUL PATE

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 107

RULES AND ADMINISTRATION: Husak, Chair; Gettings and Soorholtz

Senate Concurrent Resolution 121

RULES AND ADMINISTRATION: Lloyd-Jones, Chair; Gettings and Jensen

Senate Concurrent Resolution 122

RULES AND ADMINISTRATION: Husak, Chair; Gettings and Soorholtz

Senate Concurrent Resolution 123

RULES AND ADMINISTRATION: Husak, Chair; Gettings and Soorholtz

Senate Concurrent Resolution 124

RULES AND ADMINISTRATION: Lloyd-Jones, Chair; Gettings and Jensen

Senate Joint Resolution 2009

RULES AND ADMINISTRATION: Kinley, Chair; Gettings and Rife

House Concurrent Resolution 109

RULES AND ADMINISTRATION: Lloyd-Jones, Chair; Gettings and Jensen

House Concurrent Resolution 110

RULES AND ADMINISTRATION: Husak, Chair; Gettings and Jensen

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE JOINT RESOLUTION 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5883	S.F.	2369	Derryl McLaren William Palmer Emil Husak Maggie Tinsman
S—5884	H.F.	2477	Eugene Fraise
S—5885	H.F.	2477	Jim Lind
S—5886	S.F.	2254	Richard Varn

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., Senator Tieden presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate File 2254

Senator Varn called up for consideration Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters, amended by the House in House amendment S—5876 filed April 24, 1992.

Senator Varn offered amendment S—5886 filed by him from the floor to House amendment S—5876 and moved its adoption.

Amendment S—5886 was adopted by a voice vote.

Senator Varn moved that the Senate concur in the House amendment as amended.

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

Senator Varn moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2254) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester

Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tieden	Tinsman
Vande Hoef	Varn	Welsh	

Nays, none.

Absent or not voting, 3:

Kramer	McLaren	Rife

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2477.

House File 2477

On motion of Senator Fraise, House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Fraise offered amendment S—5884 filed by him from the floor to pages 2 and 4 of the bill and moved its adoption.

Amendment S—5884 was adopted by a voice vote.

Senator Lind offered amendment S—5885 filed by him from the floor to pages 2 and 4 of the bill.

Senator Kibbie called for a division of amendment S—5885: lines 3-9 and 20-26 as division S—5885A and lines 10-19 and 27-36 as division S—5885B.

Senator Lind moved the adoption of division S—5885A and requested a record roll call.

On the question "Shall division S—5885A be adopted?" (H.F. 2477) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 11:

Borlaug	Fuhrman	Hagerla	Kersten
Kramer	Lind	Pate	Rensink
Running	Soorholtz	Taylor	

Nays, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Hedge
Horn	Husak	Hutchins	Kibbie
Kinley	Lloyd-Jones	Miller	Murphy
Palmer	Peterson	Priebe	Rife
Riordan	Rittmer	Rosenberg	Slife
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Voting present, 1:

Jensen

Absent or not voting, 2:

Hester McLaren

Division S—5885A lost.

Senator Fraise raised the point of order that division S—5885B was out of order because the subject matter had previously been considered by the Senate.

The Chair ruled the point not well taken and division S—5885B in order.

Senator Lind moved the adoption of division S—5885B and requested a record roll call.

On the question "Shall division S—5885B be adopted?" (H.F. 2477) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Borlaug	Buhr	Deluhery	Dieleman
Fuhrman	Hagerla	Hannon	Kersten
Kibbie	Kramer	Lind	Murphy
Pate	Priebe	Rensink	Rife
Rittmer	Running	Slife	Soorholtz
Taylor	Tinsman		

Nays, 26:

Boswell	Connolly	Doyle	Drake
Fraise	Gettings	Gronstal	Hedge
Horn	Husak	Hutchins	Jensen
Kinley	Lloyd-Jones	Miller	Palmer
Peterson	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tieden	Vande Hoef
Varn	Welsh		

Absent or not voting, 2:

Hester	McLaren

Division S—5885B lost.

Senator Fraise 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. 2477) the vote was:

Ayes, 37:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Hedge
Hester	Horn	Husak	Hutchins
Jensen	Kibbie	Kinley	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Varn
Welsh			

Nays, 12:

Borlaug	Fuhrman	Hagerla	Kersten
Kramer	Lind	Rensink	Soorholtz
Taylor	Tieden	Tinsman	Vande Hoef

Absent or not voting, 1:

McLaren

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

CONSIDERATION OF BILL
(Appropriations Calendar)

House File 2471

On motion of Senator Lloyd-Jones, House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

President Gronstal took the chair at 2:46 p.m.

Senator Hutchins asked and received unanimous consent that action on amendment S—5875 filed by the committee on Appropriations on April 23, 1992, by striking everything after the enacting clause and to the title page of the bill be deferred.

Senator Boswell offered amendment S—5887 filed by Senators Boswell, et al., from the floor to page 1 and the title page of the bill.

Senator Hutchins withdrew amendment S—5888 filed by him from the floor to amendment S—5887.

Senator Boswell moved the adoption of amendment S—5887.

A non record roll call was requested.

The ayes were 30, nays 12.

Amendment S—5887 was adopted.

With the adoption of amendment S—5887, the Chair ruled the following amendments out of order:

S—5875 by the committee on Appropriations to strike everything after the enacting clause and to the title page of the bill, previously deferred and S—5880 filed by Senators Hagerla, et al., on April 24, 1992, to page 1 of the bill.

Senator Lloyd-Jones 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. 2471) the vote was:

Ayes, 38:

Boswell	Buhr	Deluhery	Dieleman
Drake	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Palmer	Pate	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Szymoniak	Taylor	Tieden
Varn	Welsh		

Nays, 11:

Borlaug	Connolly	Doyle	Hannon
Hedge	Miller	Murphy	Peterson
Sturgeon	Tinsman	Vande Hoef	

Absent or not voting, 1:

McLaren

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 Hutchins asked and received unanimous consent that **Senate File 2254, House Files 2477** and **2471** be **immediately messaged** to the House.

Senator Sturgeon took the chair at 4:11 p.m.

MOTION TO RECONSIDER ADOPTED

Senator Kibbie called up the motion to reconsider Senate File 2249 filed by him on April 24, 1992, found on page 1638 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Borlaug	Buhr	Deluhery	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Murphy	Pate	Priebe
Rife	Rittmer	Running	Slife
Soorholtz	Szymoniak	Tinsman	Welsh

Nays, 21:

Boswell	Connolly	Dieleman	Fuhrman
Hannon	Hedge	Hester	Jensen
Lloyd-Jones	Miller	Palmer	Peterson
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Taylor	Tieden	Vande Hoef
Varn			

Absent or not voting, 1:

McLaren

The motion prevailed.

Senator Kibbie moved to reconsider the vote by which Senate File 2249 went to its last reading, which motion prevailed by a voice vote.

Senate File 2249

On motion of Senator Kibbie, Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, was taken up for reconsideration.

Senator Pate called up the motion to reconsider the vote by which the Senate concurred in House amendment S—5556 to Senate File 2249 on April 24, 1992, filed by him on April 24, 1992, and found on page 1638 of the Senate Journal.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the day on request of Senator Jensen.

BUSINESS PENDING

Senate File 2249

The Senate resumed consideration of Senate File 2249.

Senator Pate moved the adoption of the motion to reconsider House amendment S—5556.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Borlaug	Buhr	Deluhery	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Murphy	Pate	Priebe
Rife	Rittmer	Running	Slife
Soorholtz	Szymoniak	Tinsman	Welsh

Nays, 20:

Boswell	Connolly	Dieleman	Fuhrman
Hannon	Hedge	Hester	Jensen
Lloyd-Jones	Miller	Palmer	Peterson

Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Tieden	Vande Hoef	Varn

Absent or not voting, 2:

McLaren	Taylor

The motion prevailed.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Boswell	Connolly	Dieleman	Fuhrman
Hannon	Hedge	Hester	Jensen
Lloyd-Jones	Miller	Palmer	Peterson
Rensink	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Tinsman	Vande Hoef
Varn			

Nays, 27:

Borlaug	Buhr	Deluhery	Doyle
Drake	Fraise	Gettings	Gronstal
Hagerla	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Murphy	Pate	Priebe
Rife	Running	Slife	Soorholtz
Szymoniak	Tieden	Welsh	

Absent or not voting, 2:

McLaren	Taylor

The motion lost and the Senate **refused to concur** in the House amendment.

The motions to reconsider the vote by which Senate File 2249 passed the Senate on April 24, 1992, filed by Senators Lind, Kinley, Pate and Dieleman on April 24, 1992, and found on page 1638 of the Senate Journal, were out of order.

Senator Hutchins asked and received unanimous consent that **Senate File 2249** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2360

Senator Gronstal called up for consideration Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties and an effective date, amended by the House in House amendment S—5798 filed April 22, 1992.

Senator Gronstal offered amendment S—5889 filed by Senators Gronstal and Kibbie from the floor to House amendment S—5798.

Senator Pate asked and received unanimous consent that action on amendment S—5889 to House amendment S—5798, House amendment S—5798 and **Senate File 2360** be **deferred.**

The Senate stood at ease at 5:33 p.m. until the fall of the gavel.

The Senate resumed session at 6:02 p.m., Senator Sturgeon presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

BUSINESS PENDING

Senate File 2360

The Senate resumed consideration of Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures for certain elective officers and providing penalties

and an effective date, House amendment S—5798 and amendment S—5889 by Senators Gronstal and Kibbie to House amendment S—5798, previously deferred.

Senator Gronstal moved the adoption of amendment S—5889 to House amendment S—5798, which motion prevailed by a voice vote.

With the adoption of amendment S—5889 to House amendment S—5798, the Chair ruled amendment S—5891 filed by Senator Pate from the floor to House amendment S—5798, out of order.

Senator Rife offered amendment S—5890 filed by him from the floor to House amendment S—5798, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5890 to House amendment S—5798 be adopted?" (S.F. 2360) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Jensen	Kersten	Kinley
Kramer	Lind	Palmer	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Tieden	Tinsman	Vande Hoef
Varn			

Nays, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Hester	Horn
Hutchins	Kibbie	Lloyd-Jones	Miller
Murphy	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Welsh		

Absent or not voting, 3:

Husak	McLaren	Taylor

Amendment S—5890 lost.

Senator Gronstal moved that the Senate concur in the House amendment as amended.

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

Senator Gronstal moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2360) the vote was:

Ayes, 36:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hagerla	Hannon
Horn	Husak	Hutchins	Kersten
Kibbie	Kinley	Kramer	Lloyd-Jones
Miller	Murphy	Palmer	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 12:

Borlaug	Fuhrman	Hedge	Hester
Jensen	Lind	Pate	Rensink
Rife	Soorholtz	Tieden	Vande Hoef

Absent or not voting, 2:

McLaren	Taylor

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

Senator Hutchins asked and received unanimous consent that **Senate File 2360 be immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED
(Deferred April 22, 1992)

Senate File 2353

The Senate resumed consideration of Senate File 2353, a bill for an act relating to cosmetology arts and sciences and imposing fees and penalties, and increasing fees, and House amendment S—5793, deferred April 22, 1992.

Senator Running 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 Running 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2353) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Absent or not voting, 2:

McLaren Taylor

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

SENATE INSISTS

House File 2466

Senator Lloyd-Jones called up for consideration House File 2466, a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, amended by the Senate, and moved that the Senate insists on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

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 23, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 109, a concurrent resolution urging the United States Congress to continue financial support for the Missouri River Fish and Wildlife Mitigation Project.

ALSO: That the House has on April 27, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 119, a concurrent resolution commending the University of Iowa for leading the nation in championing gender equality in athletic programs and athletic scholarships.

This resolution was read first time and **passed on file.**

ALSO: That the House has on April 27, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date.

This bill was read first time and **passed on file.**

BILLS ASSIGNED TO COMMITTEE

The Chair announced that **House File 2480** was assigned to the committee on **Appropriations** and **House Concurrent Resolution 119** was assigned to the committee on **Rules and Administration.**

The Senate stood at ease at 6:42 p.m. until the fall of the gavel.

The Senate resumed session at 7:05 p.m., Senator Sturgeon presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2367

Senator Boswell called up for consideration Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, amended by the House in House amendment S—5854 filed April 23, 1992.

Senator Boswell offered amendment S—5892 filed by him from the floor to House amendment S—5854 and moved its adoption.

Amendment S—5892 was adopted by a voice vote.

With the adoption of amendment S—5892 to House amendment S—5854, the Chair ruled amendment S—5857 filed by Senators Drake, et al., on April 23, 1992, to House amendment S—5854, out of order.

Senator Boswell moved that the Senate concur in the House amendment as amended.

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

Senator Boswell moved that the bill as amended by the House, further amended and concurred in by the Senate, 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. 2367) the vote was:

Ayes, 42:

Borlaug	Boswell	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Miller	Murphy	Pate	Rensink
Rife	Riordan	Rittmer	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Tieden	Tinsman	Vande Hoef
Varn	Welsh		

Nays, 2:

Buhr	Rosenberg

Absent or not voting, 6:

Lloyd-Jones	McLaren	Palmer	Peterson
Priebe	Taylor		

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

Senator Hutchins asked and received unanimous consent that **Senate File 2367 be immediately messaged** to the House.

The Senate stood at ease at 7:10 p.m. until the fall of the gavel.

The Senate resumed session President Gronstal presiding.

HOUSE MESSAGES RECEIVED

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 27, 1992, **insisted on** its amendment to **House File 2454**, a bill for an act relating to efficiency in government, and making appropriations, and that the members of the **Conference Committee** on part of the House are: The Representative from Lee, Mr. Wise, Chair; the Representative from Hamilton, Mrs. Adams; the Representative from Mitchell, Mr. Koenigs; the Representative from Calhoun, Mr. Maulsby; the Representative from Scott, Mr. Rafferty.

ALSO: That the House has on April 27, 1992, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions.

ALSO: That the House has on April 27, 1992, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

Senate File 2254, a bill for an act relating to the creation of a combined water and sanitary district and a department of public works, providing for a governing board, and providing for other properly related matters.

Senate File 2360, a bill for an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers and providing penalties and an effective date.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 108, by committee on Rules and Administration, a resolution honoring Senator Ray Taylor for his years of legislative service.

Read first time and **placed on calendar.**

Senate Resolution 109, by committee on Rules and Administration, a resolution honoring Senator Bill Hutchins for his years of legislative service.

Read first time and **placed on calendar.**

Senate Resolution 110, by committee on Rules and Administration, a resolution honoring Senator Wally E. Horn for his years of legislative service.

Read first time and **placed on calendar.**

Senate Resolution 111, by committee on Rules and Administration, a resolution honoring Senator Alvin V. Miller for his years of legislative service.

Read first time and **placed on calendar.**

INTRODUCTION OF BILL

Senate File 2375, by committee on Ways and Means, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

Read first time and **placed on Ways and Means Calendar.**

APPENDIX

REPORTS OF COMMITEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: April 24, 1992, 1:00 p.m.

Members Present: Running, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Peterson, Rensink and Slife.

Members Absent: Kinley, Palmer and Taylor (all excused).

Committee Business: Recommended passage of House Concurrent Resolution 117.

Adjourned: 1:03 p.m.

JUDICIARY

Convened: April 24, 1992, 11:26 a.m.

Members Present: Sturgeon, Chair; Fuhrman, Ranking Member; Connolly, Deluhery, Hagerla, Hester, Horn, Miller, Murphy, Pate, Peterson, Slife and Varn.

Members Absent: Rosenberg, Vice Chair and Drake (both excused).

Committee Business: Recommended passage of House File 2476.

Adjourned: 11:36 a.m.

WAYS AND MEANS

Convened: April 24, 1992, 11:47 a.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House Files 2478, 2477 and 2475.

Adjourned: 12:22 p.m.

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 27,

1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 260 — Relating to the right of cities and counties to enter into lease, lease-purchase, or loan agreements, issue general or essential purpose bonds, and by requiring an election under certain conditions for real property and providing an applicability date.

SENATE FILE 390 — Relating to the reorganization of the disaster services division of the department of public defense by renaming the division, providing for financial assistance, renaming local emergency management commissions and managers, making administrative changes, and making other amendments relevant to the reorganization.

SENATE FILE 2011 — Relating to veterans affairs, including provisions for the establishment of an independent commission of veterans affairs, for transferring control of the Iowa veterans home to the commission of veterans affairs, for disposition of active duty members of the Iowa veterans home who are charged with an offense, and for properly related matters.

SENATE FILE 2197 — Relating to state and local foster care review boards.

SENATE FILE 2203 — Relating to the availability of adoption records.

SENATE FILE 2231 — Relating to abuse of dependent persons including the sharing of information between departments involved in child abuse investigations, multidisciplinary team members, the definitions of certain types of abuse, the definition of a mandatory reporter of dependent adult abuse, and the requirement of mandatory reporter training.

SENATE FILE 2298 — Relating to the retail sales tax, by exempting hay, straw, paper, and other materials used for bedding in agricultural production.

SENATE FILE 2323 — Relating to the prevention of the transmission of HIV or the hepatitis B Virus to patients, providing penalties, and providing for a repeal.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued a certificate of recognition as follows:

Mark Nimmer, Marion — For attaining the coveted rank of Eagle Scout. Senator Pate (5-2-92).

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 108, a resolution honoring Senator Ray Taylor for his years of legislative service.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 109, a resolution honoring Senator Bill Hutchins for his years of legislative service.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 8: Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none. Pass, 1: Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 110, a resolution honoring Senator Wally E. Horn for his years of legislative service.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 111, a resolution honoring Senator Alvin V. Miller for his years of legislative service.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Dieleman, Husak, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer and Rosenberg. Nays, 1: Hedge. Absent or not voting, 3: McLaren, Szymoniak and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2375 (SSB 2305), a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Dieleman, Husak, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hedge, Hester, Murphy, Palmer and Rosenberg. Nays, none. Absent or not voting, 3: McLaren, Szymoniak and Taylor.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S—5887	H.F.	2471	Leonard Boswell Don Gettings Jean Lloyd-Jones Bill Hutchins
S—5888	H.F.	2471	Bill Hutchins
S—5889	S.F.	2360	Michael Gronstal John Kibbie
S—5890	S.F.	2360	Jack Rife
S—5891	S.F.	2360	Paul Pate
S—5892	S.F.	2367	Leonard Boswell

ADJOURNMENT

On motion of Senator Murphy, the Senate adjourned at 8:13 p.m., until 9:00 a.m., Tuesday, April 28, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED SEVENTH CALENDAR DAY
SEVENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 28, 1992

The Senate met in regular session at 9:11 a.m., President Gronstal presiding.

Prayer was offered by the Honorable Richard Vande Hoef, member of the Senate from Osceola County, Harris, Iowa.

The Journal of Monday, April 27, 1992, was approved.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2454** on the part of the Senate: Senators Buhr, Chair; Sorensen, Fraise, Drake and Kramer.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration Senate Joint Resolution 2009.

Senate Joint Resolution 2009

On motion of Senator Kinley, Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments, with report of committee recommending passage, was taken up for consideration.

Senator Kinley moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question "Shall the resolution pass?" (S.J.R. 2009) the vote was:

Ayes, 36:

Borlaug	Buhr	Connolly	Deluhery
Doyle	Drake	Fraise	Fuhrman
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kersten	Kinley
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Rife	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 12:

Boswell	Dieleman	Hagerla	Hedge
Hester	Jensen	Priebe	Rensink
Sorensen	Taylor	Tieden	Vande Hoef

Absent or not voting, 2:

Kibbie	McLaren

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

Senator Hutchins asked and received unanimous consent that **Senate Joint Resolution 2009** be **immediately messaged** to the House.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2466** on the part of the Senate: Senators Kibbie, Chair; Rosenberg, Husak, Rife and Lind.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he arrives on request of Senator Rife.

COMMITTEE REPORT

EDUCATION

Final Bill Action: HOUSE FILE 2467, a bill for an act to establish a family resource center demonstration program.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5893.

Final Vote: Ayes, 11: Connolly, Horn, Taylor, Deluhery, Kibbie, Kramer, Lind, Murphy, Running, Szymoniak, Tinsman and Varn. Nays, 3: Dieleman, Rensink and Tieden. Absent or not voting, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2467.

House File 2467

On motion of Senator Connolly, House File 2467, a bill for an act to establish a family resource center demonstration program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly offered amendment S—5893 filed by the committee on Education from the floor to pages 2 and 5 of the bill and moved its adoption.

Amendment S—5893 was adopted by a voice vote.

Senator Connolly 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. 2467) the vote was:

Ayes, 34:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Husak	Kersten	Kibbie

Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Rife	Riordan
Rittmer	Rosenberg	Running	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 15:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Jensen	McLaren	Rensink	Slife
Taylor	Tieden	Vande Hoef	

Absent or not voting, 1:

Hutchins

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

Senator Horn asked and received unanimous consent that **House File 2467** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2317** and **House File 497** be referred from the Unfinished Business Calendar to the committee on **Judiciary**.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2481 and Senate File 2375.

House File 2481

On motion of Senator Deluhery, House File 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date, with report of committee recommending passage, was taken up for consideration.

Senator Fuhrman asked and received unanimous consent that action on **House File 2481** be **deferred.**

Senate File 2375

On motion of Senator Murphy, Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees, was taken up for consideration.

Senator Murphy asked and received unanimous consent that action on **Senate File 2375** be **deferred.**

SENATE RECEDES

House File 2477

Senator Fraise called up for consideration House File 2477, a bill for an act relating to motor vehicle registration fees and providing for income tax deductions for a portion of those fees and providing effective date and applicability provisions, amended by the Senate and moved that the Senate recede from its amendment.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (H.F. 2477) the vote was:

Ayes, 26:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Riordan	Rosenberg
Running	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 23:

Borlaug	Doyle	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Peterson	Priebe	Rensink	Rife
Rittmer	Slife	Soorholtz	Taylor
Tieden	Tinsman	Vande Hoef	

Absent or not voting, 1:

Hutchins

The motion prevailed and the Senate receded from its amendment.

Senator Fraise 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. 2477) the vote was:

Ayes, 32:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hannon
Hedge	Hester	Horn	Husak
Kibbie	Kinley	Lloyd-Jones	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 17:

Borlaug	Hagerla	Jensen	Kersten
Kramer	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Slife
Soorholtz	Taylor	Tieden	Tinsman
Vande Hoef			

Absent or not voting, 1:

Hutchins

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

SENATE RECEDES

House File 2334

Senator Kibbie called up for consideration House File 2334, a bill for an act relating to the regulation of aquaculture by the department of natural resources, and by providing penalties for

violations, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Kibbie 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. 2334) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, 1:

Riordan

Absent or not voting, 1:

Hutchins

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

IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2477** be **immediately messaged** to the House.

The Senate stood at ease at 10:43 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:55 a.m., President Gronstal presiding.

RECESS

On motion of Senator Hutchins, the Senate recessed at 11:58 a.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

EDUCATION

Convened: April 27, 1992, 6:52 p.m.

Members Present: Connolly, Chair; Horn, Vice Chair; Deluhery, Dieleman, Kibbie, Kramer, Lind, Murphy, Rensink, Running, Szymoniak, Tieden, Tinsman and Varn.

Members Absent: Taylor, Ranking Member (excused).

Committee Business: Recommended passage of House File 2467 as amended.

Adjourned: 7:02 p.m.

RULES AND ADMINISTRATION

Convened: April 27, 1992, 11:35 a.m.

Members Present: Hutchins, Chair; Gronstal, Vice Chair; Rife, Ranking Member; Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz.

Members Absent: none.

Committee Business: Approved proposed committee senate resolutions honoring senators for their legislative service and honoring retiring senators; recommended passage of Senate Joint Resolution 2009.

Adjourned: 11:47 a.m.

WAYS AND MEANS

Convened: April 27, 1992, 5:41 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, Murphy, Palmer, Rosenberg and Szymoniak.

Members Absent: McLaren and Taylor (both excused).

Committee Business: Approved SSB 2305 as a committee bill and recommended passage of House File 2481.

Adjourned: 6:02 p.m.

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 his approval on this 27th day of April, 1992:

Senate File 2360.

ALSO: 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 his approval on this 28th day of April, 1992:

Senate Files 2361, 2244, 2365 and 2290.

JOHN F. DWYER
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2360, the following correction was made:

1. Page 1, line 1, the words "Sections 2 through 7" were changed to the words "Section 2 through 8".

ALSO: That in enrolling Senate File 2361, the following correction was made:

1. Page 2, line 15, the words "worn out" was changed to the words "worn-out".

JOHN F. DWYER
Secretary of the Senate

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on April 28, 1992.

LARRY MURPHY

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on April 28, 1992.

LEONARD L. BOSWELL

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 112, a resolution honoring Senator Dale L. Tieden.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 113, a resolution honoring Senator John E. Soorholtz.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley and Lloyd-Jones. Nays, none. Pass, 1: Soorholtz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 114, a resolution honoring Senator Alvin V. Miller.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 115, a resolution honoring Senator Bill Hutchins.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none. Pass, 1: Hutchins.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 116, a resolution honoring Senator George R. Kinley.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Lloyd-Jones and Soorholtz. Nays, none. Pass, 1: Kinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2355)

A conference committee report signed by the following Senate and House members was filed April 28, 1992, on Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates:

On the Part of the Senate:	On the Part of the House:
ELAINE SZYMONIAK, Chair	JOHNIE HAMMOND, Chair
LARRY MURPHY	JOEL BROWN
MAGGIE TINSMAN	MARK HAVERLAND

SUBCOMMITTEE ASSIGNMENT

House File 2480

APPROPRIATIONS: Szymoniak, Chair; Buhr and Hagerla

AMENDMENTS FILED

S—5893	H.F.	2467	Education
S—5894	S.F.	2375	Larry Murphy

AFTERNOON SESSION

The Senate reconvened at 1:42 p.m., Senator Riordan presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent and a quorum present.

The Senate stood at ease at 1:48 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:05 p.m., Senator Sorensen presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

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

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 15, 1992, failed to pass the following bills in which the concurrence of the House was asked:

Senate File 2201, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

Senate File 2271, a bill for an act relating to employees' use of lawful products during nonworking hours, and providing civil enforcement procedures.

ALSO: That the House has on April 28, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2241, a bill for an act establishing a structured fines pilot program and providing an effective date (S—5896).

ALSO: That the House has on April 28, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2015, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

This resolution was read first time and **passed on file.**

ALSO: That the House has on April 28, 1992, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2467, a bill for an act to establish a family resource center demonstration program.

ALSO: That the members of the **Conference Committee,** appointed April 28, 1992, on **House File 2466,** a bill for an act relating to government ethics, the use and receipt of certain campaign contributions by government officials and candidates for government office and providing for effective dates and transition provisions, on the part of the House are: The Representative from Carroll, Mr. Peterson, Chair; the Representative from Lucas, Mr. Brown; the Representative from Polk, Mrs. Carpenter; the Representative from Johnson, Mrs. Neuhauser; the Representative from Iowa, Mr. Tyrrell.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rife for the remainder of the day on request of Senator Hagerla.

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2355

Senator Szymoniak called up the conference committee report on Senate File 2355, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates, filed on April 28, 1992.

President Gronstal took the chair at 3:10 p.m.

Senator Szymoniak moved the adoption of the conference committee report.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 2355) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Buhr	Connolly	Deluhery	Dieleman
Drake	Gettings	Gronstal	Husak
Hutchins	Jensen	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Pate	Riordan	Rosenberg
Running	Slife	Sorensen	Sturgeon
Szymoniak	Tinsman	Varn	Welsh

Nays, 21:

Borlaug	Boswell	Doyle	Fraise
Fuhrman	Hagerla	Hannon	Hedge
Hester	Horn	Kersten	Kibbie
Palmer	Peterson	Priebe	Rensink
Rittmer	Soorholtz	Taylor	Tieden
Vande Hoef			

Absent or not voting, 1:

Rife

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Szymoniak 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. 2355) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Buhr	Connolly	Deluhery	Drake
Gettings	Gronstal	Husak	Hutchins

Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Pate	Riordan
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 23:

Borlaug	Boswell	Dieleman	Doyle
Fraise	Fuhrman	Hagerla	Hannon
Hedge	Hester	Horn	Jensen
Kersten	Kibbie	McLaren	Palmer
Peterson	Priebe	Rensink	Soorholtz
Taylor	Tieden	Vande Hoef	

Absent or not voting, 1:

Rife

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

Senator Hutchins asked and received unanimous consent that **Senate File 2355** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2241

Senator Varn called up for consideration Senate File 2241, a bill for an act establishing a structured fines pilot program and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5896 filed April 28, 1992.

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

Senator Varn 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2241) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fraise
Fuhrman	Gettings	Gronstal	Hagerla
Hannon	Hedge	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Voting present, 1:

Doyle

Absent or not voting, 1:

Rife

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2475

On motion of Senator Rosenberg, House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5897 filed by him from the floor to page of the bill and moved its adoption.

Amendment S—5897 was adopted by a voce vote.

Senator Rosenberg offered amendment S—5898 filed by him from the floor to pages 3-5 of the bill and called for a division: lines 10 and 11 as division S—5898A and lines 3-9 and 12-26 as division S—5898B.

Senator Rosenberg withdrew division S—5898A.

Senator Rosenberg moved the adoption of division S—5898B, which motion prevailed by a voice vote.

Senator Rosenberg 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. 2475) the vote was:

Ayes, 41:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Tinsman	Varn
Welsh			

Nays, 8:

Hagerla	Hedge	Hester	Jensen
Rensink	Taylor	Tieden	Vande Hoef

Absent or not voting, 1:

Rife

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

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **Senate File 2241** and **House File 2475** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2375

The Senate resumed consideration of Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees, previously deferred.

Senator Murphy offered amendment S—5895 filed by Senators Murphy and Buhr from the floor to page 1 of the bill and moved its adoption.

Amendment S—5895 was adopted by a voice vote.

Senator Murphy offered amendment S—5894 filed by him from the floor to page 3 of the bill and moved its adoption.

Amendment S—5894 was adopted by a voice vote.

Senator Murphy 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. 2375) the vote was:

Ayes, 48:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Running	Slife	Soorholtz	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	Welsh

Nays, none.

Voting present, 1:

Kramer

Absent or not voting, 1:

Rife

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

Senator Hutchins asked and received unanimous consent that **Senate File 2375 be immediately messaged** to the House.

ADOPTION OF RESOLUTIONS
(Regular Calendar)

Senate Resolution 110

Senator Murphy asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION NO. 110
BY COMMITTEE ON RULES AND ADMINISTRATION

A Resolution honoring Senator Wally E. Horn for his years of legislative service.

WHEREAS, Senator Wally E. Horn will this year complete twenty years of service to the State of Iowa as a member of the General Assembly; and

WHEREAS, Senator Horn has served honorably and has unselfishly given of his time and efforts to further the interests of the State of Iowa and to provide beneficial programs for the citizens of Iowa; and

WHEREAS, it is proper that Senator Horn be honored for his many years of service to the State of Iowa;

NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate pay tribute to Senator Horn and express its gratitude for the service rendered by him; and

BE IT FURTHER RESOLVED, That the Senate present to Senator Horn his Senate chair in appreciation for his service.

Senator Murphy moved the adoption of Senate Resolution 110, which motion prevailed by a voice vote.

Senator Horn would receive his Senate Chair and an enrolled copy of Senate Resolution 110.

Senate Resolution 108

Senator Jensen asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION NO. 108
BY COMMITTEE ON RULES AND ADMINISTRATION

A Resolution honoring Senator Ray Taylor for his years of legislative service.

WHEREAS, Senator Ray Taylor will this year complete twenty years of service to the State of Iowa as a member of the General Assembly; and

WHEREAS, Senator Taylor has served honorably and has unselfishly given of his time and efforts to further the interests of the State of Iowa and to provide beneficial programs for the citizens of Iowa; and

WHEREAS, it is proper that Senator Taylor be honored for his many years of service to the State of Iowa; NOW THEREFORE,

BE IT RESOLVED BY THE SENATE, That the Senate pay tribute to Senator Taylor and express its gratitude for the service rendered by him; and

BE IT FURTHER RESOLVED, That the Senate present to Senator Taylor his Senate chair in appreciation for his service.

Senator Jensen moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

Senator Taylor would receive his Senate Chair and an enrolled copy of Senate Resolution 108.

Senate Resolution 111

Senator Fraise asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION NO. 111
BY COMMITTEE ON RULES AND ADMINISTRATION

A Resolution honoring Senator Alvin V. Miller for his years of legislative service.

WHEREAS, Senator Alvin V. Miller will this year complete twenty years of service to the State of Iowa as a member of the General Assembly; and

WHEREAS, Senator Miller has served honorably and has unselfishly given of his time and efforts to further the interests of the State of Iowa and to provide beneficial programs for the citizens of Iowa;

and
WHEREAS, it is proper that Senator Miller be honored for his many years of service to the State of Iowa; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate pay tribute to Senator Miller and express its gratitude for the service rendered by him; and
BE IT FURTHER RESOLVED, That the Senate present to Senator Miller his Senate chair in appreciation for his service.

Senator Fraise moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

Senator Miller would receive his Senate Chair and an enrolled copy of Senate Resolution 111.

Senate Resolution 109

Senator Husak asked and received unanimous consent to take up the following resolution:

SENATE RESOLUTION NO. 109
BY COMMITTEE ON RULES AND ADMINISTRATION
A Resolution honoring Senator Bill Hutchins for his years of legislative service.
WHEREAS, Senator Bill Hutchins will this year complete twenty years of service to the State of Iowa as a member of the General Assembly; and
WHEREAS, Senator Hutchins has served honorably and has unselfishly given of his time and efforts to further the interests of the State of Iowa and to provide beneficial programs for the citizens of Iowa; and
WHEREAS, it is proper that Senator Hutchins be honored for his many years of service to the State of Iowa; NOW THEREFORE,
BE IT RESOLVED BY THE SENATE, That the Senate pay tribute to Senator Hutchins and express its gratitude for the service rendered by him; and
BE IT FURTHER RESOLVED, That the Senate present to Senator Hutchins his Senate chair in appreciation for his service.

Senator Husak moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

Senator Hutchins would receive his Senate Chair and was presented with an enrolled copy of Senate Resolution 109.

Senator Hutchins addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senators Horn, Taylor, Miller and Hutchins.

The Senate stood at ease at 4:10 p.m. until the fall of the gavel for the purposes of party caucuses.

The Senate resumed session at 7:40 p.m., Senator Kersten presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

Senator Riordan took the chair at 7:43 p.m.

The vote revealed 38 present, 12 absent and a quorum present.

HOUSE MESSAGES RECEIVED

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 28, 1992, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2329, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision (S—5900).

ALSO: That the House has on April 28, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation (S—5899 to H—6034).

ALSO: That the House has on April 28, 1992, **insisted on** its amendment to **Senate File 2249,** a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, and that the members of the **Conference Committee** on part of the House are: The Representative from Polk,

Mr. Bisignano, Chair; the Representative from Jasper, Mr. Black; the Representative from Story, Mrs. Garman; the Representative from Mitchell, Mr. Krebsbach; the Representative from Lee, Mr. Wise.

ALSO: That the House has, on April 28, 1992, adopted the conference committee report and passed **House File 2454**, a bill for an act relating to efficiency in government, and making appropriations.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2249** on the part of the Senate: Senators Murphy, Chair; Welsh, Dieleman, Slife and Soorholtz.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 28, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2036 — Relating to regulating the investment of public funds and providing an effective date.

SENATE FILE 2065 — Relating to violations of an individual's rights, and establishing additional criminal offenses.

SENATE FILE 2167 — Establish a family support program, making teachers participating in the program eligible for receipt of funds under phase III of the educational excellence program, and providing effective dates.

SENATE FILE 2190 — Relating to educational standards, to permit the director of the department of education to waive compliance with the minimum education standards for accredited schools under certain circumstances, and providing a repealer.

SENATE FILE 2257 — Relating to the regulation of hunting preserves and providing penalties for violations.

SENATE FILE 2339 — Relating to the regulation of state banks by increasing the minimum time within which an examination of a state bank must occur, amending certain provisions relating to investment authority and asset valuation of a state bank, providing greater flexibility regarding public hearings, and providing for the continued suspension of certain banking laws.

SENATE FILE 2354 — Relating to the regulation of insurance, requiring certain reports to the commissioner, establishing and continuing certain requirements for insurance companies doing business in Iowa and for agents, amending provisions relating to guaranty funds, self-insurers, and charitable organizations, increasing allowable credit life insurance amounts, amending provisions relating to the regulation of health maintenance organizations, increasing certain fees, and establishing penalties.

MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on April 28, 1992.

JOHN KIBBIE

MR. PRESIDENT: I move to reconsider the vote by which House File 2334 passed the Senate on April 28, 1992.

RICHARD V. RUNNING

BILL ASSIGNED TO COMMITTEE

President Gronstal announced the assignment of the following bill to committee:

H.J.R. 2015 Appropriations

CONFERENCE COMMITTEE REPORT RECEIVED
(House File 2454)

A conference committee report signed by the following Senate and House members was filed April 28, 1992, on House File 2454, a bill for an act relating to efficiency in government, and making appropriations:

On the Part of the Senate:	On the Part of the House:
FLORENCE BUHR, Chair	PHIL WISE, Chair
ALBERT SORENSEN	JANET ADAMS
EUGENE FRAISE	DEO KOENIGS
RICHARD DRAKE	RUHL MAULSBY
MARY KRAMER	BOB RAFFERTY

AMENDMENTS FILED

S—5895	S.F.	2375	Larry Murphy Florence Buhr
S—5896	S.F.	2241	House amendment
S—5897	H.F.	2475	Ralph Rosenberg
S—5898	H.F.	2475	Ralph Rosenberg
S—5899	H.F.	2471	House amendment
S—5900	S.F.	2329	House amendment

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 7:57 p.m., until 8:00 a.m., Wednesday, April 29, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED EIGHTH CALENDAR DAY
SEVENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 29, 1992

The Senate met in regular session at 8:02 a.m., Senator Sorensen presiding.

Prayer was offered by the Honorable Patrick J. Deluhery, member of the Senate from Scott County, Davenport, Iowa.

The Journal of Tuesday, April 28, 1992, was approved.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 8:45 a.m.

The vote revealed 47 present, 3 absent and a quorum present.

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2454

Senator Buhr called up the conference committee report on House File 2454, a bill for an act relating to efficiency in government, and making appropriations, filed on April 28, 1992, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Buhr 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. 2454) the vote was:

Ayes, 47:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kinley	Kramer	Lind
Lloyd-Jones	McLaren	Miller	Murphy
Palmer	Pate	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Sorensen
Sturgeon	Szymoniak	Taylor	Tieden
Tinsman	Vande Hoef	Varn	

Nays, none.

Absent or not voting, 3:

Kibbie	Soorholtz	Welsh

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

Senator Hutchins asked and received unanimous consent that **House File 2454** be **immediately messaged** to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2471

Senator Lloyd-Jones called up for consideration House File 2471, a bill for an act creating the passenger rail service revolving fund and providing for its administration and providing an appropriation, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5899 to Senate amendment H—6034 filed April 28, 1992.

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

Senator Lloyd-Jones moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2471) the vote was:

Ayes, 34:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Murphy	Palmer	Pate	Rife
Rittmer	Rosenberg	Running	Slife
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn		

Nays, 14:

Borlaug	Doyle	Fraise	Fuhrman
Hedge	Kersten	McLaren	Miller
Peterson	Priebe	Rensink	Riordan
Tieden	Vande Hoef		

Absent or not voting, 2:

Soorholtz	Welsh

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

Senator Hutchins asked and received unanimous consent that **House File 2471** be **immediately messaged** to the House.

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

The Senate resumed session at 9:20 a.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

UNFINISHED BUSINESS
(Deferred April 3, 1992)

House File 2417

The Senate resumed consideration of House File 2417, a bill for an act requiring all contracts with the underground storage tank board to be publicly bid, and restricting the board's authority for certain expenditures from the underground storage tank fund, deferred April 3, 1992.

Senator Rosenberg asked and received unanimous consent to take up out of order amendment S—5903.

Senator Rosenberg offered amendment S—5903 filed by Senators Rosenberg, et al., from the floor to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5903 was adopted by a voice vote.

With the adoption of amendment S—5903, the Chair ruled the following amendments out of order:

S—5453 filed by Senator Husak on March 31, 1992, to pages 1, 2 and the title page of the bill, S—5588 filed by Senator Husak on April 7,1992, to pages 1, 2 and the title page of the bill and S—5724 filed by Senators Tieden and Husak on April 16, 1992, to pages 1, 2 and the title page of the bill.

Senator Rosenberg 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. 2417) the vote was:

Ayes, 49:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Rife	Riordan	Rittmer

Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tieden	Tinsman	Vande Hoef	Varn
Welsh			

Nays, 1:

Pate

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

HOUSE MESSAGES RECEIVED

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 28, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the state capitol in conjunction with the 1992 Annual Meeting of the Council of State Governments.

ALSO: That the House has on April 28, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty (S—5902 to H—6059).

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2475

Senator Rosenberg called up for consideration House File 2475, a bill for an act relating to waste tire management, including the imposing of fees and providing a penalty, amended by the Senate, further amended by the House and moved that the Senate

concur in House amendment S—5902 to Senate amendment H—6059 filed April 29, 1992.

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

Senator Rosenberg moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2475) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	McLaren	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rife	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Tinsman
Varn	Welsh		

Nays, 4:

Rensink	Taylor	Tieden	Vande Hoef

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 Hutchins asked and received unanimous consent that **House Files 2417** and **2475** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2329

Senator Sturgeon called up for consideration Senate File 2329, a bill for an act relating to qualification for, amount of, and deductions from unemployment compensation benefits and providing an effective date and applicability provision, amended by the House, and moved that the Senate concur in House amendment S—5900 filed April 28, 1992.

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

Senator Sturgeon 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2329) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Buhr	Connolly	Deluhery	Doyle
Fraise	Gettings	Gronstal	Hannon
Horn	Hutchins	Kibbie	Kinley
Lloyd-Jones	Miller	Murphy	Palmer
Peterson	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Nays, 24:

Borlaug	Boswell	Dieleman	Drake
Fuhrman	Hagerla	Hedge	Hester
Husak	Jensen	Kersten	Kramer
Lind	McLaren	Pate	Priebe
Rensink	Rife	Rittmer	Slife
Taylor	Tieden	Tinsman	Vande Hoef

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

The Senate stood at ease at 10:00 a.m. until the fall of the gavel.

The Senate resumed session at 11:40 a.m., President Gronstal presiding.

RECESS

On motion of Senator Buhr, the Senate recessed at 11:40 a.m., until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:48 p.m., Senator Hannon presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

President Gronstal took the chair at 1:59 p.m.

The vote revealed 45 present, 5 absent and a quorum present.

The Senate stood at ease at 2:05 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:30 p.m., Senator Riordan presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

Senator Sorensen took the chair at 3:33 p.m.

The vote revealed 42 present, 8 absent and a quorum present.

The Senate stood at ease at 3:35 p.m. until the fall of the gavel.

The Senate resumed session at 3:52 p.m., Senator Sorensen presiding.

QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

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 April 27, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2400, a bill for an act relating to the funding for emergency medical services, authorizing a county to impose a local option tax or combination of taxes to provide local funding (S—5906 to H—6027).

The Senate stood at ease at 4:04 p.m. until the fall of the gavel.

The Senate resumed session at 4:50 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 38 present, 12 absent and a quorum present.

APPENDIX

ANNOUNCEMENT OF APPOINTMENT

The President of the Senate announced the following statutory appointment:

Iowa Law Enforcement Academy Council
(Code 80B.6)

Senator Don Gettings, 5/1/92 - 4/30/96

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 29, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 460 — Relating to the establishment of certain county roads and legalizing the proceedings concerning the establishment of certain county roads.

SENATE FILE 2238 — To permit the participation in the instructional support and educational improvement programs by newly reorganized school districts.

SENATE FILE 2248 — Relating to escorts for the movement of mobile homes and other factory-built structures.

PRESENTATION OF VISITORS

The following visitors were present in the Senate gallery:

Forty-five fifth grade students from Lucas Elementary School, Des Moines. Senator Kinley.

Thirty-four fifth grade students from Lincoln Elementary School, Mechanicsville, accompanied by Ruth Miller. Senator Hannon.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Boswell, Husak, Tieden, Buhr, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, none. Absent or not voting, 2: Connolly and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 2015, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 19: Boswell, Husak, Tieden, Buhr, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh. Nays, none. Absent or not voting, 2: Connolly and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2376, a bill for an act relating to the state budget.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boswell, Husak, Buhr, Gettings, Hagerla, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn. Nays, none. Absent or not voting, 6: Tieden, Connolly, Kersten, McLaren, Rosenberg and Welsh.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2483, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dieleman, Hedge, Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor. Nays, 1: Husak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2376, by committee on Appropriations, a bill for an act relating to the state budget.

Read first time under rule 28 and **placed on Appropriations Calendar.**

AMENDMENTS FILED

S—5901	H.F.	2480	Jim Riordan
S—5902	H.F.	2475	House amendment
S—5903	H.F.	2417	Ralph Rosenberg Richard Drake Emil Husak Michael Gronstal Derryl McLaren
S—5904	H.F.	2401	Joe Welsh William Dieleman Mike Connolly Larry Murphy
S—5905	H.F.	2480	Maggie Tinsman
S—5906	H.F.	2400	House amendment
S—5907	H.F.	2480	Ray Taylor Maggie Tinsman Mary Kramer
S—5908	H.F.	2480	Maggie Tinsman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 4:57 p.m., until 9:00 a.m., Thursday, April 30, 1992.

JOURNAL OF THE SENATE

ONE HUNDRED NINTH CALENDAR DAY
SEVENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 30, 1992

The Senate met in regular session at 9:56 a.m., President Gronstal presiding.

Prayer was offered by the Honorable George Kinley, member of the Senate from Polk County, Des Moines, Iowa.

The Journal of Wednesday, April 29, 1992, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McLaren for the day and Senator Tieden until he arrives on request of Senator Jensen.

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 28, 1992, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 117, a concurrent resolution to encourage ethnic, cultural, and economic diversity in Iowa.

ALSO: That the House has on April 28, 1992, adopted the conference committee report and passed **Senate File 2355,** a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and providing for effective and applicability dates.

ALSO: That the House has on April 28, 1992, passed the following bill in which the concurrence of the Senate is asked:

House File 2446, a bill for an act relating to the establishment of an Iowa universal health insurance plan and providing an effective date.

This bill was read first time and **passed on file.**

ALSO: That the House has on April 29, 1992, **refused to concur** in the Senate amendment to the House amendment to the following bill in which the concurrence of the House was asked:

Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date.

ALSO: That the House has on April 29, 1992, passed the following bill in which the concurrence of the House was asked:

Senate File 2375, a bill for an act relating to the powers and duties of the health data commission, and providing for the collection of fees.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rife for the remainder of the day on request of Senator Jensen.

BILLS REFERRED TO COMMITTEE

Senator Hutchins asked and received unanimous consent that the following bills on the Unfinished Business Calendar be referred to committee:

S.F.	2055	Human Resources
S.F.	2136	Ways and Means
S.F.	2246	Human Resources
S.F.	2328	Business and Labor Relations
H.J.R.	2009	Human Resources

UNFINISHED BUSINESS
(Deferred April 28, 1992)

House File 2481

The Senate resumed consideration of House File 2481, a bill for an act relating to authorizing the use of state income tax withholding moneys for debt service costs incurred in funding capital improvements for purposes of a federal project and providing a repeal date, deferred April 28, 1992.

President pro tempore Lloyd-Jones took the chair at 11:25 a.m.

Senator Fuhrman offered amendment S—5909 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5909 was adopted by a voice vote.

Senator Deluhery 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. 2481) the vote was:

Ayes, 43:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hester	Horn	Husak
Hutchins	Jensen	Kersten	Kibbie
Kinley	Kramer	Lind	Lloyd-Jones
Miller	Murphy	Palmer	Pate
Peterson	Priebe	Riordan	Rittmer
Rosenberg	Running	Slife	Soorholtz
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Welsh	

Nays, 3:

Hedge	Rensink	Vandé Hoef

Absent or not voting, 4:

Hannon	McLaren	Rife	Tieden

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 117, by committee on Rules and Administration, a senate resolution relating to daily operations of the Senate.

Read first time and **placed on calendar.**

Senate Concurrent Resolution 125, by Sturgeon, a concurrent resolution endorsing an application for a Missouri River corridor study submitted by the Missouri River Preservation and Land Use Authority.

Read first time and **placed on calendar.**

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 117, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 9: Hutchins, Gronstal, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 121, a senate concurrent resolution requesting that the President of the United States and the Congress of the United States safeguard the laws of the United States relating to health, safety, labor, and environmental protection from threats by treaties affecting trade currently being negotiated, including the current Uruguay Round of the General Agreement on Tariffs and Trade and the United States-Mexico Free Trade Agreement.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Hutchins, Gettings, Jensen, Kinley and Lloyd-Jones. Nays, 3: Rife, Husak and Soorholtz. Absent or not voting, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 124, a concurrent resolution expressing support for independent living centers for persons with disabilities in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Hutchins, Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none. Absent or not voting, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 109, a concurrent resolution stating that all people, regardless of disability or chronic illness, have the right to a permanent and stable familial relationship in the community, that families be recognized as experts concerning their family member with a disability or chronic illness, and that a commitment be made in Iowa to maintain the integrity of the family and family values through family support services and philosophies.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Rife, Gettings, Husak, Jensen, Kinley, Lloyd-Jones and Soorholtz. Nays, none. Pass, 1: Hutchins. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION
(Regular Calendar)

Senator Hutchins asked and received unanimous consent to take up for immediate consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Gronstal, Senate Resolution 117, a senate resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2480.

House File 2480

On motion of Senator Szymoniak, House File 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Taylor offered amendment S—5907 filed by Senators Taylor, Tinsman and Kramer on April 29, 1992, striking everything after the enacting clause and to the title page of the bill.

Senator Tinsman asked and received unanimous consent that action on amendment S—5907 and **House File 2480** be **deferred.**

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House File 2483.

House File 2483

On motion of Senator Murphy, House File 2483, a bill for an act relating to interstate income tax agreements and the withholding of income tax from or the reporting of pensions, annuities, or deferred compensation paid to nonresidents and providing effective and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Murphy 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. 2483) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Hutchins	McLaren	Rife	Tieden

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

CONSIDERATION OF BILL
(Appropriation Calendar)

Senator Hutchins asked and received unanimous consent to take up for consideration House Joint Resolution 2015.

House Joint Resolution 2015

On motion of Senator Szymoniak, House Joint Resolution 2015, a joint resolution to nullify an administrative rule of the department of human services relating to the imposition of copayments for certain medical assistance services, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the resolution was read the last time.

On the question "Shall the resolution pass?" (H.J.R. 2015) the vote was:

Ayes, 44:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hester	Horn
Husak	Hutchins	Jensen	Kersten
Kibbie	Kinley	Kramer	Lind
Lloyd-Jones	Miller	Murphy	Palmer
Pate	Peterson	Rensink	Riordan
Rittmer	Rosenberg	Running	Slife
Soorholtz	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Varn	Welsh

Nays, 2:

Hedge Vande Hoef

Absent or not voting, 4:

McLaren	Priebe	Rife	Tieden

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

CONSIDERATION OF BILL
(Ways and Means Calendar)

House File 2401

On motion of Senator Szymoniak, House File 2401, a bill for an act updating the Iowa Code reference to the federal Internal Revenue Code and providing retroactive applicability and effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Welsh offered amendment S—5904 filed by Senators Welsh, et al., on April 29, 1992, to page 1 of the bill.

Senator Fuhrman raised the point of order that amendment S—5904 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5904 out of order.

Senator Szymoniak 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. 2401) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Lloyd-Jones	Miller	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

McLaren	Murphy	Rife	Tieden

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

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 30, 1992, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 116, a concurrent resolution urging the United States Congress to assure adequate water flow in the Missouri river.

This resolution was read first time and **passed on file.**

ALSO: That the House has on April 30, 1992, amended the Senate amendment, concurred in the Senate amendment as amended, and passed the following bill in which the concurrence of the Senate is asked:

House File 2205, a bill for an act relating to solid waste (S—5920 to H—5889).

BILLS ASSIGNED TO COMMITTEE

The Chair announced that the following bills were assigned to committee:

H.F.	2446	Appropriations
H.C.R.	116	Rules and Administration
S.C.R.	125	Rules and Administration

IMMEDIATELY MESSAGED

Senator Hutchins asked and received unanimous consent that **House Files 2481, 2483, 2401** and **House Joint Resolution 2015** be **immediately messaged** to the House.

RECESS

On motion of Senator Hutchins, the Senate recessed at 12:06 p.m., until 1:30 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 29, 1992, 10:10 a.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Tieden, Ranking Member; Buhr, Connolly, Gettings, Hagerla, Kersten, Lind, Lloyd-Jones, McLaren, Pate, Peterson, Rensink, Riordan, Rosenberg, Running, Szymoniak, Tinsman, Varn and Welsh.

Members Absent: none.

Committee Business: Recommended passage of House File 2480 and House Joint Resolution 2015.

Adjourned: 10:25 a.m.

APPROPRIATIONS

Convened: April 29, 1992, 3:50 p.m.

Members Present: Boswell, Chair; Husak, Vice Chair; Buhr, Gettings, Hagerla, Lind, Lloyd-Jones, Pate, Peterson, Rensink, Riordan, Running, Szymoniak, Tinsman and Varn.

Members Absent: Tieden, Ranking Member; Connolly, Kersten, McLaren, Rosenberg and Welsh (all excused).

Committee Business: Approved LSB 6353 as a committee bill.

Adjourned: 3:52 p.m.

WAYS AND MEANS

Convened: April 29, 1992, 4:16 p.m.

Members Present: Dieleman, Chair; Husak, Vice Chair; Hedge, Ranking Member; Connolly, Deluhery, Drake, Fraise, Fuhrman, Hester, McLaren, Murphy, Palmer, Rosenberg, Szymoniak and Taylor.

Members Absent: none.

Committee Business: Recommended passage of House File 2483.

Adjourned: 4:35 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2366, the following corrections were made:

1. Page 3, line 34, the words "child-health specialty clinics." were changed to the words "child health specialty clinics."

2. Page 5, line 20, the words "startup fluoridation grants," were changed to the words "start-up fluoridation grants,".

JOHN F. DWYER
Secretary of the Senate

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued certificates of recognition as follows:

Brian Hayes, Waukee — For receiving the significant honor of being named to the Des Moines Register's Academic All-State Regional Team. Senator Kramer (4-29-92).

John S. Lozier, Des Moines — For receiving the significant honor of being named to the Des Moines Register's Academic All-State Regional Team. Senator Kramer (4-29-92).

Theresa Richards, Des Moines — For receiving the significant honor of being named to the Des Moines Register's Academic All-State Regional Team. Senator Kramer (4-29-92).

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 his approval on this 30th day of April, 1992:

Senate Files 2316, 2117, 2372, 2035, 2366 and 2218.

JOHN F. DWYER
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 29, 1992, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2061 — Exempting overweight vehicles transporting solid waste from unloading requirements.

SENATE FILE 2244 — Relating to the care and feeding of swine by cooperative associations by providing for a study, and providing an effective date.

SENATE FILE 2290 — Relating to the procedures for city development and to the provision of solid waste collection.

SENATE FILE 2343 — Relating to motor vehicle laws by changing to multiyear licensing for certain motor vehicle related dealers and changing fees, making certain changes related to commercial drivers' licensing, expanding the definition of motor vehicle license, creating a penalty for violating a license restriction, relating to the operation of new motor vehicle models by a dealer licensed as a wholesaler, requiring consideration of safety concerns for location of roadways, allowing special registration plates for leased motor vehicles, relating to the sale of certain antique vehicles, relating to lighting devices and citations issued for failing to have certain lighting devices, increasing the penalty for failure to have a valid license or permit, providing for a physician's report of incompetency to operate a motor vehicle, expanding the seat belt exemption, exempting certain commercial vehicles for motor carrier safety regulations, eliminating a yield to honking passer requirement, and making other technical changes.

SENATE FILE 2357 — Providing for the purchase of traffic-control devices with special assessments levied against commercial or industrial property.

SENATE FILE 2361 — Relating to energy conservation including making appropriations of petroleum overcharge funds.

SENATE FILE 2364 — Relating to the time for paying of drainage or levee tax assessments and providing effective and applicability provisions.

SENATE FILE 2365 — Relating to the refund or abatement of property taxes paid or owed by certain exempt institutions on property purchased by the institutions and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

House Concurrent Resolution 119

RULES AND ADMINISTRATION: Lloyd-Jones, Chair; Gettings and Jensen

House File 2485

WAYS AND MEANS: Husak, Chair; Dieleman and Hedge

PETITION

The following petition was presented and placed on file by:

Senator Fuhrman from nineteen residents of Sac County opposing any expansion of gambling and any subsidies to dog track racing.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty fifth grade students from Hanawalt Elementary School, Des Moines, accompanied by Larry Burns and Jacki Hogan. Senator Kramer.

The following visitors were present in the Senate gallery:

Thirty-seven fifth, sixth and seventh grade students from Lutheran Interparish School, Williamsburg, accompanied by Marna Durr and Andy Armbreck. Senator Varn.

AMENDMENTS FILED

S—5909	H.F.	2481	Linn Fuhrman
S—5910	S.F.	2376	Leonard Boswell John Peterson
S—5911	S.F.	2376	Leonard Boswell Florence Buhr
S—5912	S.F.	2376	Leonard Boswell Richard Running
S—5913	S.F.	2376	Leonard Boswell Don Gettings
S—5914	S.F.	2376	Leonard Boswell Emil Husak
S—5915	S.F.	2376	Leonard Boswell Jim Riordan
S—5916	S.F.	2376	Leonard Boswell

			Richard Varn
S—5917	S.F.	2376	Leonard Boswell Elaine Szymoniak
S—5918	S.F.	2376	Leonard Boswell Ralph Rosenberg
S—5919	S.F.	2376	Leonard Boswell
S—5920	H.F.	2205	House amendment

AFTERNOON SESSION

The Senate reconvened at 1:33 p.m., President pro tempore Lloyd-Jones presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

CONSIDERATION OF BILL
(Regular Calendar)

Senate File 2371

On motion of Senator Connolly, Senate File 2371, a bill for an act relating to the time of payment of state foundation aid to school corporations and providing effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Connolly 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.

Senator Buhr took the chair at 2:03 p.m.

On the question "Shall the bill pass?" (S.F. 2371) the vote was:

Ayes, 40:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Hutchins	Jensen	Kersten
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Peterson
Priebe	Rensink	Riordan	Rittmer
Slife	Soorholtz	Sorensen	Szymoniak
Taylor	Tinsman	Vande Hoef	Varn

Nays, 2:

Running	Welsh

Absent or not voting, 8:

Husak	Kibbie	Kinley	McLaren
Rife	Rosenberg	Sturgeon	Tieden

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

BUSINESS PENDING

House File 2480

The Senate resumed consideration of House File 2480, a bill for an act relating to department of human services' programs involving child and family services, juvenile justice, foster care, and medical assistance and providing applicability provisions and an effective date, and amendment S—5907 by Senators Taylor, Tinsman and Kramer to strike everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Taylor moved the adoption of amendment S—5907 and requested a record roll call.

On the question "Shall amendment S—5907 be adopted?" (H.F. 2480) the vote was:

Ayes, 16:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Pate	Rittmer
Slife	Taylor	Tinsman	Vande Hoef

Nays, 30:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Miller
Murphy	Palmer	Peterson	Priebe
Rensink	Riordan	Rosenberg	Running
Soorholtz	Sorensen	Sturgeon	Szymoniak
Varn	Welsh		

Absent or not voting, 4:

Lloyd-Jones	McLaren	Rife	Tieden

Amendment S—5907 lost.

Senator Riordan offered amendment S—5901 filed by him on April 29, 1992, to page 4 of the bill.

Senator Tinsman offered amendment S—5923 filed by her from the floor to amendment S—5901.

Senator Hutchins asked and received unanimous consent that action on amendment S—5923 to amendment S—5901 and amendment S—5901 be deferred for consideration of amendment S—5921.

Senator Hagerla offered amendment S—5921 filed by him from the floor to pages 21 and 23 and to the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5921 be adopted?" (H.F. 2480) the vote was:

Ayes, 18:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Pate	Rensink
Rittmer	Slife	Soorholtz	Taylor
Tinsman	Vande Hoef		

Nays, 27:

Boswell	Buhr	Connolly	Deluhery
Doyle	Fraise	Gettings	Gronstal
Hannon	Horn	Husak	Hutchins
Kibbie	Kinley	Miller	Murphy
Palmer	Peterson	Priebe	Riordan
Rosenberg	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Absent or not voting, 5:

Dieleman	Lloyd-Jones	McLaren	Rife
Tieden			

Amendment S—5921 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones until she returns on request of Senator Hutchins.

BUSINESS PENDING

House File 2480

The Senate resumed consideration of House File 2480.

Senator Tinsman offered amendment S—5908 filed by her on April 29,1992, to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5908 be adopted?" (H.F. 2480) the vote was:

Ayes, 21:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kibbie	Kramer	Lind	Pate
Priebe	Rensink	Rittmer	Slife
Soorholtz	Sorensen	Taylor	Tinsman
Vande Hoef			

Nays, 25:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kinley	Miller	Murphy
Palmer	Peterson	Riordan	Rosenberg
Running	Sturgeon	Szymoniak	Varn
Welsh			

Absent or not voting, 4:

Lloyd-Jones	McLaren	Rife	Tieden

Amendment S—5908 lost.

The Chair ruled amendment S—5905 filed by Senator Tinsman on April 29, 1992, to page 4 of the bill, out of order.

Senator Riordan withdrew amendment S—5901 to page 4 of the bill, previously deferred.

With the withdrawal of amendment S—5901, the Chair ruled amendment S—5923 by Senator Tinsman to amendment S—5901, previously deferred, out of order.

President Gronstal took the chair at 3:16 p.m.

Senator Szymoniak 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. 2480) the vote was:

Ayes, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Drake	Fraise
Gettings	Gronstal	Hannon	Horn
Husak	Hutchins	Kibbie	Kinley
Miller	Palmer	Peterson	Priebe
Riordan	Running	Sorensen	Sturgeon
Szymoniak	Varn	Welsh	

Nays, 18:

Borlaug	Fuhrman	Hagerla	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Pate	Rensink	Rittmer
Rosenberg	Slife	Soorholtz	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 5:

Lloyd-Jones	McLaren	Murphy	Rife
Tieden			

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

Senator Hutchins asked and received unanimous consent that **House File 2480** be **immediately messaged** to the House.

SENATE RECEDES

Senate File 2367

Senator Boswell called up for consideration Senate File 2367, a bill for an act relating to and making appropriations for the fiscal year ending June 30, 1992, to various departments and agencies of state government and providing an effective date, amended by the Senate, and moved that the Senate recede from its amendment.

A record roll call was requested.

On the question "Shall the motion to recede be adopted?" (S.F. 2367) the vote was:

Ayes, 28:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Sturgeon	Szymoniak	Varn	Welsh

Nays, 18:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Pate	Rensink
Rittmer	Slife	Soorholtz	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 4:

Lloyd-Jones	McLaren	Rife	Tieden

The motion prevailed and the Senate receded from its amendment.

Senator Boswell 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. 2367) the vote was:

Ayes, 27:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Doyle	Fraise	Gettings
Gronstal	Hannon	Horn	Husak
Hutchins	Kibbie	Kinley	Miller
Murphy	Palmer	Peterson	Priebe
Riordan	Rosenberg	Running	Sorensen
Szymoniak	Varn	Welsh	

Nays, 18:

Borlaug	Drake	Fuhrman	Hagerla
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Pate	Rensink
Rittmer	Slife	Soorholtz	Taylor
Tinsman	Vande Hoef		

Absent or not voting, 5:

Lloyd-Jones	McLaren	Rife	Sturgeon
Tieden			

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

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2205

Senator Hannon called up for consideration House File 2205, a bill for an act relating to solid waste, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5920 to Senate amendment H—5889 filed April 30, 1992.

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

Senator Hannon moved that the bill as amended by the Senate, further 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 a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2205) the vote was:

Ayes, 46:

Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Doyle	Drake
Fraise	Fuhrman	Gettings	Gronstal
Hagerla	Hannon	Hedge	Hester
Horn	Husak	Hutchins	Jensen
Kersten	Kibbie	Kinley	Kramer
Lind	Miller	Murphy	Palmer
Pate	Peterson	Priebe	Rensink
Riordan	Rittmer	Rosenberg	Running
Slife	Soorholtz	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vande Hoef
Varn	Welsh		

Nays, none.

Absent or not voting, 4:

Lloyd-Jones	McLaren	Rife	Tieden

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 Hutchins asked and received unanimous consent to send an immediate message to the House on **Senate Files 2329** and **2367.**

Senator Hutchins asked and received unanimous consent that **House File 2205** be **immediately messaged** to the House.

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 April 30, 1992, adopted the conference committee report and passed **Senate File 2351,** a bill for an act relating to state budget and financial control by requiring certain financial practices.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 118, by Hagerla, Pate, Jensen, Vande Hoef, Fuhrman, Kramer, Borlaug, Sorensen, Kersten, Riordan, Palmer, Rife, Tieden, Lind, Hester, Rensink, Rittmer, Soorholtz, Slife, Tinsman, Drake, McLaren, Hedge, Hannon, Doyle, Running, Deluhery, Kinley, Szymoniak, and Buhr, a resolution to honor Roberg G. Hand on achieving the Office of Chairman of the National Grocers Association.

Read first time and **passed on file.**

Senate Concurrent Resolution 126, by Rittmer, Slife, Tinsman, Pate, Boswell, Jensen, Fuhrman, Hedge, Drake, Vande Hoef, Borlaug, Hutchins, Sorensen, Sturgeon, Tieden, Hester, Taylor, Doyle, Buhr, Husak, Hagerla, Kramer, McLaren, Lloyd-Jones, Szymoniak, Miller, Riordan, Priebe, Fraise, Lind, Kersten, Rensink, Soorholtz, Gettings, Connolly, Deluhery, and Hannon, a concurrent resolution to honor Alan R. Tubbs of De Witt, Iowa, on achieving the Office of President of the American Bankers Association.

Read first time and **passed on file.**

The Senate stood at ease at 3:37 p.m. until the fall of the gavel.

The Senate resumed session at 5:25 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

The Senate stood at ease at 5:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:37 p.m., President Gronstal presiding.

QUORUM CALL

Senator Hutchins requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2249)

A conference committee report signed by the following Senate and House members was filed April 30, 1992, on Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates:

On the Part of the Senate:	On the Part of the House:
LARRY MURPHY, Chair	TONY BISIGNANO, Chair
HARRY SLIFE	DENNIS BLACK
JOHN SOORHOLTZ	PHILIP WISE
JOE WELSH	

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2249

Senator Murphy called up the conference committee report on Senate File 2249, a bill for an act relating to pari-mutuel racing and excursion boat gambling and providing effective dates, filed on April 30, 1992, and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 27, nays 18.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Murphy 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. 2249) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 28:

Borlaug	Buhr	Connolly	Deluhery
Drake	Fraise	Fuhrman	Gettings
Gronstal	Hagerla	Hester	Horn
Husak	Hutchins	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Miller
Murphy	Palmer	Pate	Riordan
Slife	Soorholtz	Szymoniak	Welsh

Nays, 17:

Boswell	Dieleman	Doyle	Hannon
Hedge	Jensen	Kinley	Peterson
Rensink	Rittmer	Running	Sorensen
Sturgeon	Taylor	Tinsman	Vande Hoef
Varn			

Voting present, 1:

Priebe

Absent or not voting, 4:

McLaren	Rife	Rosenberg	Tieden

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

Senator Hutchins asked and received unanimous consent that **Senate File 2249 be immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 30, 1992, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2034, a bill for an act relating to individual income tax return voter registration forms, exceptions to successor liability, reporting requirements for income tax purposes, withholding on gaming winnings, the corporate income tax, the business tax on corporations, the sales and use tax on carpeting, the sales tax on services, the time periods for auditing sales and use tax returns, the confidentiality of inheritance tax returns, estate tax returns, and generation skipping transfer tax returns, and providing effective and retroactive applicability dates (S—5928).

Senate File 2097, 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 providing a retroactive applicability provision, and providing effective date and applicability provisions (S—5929).

BILLS ASSIGNED TO COMMITTEE

President Gronstal announced the following bills were assigned to committee:

S.F.	2377	State Government
S.R.	118	Rules and Administration
S.C.R.	126	Rules and Administration

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 127, by Hannon, Riordan, Szymoniak, Connolly, Kibbie, Gettings, Rosenberg, Sturgeon, Fraise, Kinley, Sorensen, Deluhery, Boswell, Dieleman, Lloyd-Jones, Husak, Hutchins, Horn, Gronstal, Varn, Taylor, Tieden, Hester, Jensen, Vande Hoef, Drake, Fuhrman, Doyle, Rittmer, Slife, Running, Hagerla, Pate, Tinsman, Murphy, Kramer, Hedge, Palmer, Miller, Rensink, Welsh, and Priebe, a concurrent resolution to honor Carroll J. Reasoner on achieving the Office of President of the Iowa State Bar Association.

Read first time and **passed on file.**

Senate Concurrent Resolution 128, by Hannon, Riordan, Murphy, Priebe, Miller, Palmer, Kibbie, Buhr, Doyle, Fraise, Gettings, Rosenberg, Running, Gronstal, Hutchins, Deluhery, Kramer, Slife, Jensen, Taylor, Boswell, Rittmer, Fuhrman, Hedge, Sturgeon, Connolly, McLaren, Kersten, Lind, Sorensen, Lloyd-Jones, Szymoniak, Dieleman, Horn, Tinsman, and Welsh, a concurrent resolution to honor Roxanne Conlin on achieving the Office of President of the Association of Trial Lawyers of America.

Read first time and **passed on file.**

INTRODUCTION OF BILL

Senate File 2377, by Hutchins, a bill for an act relating to information subject to the review or control of the office of citizens' aide.

Read first time and **passed on file.**

APPENDIX

CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Robert G. Hand, Des Moines — For achieving the Office of Chairman of the National Grocers Association. Senator Hagerla (4-30-92).

Alan R. Tubbs, DeWitt — For achieving the Office of President of the American Bankers Association. Senator Rittmer (April 30, 1992).

Carroll J. Reasoner, Cedar Rapids — For achieving the Office of President of the American Bar Association. Senator Hannon (4-30-92).

MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2371 passed the Senate on April 30, 1992.

JAMES R. RIORDAN

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-nine eighth grade students from Orange City Christian School, Orange City, accompanied by Mr. Obbink, Mr. Eekhoff and Mr. Schaap. Senator Rensink.

GOVERNOR'S VETO MESSAGE

April 30, 1992

The Honorable Michael Gronstal
President of the Senate
State Capitol Building
L O C A L

Dear Mr. President:

Senate File 2360, an act providing for voluntary limitation of campaign expenditures and contributions for certain elective officers and providing penalties and an effective date, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 2360 would provide a procedure for candidates of state elective offices to register for a restricted campaign. If a candidate does not register for a restricted campaign, the candidate would be required to submit with the candidate's nomination petition, signatures of at least 20 percent of the votes cast in the last general election for the office being sought by the candidate. Candidates not registered for a restricted campaign would be required to include a statement on all printed campaign material and in all radio and television commercials that the canddidate "refused to limit campaign spending." The commissioner of elections would be required to publish with the notice of the election and the ballot that those candidates who have not registered for a restricted campaign "refused to limit their campaign spending." Finally, the bill proposes to establish limits on contributions that political action committees can make to a candidate's campaign. While it has been suggested that Senate File 2360 addresses the concern I expressed in my veto message of Senate File 505, the campaign finance bill of last year, it does so only superficially, and for the reasons that follow, I cannot approve this bill either.

Last year's bill, Senate File 505, would have required a candidate not registered for a restricted campaign to obtain the signatures of 10 percent of the voters in the last election for the office and to file the signatures with the nomination petition of the candidate. Senate File 2360 increases the requirement to 20 percent of the voters in the last general election. This requirement is nothing less than a provision to protect incumbents. It's a fact of political life that an incumbent has the advantage - as a result of constituent familiarity, press coverage, and the resources of the office, among other things. In order to compete, a challenger must be able to create some name recognition which can be accomplished to a large extent only through the purchase of advertisements and commercials. If the challenger does not register for a restricted campaign, so that he or she can raise the funds necessary to fairly compete, this bill then imposes on the challenger the nearly impossible task of obtaining the endorsement of 20 percent of the potential voters, even before the campaign begins.

The "scarlet letter" which I objected to in last year's veto, still exists, though not on the official ballot provided at the voting booth. This bill requires a statement indicating that the candidates who did not register for a restricted campaign "refused" to limit their campaign spending to be published with the notice of election and sample ballot. Campaign materials and advertisements of the candidates would be required to include the statement as well. The inclusion of this statment with all information that the public might receive about a candidate, by its wording, would have a prejudicial affect on the candidate and would bear no relationship t o the candidate's position on issues or qualifications for the office. I do not intend to suggest with my objection to this requirement that the public does not have a right to know if a candidate has registered for a restricted campaign. Quite the contrary, the public has a right to know and could access that information under our current laws which would classify such information as public information, available to anyone who would request it including the press.

Finally, Senate File 2360 purports to limit the influence of special interest political action committees (PACs). Allowing a candidate to raise 50 percent of his or her campaign expenditures from PACs is not a reasonable or effective limit

and would provide a great advantage to incumbents especially those in leadership positions or in the majority party. Incumbent candidates while in office have the opportunity to develop relationships with PACs, making it much easier for them to raise half of their funds from PACs at little cost. Whereas, challengers must rely on the contributions received from hundreds of individuals and must spend thousands of dollars on direct mail, phone solicitations and travelling to events to do so. This bill, like its predecessor Senate File 505, would be bad public policy. It clearly favors incumbents who raise the maximum amount allowed from PACs over challengers who must depend on a broad base of public support from individual Iowans.

For the above reasons, I hereby respectfully disapprove Senate File 2360.

Sincerely,
TERRY E. BRANSTAD
Governor

AMENDMENTS FILED

S—5921	H.F.	2480	Mark Hagerla
S—5922	S.F.	2376	John Jensen Berl Priebe
S—5923	H.F.	2480	Maggie Tinsman
S—5924	S.F.	2376	Eugene Fraise
S—5925	S.F.	2376	Eugene Fraise
S—5926	S.F.	2376	Mark Hagerla
S—5927	S.F.	2376	Richard Vande Hoef
S—5928	S.F.	2034	House amendment
S—5929	S.F.	2097	House amendment
S—5930	S.F.	2374	Jim Riordan Elaine Szymoniak Mary Kramer Jim Lind Paul Pate Jim Kersten William Dieleman

ADJOURNMENT

On motion of Senator Hutchins, the Senate adjourned at 8:33 p.m., until 3:00 p.m., Friday, May 1, 1992.