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**MARY KRAMER, President of the Senate
RON CORBETT, Speaker of the House**

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STATE OF IOWA
Des Moines

SEVENTY-SEVENTH GENERAL ASSEMBLY
1998 Regular Session

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DON REDFERN, <i>President Pro Tempore</i>	Cedar Falls
STEWART E. IVERSON, JR., <i>Majority Leader</i>	Dows
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NANCY BOETTGER, <i>Assistant Majority Leader</i>	Harlan
MARY LOU FREEMAN, <i>Assistant Majority Leader</i>	Storm Lake
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CAROLANN JENSEN, <i>Senior Majority Caucus Staff Analyst</i>	Ames
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ROBIN MILLS, <i>Minority Caucus Research Assistant</i>	Johnston
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JAMES FITZGERALD, <i>Minority Caucus Secretary</i>	Des Moines
K'ANN BRANDT, <i>Journal Editor</i>	Ankeny
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KATHLEEN CUROE, <i>Indexing Assistant</i>	Des Moines
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JAY MOSHER, <i>Bill Clerk</i>	Milo
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ARNOLD BOYUM, <i>Doorkeeper</i>	Des Moines
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GEORGE FINKENAUER, <i>Doorkeeper</i>	Ankeny
ROBERT LANGBEHN, <i>Doorkeeper</i>	Des Moines
E.A. SAMUELSON, <i>Doorkeeper</i>	Des Moines
CAMILLE GJOVIG, <i>Switchboard Operator</i>	Clive
KIM RUSSELL, <i>Switchboard Operator</i>	Des Moines
ELEANOR HESSLING, <i>Postmaster</i>	West Des Moines

ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i>	Lake Mills
JOY CORNING, <i>Lieutenant Governor</i>	Cedar Falls
PAUL PATE, <i>Secretary of State</i>	Marion
RICHARD D. JOHNSON, <i>Auditor of State</i>	Sheldahl
MICHAEL L. FITZGERALD, <i>Treasurer of State</i>	Des Moines
DALE COCHRAN, <i>Secretary of Agriculture and Land Stewardship</i>	Eagle Grove
TOM MILLER, <i>Attorney General</i>	McGregor

JUSTICES OF THE IOWA SUPREME COURT

ARTHUR A. MCGIVERIN, <i>Chief Justice</i>	Ottumwa
JAMES H. ANDREASEN, <i>Justice</i>	Algona
JAMES H. CARTER, <i>Justice</i>	Cedar Rapids
K. DAVID HARRIS, <i>Justice</i>	Jefferson
J.L. LARSON, <i>Justice</i>	Harlan
LOUIS A. LAVORATO, <i>Justice</i>	Des Moines
LINDA NEUMAN, <i>Justice</i>	Davenport
BRUCE M. SNELL, JR., <i>Justice</i>	Ida Grove
MARSHA TERNUS, <i>Justice</i>	Des Moines

JUDGES OF THE IOWA COURT OF APPEALS

MARK S. CADY, <i>Chief Judge</i>	Fort Dodge
TERRY L. HUITINK, <i>Judge</i>	Orange City
ROBERT E. MAHAN, <i>Judge</i>	Waterloo
ROSEMARY S. SACKETT, <i>Judge</i>	Spencer
MICHAEL J. STREIT, <i>Judge</i>	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i>	Knoxville

MEMBERS OF THE SENATE
SEVENTY-SEVENTH GENERAL ASSEMBLY
1998 REGULAR SESSION

JEFF ANGELO

Address.....Creston
Age.....33
Occupation.....Broadcaster
Senatorial District.....44-Adams, Decatur, Page, Ringgold, Taylor, Union
Former Legislative Service.....None

MERLIN BARTZ

Address.....Grafton
Age.....36
Occupation.....Farmer/Laborer
Senatorial District.....10-Cerro Gordo, Mitchell, Worth
Former Legislative Service.....74, 74X, 74XX, 75, 76

JERRY BEHN

Address.....Boone
Age.....43
Occupation.....Farmer
Senatorial District.....40-Boone, Carroll, Greene
Former Legislative Service.....None

DENNIS H. BLACK

Address.....Grinnell
Age.....58
Occupation.....Conservationist
Senatorial District.....29-Jasper, Mahaska, Marshall, Poweshiek
Former Legislative Service.....70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

NANCY BOETTGER

Address.....Harlan
Age.....54
Occupation.....Hospital Dir. Of Education & Resource Dev./Farmer
Senatorial District.....41-Audubon, Harrison, Shelby
Former Legislative Service.....76

ALLEN BORLAUG

Address.....Protivin
Age.....56
Occupation.....Farm Owner/Insurance Agent
Senatorial District.....15-Chickasaw, Floyd, Howard, Mitchell, Winneshiek
Former Legislative Service.....74, 74X, 74XX, 75, 76

MIKE CONNOLLY

Address..... Dubuque
 Age..... 52
 Occupation..... Education Coordinator
 Senatorial District..... 18—Dubuque
 Former Legislative Service..... 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,
 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

DICK DEARDEN

Address..... Des Moines
 Age..... 59
 Occupation..... Job Developer, 5th Judicial District
 Senatorial District..... 35—Polk
 Former Legislative Service..... 76

PATRICK J. DELUHERY

Address..... Davenport
 Age..... 55
 Occupation..... College Teacher
 Senatorial District..... 22—Scott
 Former Legislative Service..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,
 73, 74, 74X, 74XX, 75, 76

JOANN DOUGLAS

Address..... Adair
 Age..... 48
 Occupation..... Farmer/Former Teacher
 Senatorial District..... 39—Adair, Dallas, Guthrie, Madison
 Former Legislative Service..... 76

RICHARD F. DRAKE

Address..... Muscatine
 Age..... 70
 Occupation..... Farmer
 Senatorial District..... 24—Johnson, Louisa, Muscatine, Scott
 Former Legislative Service..... 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,
 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

ROBERT E. DVORSKY

Address..... Coralville
 Age..... 49
 Occupation..... Job Developer, Dept. of Correctional Services
 Senatorial District..... 49—Johnson, Linn
 Former Legislative Service..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

BILL FINK

Address..... Indianola
Age..... 42
Occupation Teacher
Senatorial District..... 45-Marion, Warren
Former Legislative Service 75, 76

TOM FLYNN

Address..... Epworth
Age..... 42
Occupation Business Owner
Senatorial District..... 17-Delaware, Dubuque, Jackson
Former Legislative Service 76

EUGENE FRAISE

Address..... Fort Madison
Age..... 65
Occupation Farming
Senatorial District..... 50-Des Moines, Lee
Former Legislative Service 71 (2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

MARY LOU FREEMAN

Address..... Storm Lake
Age..... 57
Senatorial District..... 5-Buena Vista, Cherokee, Clay, O'Brien, Plymouth, Pocahontas
Former Legislative Service 75 (2nd), 76

THURMAN GASKILL

Address..... Corwith
Age..... 63
Occupation Farmer
Senatorial District..... 8-Hancock, Humboldt, Kossuth, Winnebago, Wright
Former Legislative Service None

DONALD E. GETTINGS

Address..... Ottumwa
Age..... 74
Occupation Retired-Deere & Co.
Senatorial District..... 47-Jefferson, Van Buren, Wapello
Former Legislative Service 67 (2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72,
72X, 72XX, 73, 74, 74X, 74XX, 75, 76

MICHAEL E. GRONSTAL

Address..... Council Bluffs
Age..... 47
Senatorial District..... 42-Pottawattamie
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

ROD HALVORSON

Address..... Fort Dodge
Age..... 48
Occupation Property Management
Senatorial District..... 7-Boone, Calhoun, Hamilton, Webster
Former Legislative Service..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,
73, 74, 74X, 74XX, 75, 76

JOHNNIE HAMMOND

Address..... Ames
Age..... 65
Occupation Legislator
Senatorial District..... 31-Story
Former Legislative Service..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

STEVEN D. HANSEN

Address..... Sioux City
Age..... 42
Occupation Consultant
Senatorial District..... 1-Woodbury
Former Legislative Service..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

PATRICIA M. HARPER

Address..... Waterloo
Age..... 65
Occupation Retired Educator
Senatorial District..... 13-Black Hawk
Former Legislative Service..... 72, 72X, 72XX, 73, 75, 76

H. KAY HEDGE

Address..... Fremont
Age..... 69
Occupation Grain and Livestock Farmer
Senatorial District..... 27-Linn
Former Legislative Service..... 73, 74, 74X, 74XX, 75, 76

MEMBERS OF THE SENATE-77TH GENERAL ASSEMBLY
1998 REGULAR SESSION-Continued

WALLY E. HORN

Address..... Cedar Rapids
Age..... 64
Occupation Educator
Senatorial District..... 27-Linn
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,
72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

STEWART E. IVERSON, JR.

Address..... Dows
Age..... 47
Occupation Farmer
Senatorial District..... 9-Franklin, Hamilton, Hardin, Wright
Former Legislative Service 73 (2nd), 74, 74X, 74XX, 75, 76

JOHN W. JENSEN

Address..... Plainfield
Age..... 71
Occupation Farmer
Senatorial District..... 11-Bremer, Black Hawk, Butler, Grundy
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73,
74, 74X, 74XX, 75, 76

PATTY JUDGE

Address..... Albia
Age..... 54
Occupation Farmer/Mediator
Senatorial District..... 46-Appanoose, Clarke, Davis, Lucas, Monroe,
Van Buren, Wayne
Former Legislative Service 75, 76

JOHN KIBBIE

Address..... Emmetsburg
Age..... 68
Occupation Farmer
Senatorial District..... 4-Clay, Dickinson, Emmet, Kossuth, Palo Alto
Former Legislative Service 59, 60, 60X, 61, 62, 73, 74, 74X, 74XX, 75, 76

STEVE KING

Address..... Kiron
Age..... 48
Occupation Earthmoving Contractor
Senatorial District..... 6-Crawford, Ida, Monona, Sac, Woodbury
Former Legislative Service None

MARY KRAMER

Address..... West Des Moines
Age..... 62
Occupation Insurance Executive
Senatorial District..... 37-Polk
Former Legislative Service 74, 74X, 74XX, 75, 76

MARY LUNDBY

Address..... Marion
Age..... 49
Senatorial District..... 26-Linn
Former Legislative Service 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

O. GENE MADDOX

Address..... Clive
Age..... 59
Occupation Lawyer
Senatorial District..... 38-Dallas, Polk
Former Legislative Service 75, 76

MATT McCOY

Address..... Des Moines
Age..... 31
Occupation Driver Development Manager
Senatorial District..... 34-Polk
Former Legislative Service 75, 76

ANDY McKEAN

Address..... Anamosa
Age..... 48
Occupation Lawyer/Bed and Breakfast Operator
Senatorial District..... 28-Jones, Linn
Former Legislative Service 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,
73, 74, 74X, 74XX, 75, 76

LARRY McKIBBEN

Address..... Marshalltown
Age..... 51
Occupation Lawyer
Senatorial District..... 32-Marshall, Story
Former Legislative Service None

DERRYL McLAREN

Address.....Farragut
Age..... 48
Occupation Lawyer
Senatorial District..... 43-Cass, Fremont, Mills, Montgomery, Pottawattamie
Former Legislative Service 74, 74X, 74XX, 75, 76

MARY NEUHAUSER

Address.....Iowa City
Age..... 63
Occupation Attorney
Senatorial District..... 23-Johnson
Former Legislative Service 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

WILLIAM D. PALMER

Address.....Ankeny
Age..... 62
Occupation Insurance
Senatorial District..... 33-Polk
Former Legislative Service 61, 62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70,
71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

DONALD REDFERN

Address.....Cedar Falls
Age..... 52
Occupation Attorney
Senatorial District..... 12-Black Hawk
Former Legislative Service 75 (2nd), 76

JOHN REDWINE

Address.....Sioux City
Age..... 47
Occupation Physician
Senatorial District..... 2-Plymouth, Woodbury
Former Legislative Service None

KITTY REHBERG

Address.....Rowley
Age..... 59
Occupation Farmer
Senatorial District..... 14-Black Hawk, Buchanan, Delaware, Fayette
Former Legislative Service None

WILMER RENSINK

Address..... Sioux Center
Age..... 64
Occupation Farmer
Senatorial District..... 3-Lyon, O'Brien, Osceola, Sioux
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

JACK RIFE

Address..... Durant
Age..... 54
Occupation Farmer
Senatorial District..... 20-Cedar, Clinton, Jones, Scott
Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76

SHELDON RITTMER

Address..... DeWitt
Age..... 69
Occupation Farmer
Senatorial District..... 19-Clinton, Scott
Former Legislative Service 74, 74X, 74XX, 75, 76

NEAL SCHUERER

Address..... Amana
Age..... 43
Occupation Restaurateur
Senatorial District..... 30-Benton, Black Hawk, Iowa, Tama
Former Legislative Service None

ELAINE SZYMONIAK

Address..... Des Moines
Age..... 77
Occupation Retired
Senatorial District..... 36-Polk
Former Legislative Service 73, 74, 74X, 74XX, 75, 76

MAGGIE TINSMAN

Address..... Davenport
Age..... 61
Occupation Agribusiness/Social Worker
Senatorial District..... 21-Scott
Former Legislative Service 73, 74, 74X, 74XX, 75, 76

MEMBERS OF THE SENATE-77TH GENERAL ASSEMBLY
1998 REGULAR SESSION-Continued

TOM VILSACK

Address..... Mt. Pleasant
 Age..... 46
 Occupation Lawyer
 Senatorial District..... 49-Des Moines, Henry, Lee, Washington
 Former Legislative Service 75, 76

LYLE E. ZIEMAN

Address..... Postville
 Age..... 76
 Occupation Retired Farmer/Businessman
 Senatorial District..... 16-Allamakee, Clayton, Fayette, Winneshiek
 Former Legislative Service 75, 76

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 12, 1998

Pursuant to Chapter 2, Sections 2.1 and 2.3, Code of Iowa, the 1998 Regular Session of the Seventy-seventh General Assembly convened at 10:04 a.m., and the Senate was called to order by President Mary E. Kramer.

Prayer was offered by the Reverend Dr. Sam Massey, pastor of the Westminster Presbyterian Church, Des Moines, Iowa.

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kramer addressed the Senate with the following remarks:

Today, January 12, 1998, the 77th General Assembly is in session and Iowa begins her 152nd year.

What a humbling experience it is to enter this beautiful, historic building, knowing there is the opportunity to create positive change for the future.

My own goals, virtually unchanged since I decided to seek office, are to make Iowa the best place to work, to raise a family, to enjoy the fruits of one's labor. How:

A public education system that is the most desirable and effective for all citizens – a place where lifelong learning is the norm.

A place that recognizes core families – and acknowledges and supports diversity in the formation and makeup of successful family relationships.

A place that has a tax system that is fair and equitable, yet capable of providing revenues to support services that are appropriate.

A workplace that is worthy of what is, by many measures, the world's most productive, best educated workforce.

A quality of life that is incomparable

So what is our opportunity – and our challenge?

We will work together in this beautiful room for about 100 days

We all are sent here by our friends, family, colleagues, constituents, to make a difference.

All of us desire thoughtful, appropriate legislation as we work through the issues together.

Let me share what I believe are the basic principles of good working relationships:

First – focus on issues – not on personalities

Work to maintain positive relationships

Take initiative to make things better

In this chamber, grace – decorum and civility are valued and valuable.

As is leadership . . . every Senator has the capacity for leadership and the opportunity to exercise that capacity.

But, if we are unwilling to take risk – if we put forth only old ideas,

We will not be deserving of the opportunities we have been given.

Fear of failure; demands for all or nothing; limit our achievements.

Willingness to risk and to fail are the price of leadership . . . who is prepared to lead?

There is much talk about the sense of community in this chamber. I would suggest that belonging to a community asks us to reach into ourselves for an emotional connection that comes from things we experience together. Community building is about a container that is strong enough to hold all that is possible – conflict – the extremes of diversity, honesty, authentic communication . . . nothing is excluded. Members of a community recognize they are part of something larger than themselves.

In comments delivered as she accepted an award from the National Conference of Christians and Jews, my great friend and mentor Mary Louise Smith said, “Public leaders must often act in difficult or unprecedented ways – as they become aware of a higher responsibility of a ‘wall of insistence’ from the people themselves. What could we not accomplish if our strength was harnessed, our energies not diverted and diluted, we let the beauty of diversity shine through, we spoke and acted with tolerance and civility, how high could we soar? What new heights could we achieve?”

A wise and caring leader – Mary Louise.

Community requires the capacity for great conversations about things that matter.

Constructive dialogue – focused on important ideas.

Let the great conversations begin!

REMARKS BY THE MAJORITY LEADER

Senator Iverson addressed the Senate as follows:

I want to take this opportunity to welcome all of you back for the 1998 Regular Session of the 77th General Assembly. We last gathered here on a Tuesday in late April. At that time, we concluded one of the most productive legislative sessions in Iowa's history. Yet for everything that was accomplished, challenges and opportunities still present themselves. We have an opportunity to make the changes necessary in Iowa's education system to ensure our children have access to the best schools in the world. We have the opportunity to ensure Iowa's environmental quality remains at a high level. And we have a historic opportunity to ensure that taxes—which have been the fast growing part of the family budget—are never increased on Iowa families again.

These goals that I have outlined are not just my goals, they are not just the goals of everyone in this room; they are the goals of the Iowans we represent. I look forward to working on these issues with each and every one of you.

I also want to take this opportunity to thank all of the administrative staff and the staff of the central staff agencies for all the hard work they have provided in the past, and their efforts in the upcoming session, and also welcome all the new staff to the Iowa Senate.

REMARKS BY THE MINORITY LEADER

Senator Gronstal addressed the Senate as follows:

Madam President, Senators, Staff, Guests, Ladies and Gentlemen:

Let me add my voice of welcome to all of you today. Despite our policy differences, which sometimes can be wide, we are all united in our desire to serve, and I appreciate the opportunity the Senate gives us to do that.

Generally, these opening day remarks from caucus leaders are a lengthy 'laundry list' of things to be accomplished in many areas. I'm not going to do that today. I'm going to focus on the one issue that Iowans believe we should be graded on this year, and the top priority of our Democratic caucus—improving education in Iowa.

This session of the legislature should and will be judged by whether or not we do everything we can to improve education in Iowa. Make no mistake about it—Iowans expect us to pass meaningful legislation this year to improve educational opportunities for our children, something this legislature failed to do last year. Iowans understand that while our schools are generally good . . . they can, and must, be better. The news reports of lower test scores in reading and math for our elementary students, losing our leadership position in college entrance examination scores, and many schools not meeting fire safety codes lead Iowans, and our Democratic Senators, to clearly understand that we must do better.

We Democrats will provide support to positive and workable improvements for education in Iowa this session. I sincerely hope the majority party will do likewise, and

we can make progress on education this year. That would be the best result for all of us. Make no mistake, however, that we intend to make it clear to the public who is responsible if this legislature can not get things done.

I stand ready, with my Democratic colleagues, to support many sound ideas for improving education which have been proposed by others during the interim. We Democrats will also present several good ideas for improvements in education that we gathered last fall from statewide hearings on education, and we ask you to join with us in supporting these as well. There has never been a better time or clearer opportunity to make improvements in education. Given the health of the budget and the clearly identified needs, I simply ask this: 'if not now, when?'

Specifically, the Democratic caucus members, based on the findings from eighteen public hearings with Iowans, suggest the following specific steps be taken this year.

First, reduce elementary school class sizes in order to improve student learning and classroom discipline. This approach is demonstrated in educational research as a very effective one to aid in learning skills such as reading, where Iowa test scores are now dropping. It's also a good, common-sense idea whose time has come.

Repair crumbling school buildings. The state should do its part to correct the current situation where many children are attending classes in unsafe facilities. Let's join the 40 other states who help repair and rebuild local schools. Why wait for a tragedy to force us to act?

Raise young children's school readiness. Early education for preschoolers is another area where research shows us we should take action. Our investment in making sure kids are ready for school can dramatically increase their achievement, and lessen problems in the classroom.

Require students to act responsibly. We must, among other things, insure that alternative classrooms are available for disruptive students in order to make sure teachers can teach and other students can learn in the traditional school.

Reward student results and achievements. We must encourage and reward student achievements by keeping college accessible and affordable to all qualified students.

These "5R's"—reduce class sizes, repair school buildings, raise school readiness, require students to act responsibly, and reward student results—must be accomplished this year or this legislature will have failed. Our local school boards, teachers, administrators, citizens, and students are doing their part—it's up to this legislature to make sure the state is doing its part. There can be no excuse for failure on these issues of vital importance to our children and Iowa's future.

This is not just a matter of spending more on the existing programs. For once, I may agree with Jim Lightfoot when he says, "If we are going to improve the state as a whole, we must find imaginative ways to finance schools for students." Our Democratic Senators will present legislation this year to do just that. I ask for you to join us in passing these bills in 1998 and truly improve education for our children. We can, and we must, take advantage of this opportunity to build a stronger future for our state by improving education now.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak for the day, on request of Senator Dearden.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Bartz, Chair; Angelo, Boettger, Harper, and Fink.

COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson 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 Hedge, Chair; Borlaug, Zieman, Halvorson, and Dvorsky.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

Senator Iverson 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 1998 Session of the Seventy-seventh General Assembly:

Journal

Editor II K'Ann Brandt
 Editor II Julie Elder
 Editor I Kathy Olah

Legal Counsel

Assistant to the Legal Counsel Audrey Schmidt

Majority Caucus

Caucus Staff Director Chris Hull
 Administrative Assistant to Leader I Sara Deeny
 Legislative Research Analyst Petricia Ward

Sergeant-at-Arms

Assistant Sergeant-at-Arms Tom Sheldahl
 Doorkeeper Paul Underhill
 Doorkeeper Kermit Tannatt
 Doorkeeper Jim Olmsted

Services

Switchboard Operator Camille Gjovig

Secretaries to Senators

Committee Secretary Susan Betsinger
 Committee Secretary Garet Egel
 Committee Secretary Andrea Fogue
 Committee Secretary Threase Harms
 Committee Secretary Judy Nicholl
 Committee Secretary Virginia Sourbeer
 Secretary Anne Marie Burnett
 Secretary Heather Collins
 Secretary LeAnn Jesina
 Secretary Meredith Olson
 Secretary Leslie Pitt
 Secretary Mary Sackett
 Secretary JoAnn Thomas

STEWART IVERSON, JR., Chair

Senator Iverson moved the adoption of the supplemental report and the appointment of the permanent 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.

APPOINTMENT OF PAGES

Senator Iverson 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 persons as Pages for the Senate for the 1998 Session of the Seventy-seventh General Assembly:

Stacy Beattie, Runnells
Distie Carstensen, Odebolt, President of the Senate's Page
Tim Demuth, Waverly
Jill Gehling, Emmetsburg, Minority Leader's Page
Andrea Hauser, Edgewood
Nicole Hill, Boone, Secretary of the Senate's Page
Matt Johnston, Muscatine
Carrie Kropelin, Keokuk
Emily Leonard, Holstein, Majority Leader's Page
Jonathan Mauk, Ames
Joel Oswald, Manson
Catrina Pelton, Woodbine
Allison Prunty, Cherokee
Heather Swanson, West Bend
Rudy VanMersbergen, Cedar
Matt Welk, Muscatine
Christine Wojahn, Emmetsburg
Hilary Woods, Villisca

STEWART IVERSON, JR., Chair

Senator Iverson 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 to their oaths of office.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Hedge 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.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 12, 1998, 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 to be held on Tuesday, January 13, 1998, at 10:00 a.m., for Governor Terry E. Branstad to deliver his condition of the state and budget message.

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

ADOPTION OF RESOLUTION

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

House Concurrent Resolution 101

On motion of Senator Iverson, House Concurrent Resolution 101, a concurrent resolution relating to a joint convention to be held on Tuesday, January 13, 1998, at 10:00 a.m., for Governor Terry E. Branstad to deliver his condition of the state and budget message, was taken up for consideration.

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

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

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 April 29, 1997, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 25, a concurrent resolution requesting an interim committee on anatomical gift referral.

Read first time and passed on file.

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on January 12, 1998, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 102, a concurrent resolution relating to a joint convention on Wednesday, January 14, 1998, at 10:00 a.m., for Chief Justice McGiverin to present his message of the condition of the judicial department.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2001, by Hammond, a bill for an act relating to the definition of a chronic runaway.

Read first time and passed on file.

Senate File 2002, by Hammond, a bill for an act relating to the statute of limitations for damages for child sexual abuse.

Read first time and passed on file.

Senate File 2003, by Dvorsky, a bill for an act exempting from the sales, services and use taxes charges paid for access to internet or other on-line computer services.

Read first time and passed on file.

Senate File 2004, by Fink, a bill for an act relating to reporting of the status of environmental violations by the department of natural resources.

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

Senate File 2005, by Judge and Angelo, a bill for an act relating to forestry and rural development by establishing a revolving loan fund.

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

Senate File 2006, by Rehberg, a bill for an act relating to the increase in the amount reimbursed by the state for loss of property taxes due to the allowance of the military service tax exemption and providing effective and applicability date provisions.

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

Senate File 2007, by Dvorsky and Neuhauser, a bill for an act relating to the property tax rate for the improvement and maintenance of cemeteries not owned by a township.

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

Senate File 2008, by Zieman, a bill for an act relating to criminal defendant community service and inmate work programs.

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

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the 1998 Session of the Seventy-seventh General Assembly:

*Vice Chair

**Ranking Member

AGRICULTURE—15 Members

Rensink, Chair	Bartz	Gettings	Rife
McLaren*	Behn	Hedge	Vilsack
Judge**	Black	Kibbie	Zieman
Angelo	Fraise	Rehberg	

APPROPRIATIONS—25 Members

McLaren, Chair	Dvorsky	Jensen	Rife
Kramer*	Freeman	Lundby	Rittmer
Flynn**	Halvorson	Maddox	Tinsman
Behn	Hammond	McCoy	Vilsack
Black	Harper	Neuhauser	
Borlaug	Hedge	Rehberg	
Douglas	Horn	Rensink	

BUSINESS & LABOR RELATIONS—11 Members

Rife, Chair	Behn	Horn	Schuerer
King*	Freeman	Jensen	Zieman
Dearden**	Gettings	Palmer	

COMMERCE—15 Members

Jensen, Chair	Douglas	King	Palmer
Schuerer*	Flynn	Lundby	Redfern
Deluhery**	Gronstal	Maddox	Rife
Bartz	Hansen	McCoy	

EDUCATION—15 Members

Redfern, Chair	Boettger	Kibbie	Rensink
Rehberg*	Dvorsky	Kramer	Szymaniak
Connolly**	Fink	Neuhauser	Tinsman
Angelo	Iverson	Redwine	

ETHICS-6 Members

Hedge, Chair	Gettings**	Neuhauser
Drake*	McKean	Szymoniak

HUMAN RESOURCES-13 Members

Boettger, Chair	Behn	Harper	Zieman
Redwine*	Dearden	Rensink	
Szymoniak**	Dvorsky	Schuerer	
Bartz	Hammond	Tinsman	

JUDICIARY-15 Members

McKean, Chair	Boettger	Hammond	McKibben
Maddox*	Drake	Hansen	Redfern
Neuhauser**	Fraise	Harper	Tinsman
Angelo	Halvorson	King	

LOCAL GOVERNMENT-13 Members

Zieman, Chair	Bartz	Dearden	Schuerer
Behn*	Black	Hansen	
Fraise**	Boettger	McKean	
Angelo	Connolly	Redwine	

NATURAL RESOURCES & ENVIRONMENT-15 Members

Bartz, Chair	Borlaug	Freeman	McKibben
Angelo*	Dearden	Hedge	Rehberg
Fink**	Deluhery	Iverson	Zieman
Black	Dvorsky	Judge	

RULES & ADMINISTRATION-11 Members

Iverson, Chair	Fink	Kibbie	Redfern
Kramer*	Jensen	Lundby	Rehberg
Gronstal**	Judge	Maddox	

SMALL BUSINESS, ECONOMIC DEVELOPMENT & TOURISM-13 Members

Lundby, Chair	Douglas	McCoy	Schuerer
Rittmer*	Flynn	Palmer	
Hansen**	Hammond	Redwine	
Boettger	King	Rensink	

STATE GOVERNMENT-15 Members

Rittmer, Chair	Drake	King	Rife
Borlaug*	Fink	Lundby	Szymoniak
Kibbie**	Halvorson	McKibben	Tinsman
Deluhery	Harper	McLaren	

TRANSPORTATION-13 Members

Drake, Chair	Douglas	Halvorson	Rittmer
Borlaug*	Fraise	Jensen	
McCoy**	Freeman	McKean	
Connolly	Gettings	McKibben	

WAYS & MEANS-15 Members

Douglas, Chair	Connolly	Hedge	Redfern
McKibben*	Deluhery	Judge	Szymoniak
Palmer**	Drake	Maddox	Vilsack
Borlaug	Freeman	McLaren	

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION & REGULATION

Lundby, Chair	McCoy**	Iverson
Bartz*	Gettings	

AGRICULTURE & NATURAL RESOURCES

Hedge, Chair	Black**	Dearden
Rensink*	Behn	

ECONOMIC DEVELOPMENT

Borlaug, Chair	Harper**	Zieman
Schuerer*	Fink	

EDUCATION

Rehberg, Chair	Horn**	Zieman
Redfern*	Fink	

HEALTH & HUMAN RIGHTS

Rittmer, Chair	Flynn**	Palmer
McKibben*	Kramer	

HUMAN SERVICES

Tinsman, Chair	Hammond**	Szymoniak
Boettger*	Redwine	

JUSTICE SYSTEM

Maddox, Chair	Dvorsky**	McKean
Angelo*	Fraise	

OVERSIGHT & COMMUNICATIONS

Rife, Chair	Neuhauser**	Jensen
King*	Deluhery	

TRANSPORTATION, INFRASTRUCTURE & CAPITALS

Freeman, Chair	Halvorson**	Douglas
Drake*	Connolly	

SENATORS AND THEIR RESPECTIVE COMMITTEES

Angelo, Jeff	Agriculture Education Judiciary Local Government Natural Resources and Environment, Vice Chair Justice System Appropriations Subcommittee, Vice Chair
Bartz, Merlin	Agriculture Commerce Human Resources Local Government Natural Resources and Environment, Chair Administration and Regulation Appropriations Subcommittee, Vice Chair
Behn, Jerry	Agriculture Appropriations Business and Labor Human Resources Local Government, Vice Chair Agriculture and Natural Resources Appropriations Subcommittee
Black, Dennis H.	Agriculture Appropriations Local Government Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
Boettger, Nancy	Education Human Resources, Chair Judiciary Local Government Small Business, Economic Development and Tourism Human Services Appropriations Subcommittee, Vice Chair

Borlaug, Allen	Appropriations Natural Resources & Environment State Government, Vice Chair Transportation, Vice Chair Ways and Means Economic Development Appropriations Subcommittee, Chair
Connolly, Michael W.	Education, Ranking Member Local Government Transportation Ways and Means Transportation, Infrastructure and Capitals Appropriations Subcommittee
Dearden, Dick L.	Business and Labor, Ranking Member Human Resources Local Government Natural Resources and Environment Agriculture and Natural Resources Appropriations Subcommittee
Deluhery, Patrick J.	Commerce, Ranking Member Natural Resources and Environment State Government Ways and Means Oversight and Communications Appropriations Subcommittee
Douglas, JoAnn	Appropriations Commerce Small Business, Economic Development and Tourism Transportation Ways and Means, Chair Transportation, Infrastructure and Capitals Appropriations Subcommittee
Drake, Richard F.	Ethics, Vice Chair Judiciary State Government Transportation, Chair Ways and Means Transportation, Infrastructure and Capitals Appropriations Subcommittee, Vice Chair
Dvorsky, Robert E.	Appropriations Education Human Resources Natural Resources and Environment Justice System Appropriations Subcommittee, Ranking Member

Fink, Bill	Education Natural Resources and Environment, Ranking Member Rules and Administration State Government Economic Development Appropriations Subcommittee
Flynn, Tom	Appropriations, Ranking Member Commerce Small Business, Economic Development and Tourism Health and Human Rights Appropriations Subcommittee, Ranking Member
Fraise, Eugene	Agriculture Judiciary Local Government, Ranking Member Transportation Justice System Appropriations Subcommittee
Freeman, Mary Lou	Appropriations Business and Labor Natural Resources and Environment Transportation Ways and Means Transportation, Infrastructure and Capitals Appropriations Subcommittee, Chair
Gettings, Don E.	Agriculture Business and Labor Ethics, Ranking Member Transportation Administration and Regulation Appropriations Subcommittee
Gronstal, Michael E.	Commerce Rules and Administration, Ranking Member
Halvorson, Rod	Appropriations Judiciary State Government Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Ranking Member
Hammond, Johnie	Appropriations Human Resources Judiciary Small Business, Economic Development and Tourism

	Human Services Appropriations Subcommittee, Ranking Member
Hansen, Steven D.	Commerce Judiciary Local Government Small Business, Economic Development and Tourism, Ranking Member
Harper, Pat	Appropriations Human Resources Judiciary State Government Economic Development Appropriations Subcommittee, Ranking Member
Hedge, H. Kay	Agriculture Appropriations Ethics, Chair Natural Resources and Environment Ways and Means Agriculture and Natural Resources Appropriations Subcommittee, Chair
Horn, Wally E.	Appropriations Business and Labor Education Appropriations Subcommittee, Ranking Member
Iverson, Stewart Jr.	Education Natural Resources and Environment Rules and Administration, Chair Administration and Regulation Appropriations Subcommittee
Jensen, John W.	Appropriations Business and Labor Commerce, Chair Rules and Administration Transportation Oversight and Communications Appropriations Subcommittee
Judge, Patty	Agriculture, Ranking Member Natural Resources and Environment Rules and Administration Ways and Means
Kibbie, John P.	Agriculture Education Rules and Administration

	State Government, Ranking Member Education Appropriations Subcommittee
King, Steve	Business and Labor, Vice Chair Commerce Judiciary Small Business, Economic Development and Tourism State Government Oversight and Communications Appropriations Subcommittee, Vice Chair
Kramer, Mary E.	Appropriations, Vice Chair Education Rules and Administration, Vice Chair Health and Human Rights Appropriations Subcommittee
Lundby, Mary	Appropriations Commerce Rules and Administration Small Business, Economic Development and Tourism, Chair State Government Administration and Regulation Appropriations Subcommittee, Chair
Maddox, O. Gene	Appropriations Commerce Judiciary, Vice Chair Rules and Administration Ways and Means Justice System Appropriations Subcommittee, Chair
McCoy, Matt	Appropriations Commerce Small Business, Economic Development and Tourism Transportation, Ranking Member Administration and Regulation Appropriations Subcommittee, Ranking Member
McKean, Andy	Ethics Judiciary, Chair Local Government Transportation Justice System Appropriations Subcommittee
McKibben, Larry	Judiciary Natural Resources and Environment State Government

	Transportation Ways and Means, Vice Chair Health and Human Rights Appropriations Subcommittee, Vice Chair
McLaren, Derryl	Agriculture, Vice Chair Appropriations, Chair State Government Ways and Means Education Appropriations Subcommittee
Neuhauser, Mary	Appropriations Education Ethics Judiciary, Ranking Member Oversight and Communications Appropriations Subcommittee, Ranking Member
Palmer, William D.	Business and Labor Commerce Small Business, Economic Development and Tourism Ways and Means, Ranking Member Health and Human Rights Appropriations Subcommittee
Redfern, Donald	Commerce Education, Chair Judiciary Rules and Administration Ways and Means Education Appropriations Subcommittee, Vice Chair
Redwine, John	Education Human Resources, Vice Chair Local Government Small Business, Economic Development and Tourism Human Services Appropriations Subcommittee
Rehberg, Kitty	Agriculture Appropriations Education, Vice Chair Natural Resources and Environment Rules and Administration Education Appropriations Subcommittee, Chair
Rensink, Wilmer	Agriculture, Chair Appropriations Education Human Resources

	<p>Small Business, Economic Development and Tourism Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair</p>
Rife, Jack	<p>Agriculture Appropriations Business and Labor, Chair Commerce State Government Oversight and Communications Appropriations Subcommittee, Chair</p>
Rittmer, Sheldon	<p>Appropriations Small Business, Economic Development and Tourism, Vice Chair State Government, Chair Transportation Health and Human Rights Appropriations Subcommittee, Chair</p>
Schuerer, Neal	<p>Business and Labor Commerce, Vice Chair Human Resources Local Government Small Business, Economic Development and Tourism Economic Development Appropriations Subcommittee, Vice Chair</p>
Szymoniak, Elaine	<p>Education Ethics Human Resources, Ranking Member State Government Ways and Means Human Services Appropriations Subcommittee</p>
Tinsman, Maggie	<p>Appropriations Education Human Resources Judiciary State Government Human Services Appropriations Subcommittee, Chair</p>
Vilsack, Tom	<p>Agriculture Appropriations Ways and Means</p>
Zieman, Lyle E.	<p>Agriculture Business and Labor Human Resources</p>

Local Government, Chair
Natural Resources and Environment
Economic Development Appropriations
Subcommittee

RESIGNATION FROM OFFICE

The following resignation was received subsequent to adjournment of the 1997 legislative session:

January 6, 1998

The Honorable Terry E. Branstad
Governor for the State of Iowa
State Capitol Bldg.
Des Moines, IA 50319

Dear Governor Branstad:

I have had the honor of representing the constituents of Senate District 8 in the Iowa Legislature since my election in November 1996. It has been one of the most challenging and enjoyable experiences of my life. I have been and remain deeply committed to the people of my district.

However, I am also deeply committed to my family and especially my children. Recent developments in my personal life have made it evident that they need my time and energy more than ever. I cannot provide the support they need and continue to spend the time necessary to adequately represent District 8 in the Iowa Senate. My children must remain my highest priority.

For that reason, I am hereby resigning my seat in the Iowa Senate effective immediately. If I can do anything to make the transition easier, please let me know.

Respectfully yours,
Senator James E. Black

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau during the 1997 legislative interim:

April 25, 1997

CAPITOL PLANNING COMMISSION

Annual Report

June 16, 1997

STATE OF IOWA
OFFICE OF AUDITOR OF STATE

Audit Report for fiscal year ended June 30, 1996.

June 19, 1997

DEPARTMENT OF PERSONNEL

Annual Report FY '96.

July 2, 1997

LEGISLATIVE FISCAL BUREAU

1997 Session Fiscal Report.

July 16, 1997

IOWA DEPARTMENT OF TRANSPORTATION

Annual sufficiency rating report of relative conditions of primary roads. Report required by Iowa Code Section 307A.2(12). For copies, call Stu Anderson, Office of Systems Planning at 515-239-1312.

ENERGY FUND DISBURSEMENT COUNCIL

Report to the Governor and GA. Submitted July 1997.

September 18, 1997

DEPARTMENT OF NATURAL RESOURCES

A Report to the Natural Resources Commission on the Classification and Management of Iowa's State Parks, State Recreation Areas and State Preserves, according to Iowa Code Chapter 455A.4, subsection 1.

IOWA DEPARTMENT OF NATURAL RESOURCES

Groundwater Program Status Report and Evaluation for the period from July 1, 1994 to June 30, 1996.

October 2, 1997

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
OFFICE OF RENEWABLE FUELS AND CO-PRODUCTS

Third Annual Report FY '97.

October 9, 1997

IOWA DEPARTMENT OF TRANSPORTATION

Report regarding the soydiesel demonstration project, as required by HF 2421, Section 43, subsection 2.

October 14, 1997

A copy of the "Intermodal Terminal User Manual," prepared as part of the Intermodal Feasibility Study mandated by the 1995 Iowa General Assembly in SF 481, Section 3(1)c.

October 24, 1997

ICN

A report indicating the adequacy of the rate subsidization available to the ICN for the current fiscal year according to HF 730, Section 2E.

October 27, 1997

AUDITOR OF STATE

An audit report on the Lottery Division, Iowa Department of Revenue and Finance, year ended June 30, 1997.

October 30, 1997

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Annual Report pursuant to Chapter 80E of the Iowa Code.

November 3, 1997

DEPARTMENT OF HUMAN SERVICES

A report on what constitutes minor physical injury in cases of child abuse pursuant to HF 498, Section 22.

November 20, 1997

IOWA DEPARTMENT OF PUBLIC SAFETY

1996 Iowa Uniform Crime Report

November 24, 1997

CITIZENS' AIDE/OMBUDSMAN

Investigative Report 97-2. Investigation of the Department of Inspections and Appeals' oversight of long-term care facilities (nursing homes).

December 2, 1997

ICN

Five-year financial plan for the Network pursuant to Code of Iowa, Chapter 8D.3, Section 3f.

IOWA UTILITIES BOARD

1996 Annual Report required by Iowa Code 7A.1, 7A.10, and 476.16.

December 5, 1997

DEPARTMENT OF COMMERCE
Alcoholic Beverages Division

Annual Report – July 1996-June 1997

ICN

Iowa Telecommunications and Technology Commission Report, Review of Maintenance Contract Pursuant to the Code of Iowa, Chapter 8D.3(3)(g).

December 9, 1997

IOWA DEPARTMENT OF TRANSPORTATION

Annual Report of Highway Research and Development in Iowa in accordance with Sections 310.36 and 312.3A of the Code of Iowa.

DEPARTMENT OF EDUCATION

The final report of the FINE Foundation Interim Study Committee as required by SF 549.

December 10, 1997

DEPARTMENT OF HUMAN SERVICES

Annual Report on Personal Assistance and Family Support Services pursuant to Section 225C.48.

The study of Child Care Co-pay as directed by Chapter 208, Section 9, Subsection 11.

December 17, 1997

The DRAFT report MI KIDS – MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS IN IOWA pursuant to Section 34 of HF 702.

The recommendations of the MR MAGIC workgroup a directed by HF 715, Section 33.

December 22, 1997

DEPARTMENT OF PERSONNEL

The 1997 report on Affirmative Action in Iowa in accordance with Iowa Code, Chapter 19B.5.

December 23, 1997

ICN

A report indicating the need for subsidization for non-credit customized courses offered through use of the network per HF 730, Section 2.1(f).

DEPARTMENT OF MANAGEMENT

Targeted Small Business and Contract Compliance Report for FY 1997, in accordance with Iowa Code 19B.7.

December 26, 1997

IOWA SEED CAPITAL CORPORATION

1997 Annual Report.

DEPARTMENT OF ECONOMIC DEVELOPMENT

New Jobs and Income Program Annual Report. Foreign Ownership of Farmland, as required by HF 2234 passed during the 1996 session.

IHELA

The 1997 Annual Report for the Iowa Higher Education Loan Authority in compliance with Section 261A.21 of the Iowa Code.

December 29, 1997

IOWA DEPARTMENT OF CORRECTION AND
UNIVERSITY OF IOWA HOSPITALS AND CLINICS

A report on Iowa's Indigent Patient Care Program pursuant to Section 11(2)(c) of SF 549.

DEPARTMENT OF NATURAL RESOURCES

Water Quality in Iowa During 1994 and 1995 and Water Quality in Iowa During 1994 and 1995: Assessment Results. These reports are prepared biennially as required by Section 305(b) of the federal Clean Water Act.

December 30, 1997

IOWA UTILITIES BOARD

DIAL-UP INTERNET ACCESS IN IOWA.

DEPARTMENT OF HUMAN SERVICES

Options for Restructuring CACT per HF 715.

December 31, 1997

IOWA UTILITIES BOARD

Results of Energy Efficiency Programs Implemented by Rate-regulated Utilities in Iowa as required by SF 2370, section 476.6, subsection 17.

January 5, 1998

DEPARTMENT OF HUMAN SERVICES

The Report DUAL DIAGNOSIS TREATMENT AND FUNDING MENTAL ILLNESS/SUBSTANCE ABUSE as required by Subsection 5 (7) of Chapter 208, Acts 1997 Regular Session, 77 G.A.

Division Of Mental Health And Developmental Disabilities, DUAL DIAGNOSIS REPORT, MT. PLEASANT MENTAL HEALTH INSTITUTE as required by Chapter 208, Sec. 16(1)(d) of the Acts 1997 Regular Session of the 77th G.A.

January 6, 1998

DEPARTMENT OF HUMAN SERVICES

The study of the Rate Differential per Non-Registered Child Care Homes as directed by Chapter 208, Section 28, Subsection 9.

January 7, 1998

IOWA DEPARTMENT OF PUBLIC HEALTH

Fiscal Year 1997 Annual Report. Iowa Communications Network Videoconferencing by the Iowa Department of Public Health.

Report on the Single Contract Project. Chapter 197.

Home Health Services Regulatory Requirements. SF 532.

DEPARTMENT OF HUMAN SERVICES

RCF/MR Conversion to the Medicaid HCBS/MR Waiver, HF 702, Division VI amends section 135C.6, subsection 8.

DEPARTMENT OF NATURAL RESOURCES

Household Hazardous Material Toxic Cleanup Days Program as prepared to meet the requirements of Iowa Code Section 455F.8.

REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 1, your committee on Rules and Administration submits the following names of officers and employees of the Senate for the Seventy-seventh General Assembly, 1998 Session, and their respective classification, grades and steps:

Caucus Staff Director	Chris Hull	P-FT	Grade 38, Step 1
Admin. Asst. to Leader	Sara Deeny	P-FT	Grade 27, Step 1
Research Analyst	Petricia Ward	P-FT	Grade 27, Step 1
Editor II	K'Ann Brandt	P-FT	Grade 25, Step 3
Editor II	Julie Elder	E-FT	Grade 25, Step 3
Editor I	Kathy Olah	P-FT	Grade 22, Step 1
Asst. to Legal Counsel	Audrey Schmidt	S-O	Grade 19, Step 1
Switchboard Operator	Camille Gjovig	S-O	Grade 14, Step 1
Asst. Sgt-at-Arms	Tom Sheldahl	S-O	Grade 14, Step 1
Doorkeeper	Kermit Tannatt	S-O	Grade 11, Step 1
Doorkeeper	Paul Underhill	S-O	Grade 11, Step 2
Doorkeeper	Jim Olmsted	S-O	Grade 11, Step 1
Legislative Committee Secretary	Susan Betsinger	S-O	Grade 18, Step 2
Legislative Committee Secretary	Garet Egel	S-O	Grade 17, Step 1
Legislative Committee Secretary	Andrea Fogue	S-O	Grade 18, Step 1
Legislative Committee Secretary	Threase Harms	S-O	Grade 18, Step 1
Legislative Committee Secretary	Judy Nicholl	S-O	Grade 18, Step 1

Legislative Committee Secretary	Virginia Sourbeer	S-O	Grade 18, Step 1
Legislative Secretary	Anne Marie Burnett	S-O	Grade 16, Step 2
Legislative Secretary	Heather Collins	S-O	Grade 16, Step 1
Legislative Secretary	LeAnn Jesina	S-O	Grade 17, Step 1
Legislative Secretary	Leslie Pitt	S-O	Grade 16, Step 1
Legislative Secretary	Mary Sackett	S-O	Grade 16, Step 1
Legislative Secretary	JoAnn Thomas	S-O	Grade 17, Step 4+2
Page	Stacy Beattie	S-O	Minimum Wage
Page	Distie Carstensen	S-O	Minimum Wage
Page	Tim Demuth	S-O	Minimum Wage
Page	Jill Gehling	S-O	Minimum Wage
Page	Andrea Hauser	S-O	Minimum Wage
Page	Nicole Hill	S-O	Minimum Wage
Page	Matt Johnston	S-O	Minimum Wage
Page	Carrie Kropelin	S-O	Minimum Wage
Page	Emily Leonard	S-O	Minimum Wage
Page	Jonathan Mauk	S-O	Minimum Wage
Page	Joel Oswald	S-O	Minimum Wage
Page	Catrina Pelton	S-O	Minimum Wage
Page	Allison Prunty	S-O	Minimum Wage
Page	Heather Swanson	S-O	Minimum Wage
Page	Rudy VanMersbergen	S-O	Minimum Wage
Page	Matt Welk	S-O	Minimum Wage
Page	Christine Wojahn	S-O	Minimum Wage
Page	Hilary Woods	S-O	Minimum Wage

STEWART IVERSON, JR., Chair

REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 1, the committee on Rules and Administration submits the following increases and reclassifications and the effective dates of Senate employees:

Admin. Asst. to Leader III	Tom Cope	Step 3 to Step 4 effective 7/11/97
Caucus Staff Director	Terry Nelson	Resigned 8/1/97
Admin. Asst. to Leader II to Admin. Asst. to Leader III.	Karen Slifka	Grade 32, Step 3 to Grade 35, Step 2 effective 7/11/97 Resigned 12/25/97
Sr. Research Analyst	James Boose	Step 4 to Step 5 effective 6/13/97
Sr. Research Analyst	William Haigh	Resigned 8/7/97
Research Analyst III to Sr. Research Analyst	John Cacciatore	Grade 35, Step 2 to Grade 38, Step (-1) effective 6/13/97
Sr. Research Analyst	Suzanne Johnson	Step 4 to Step 5 effective 8/25/97
Sr. Research Analyst	Steve Conway	Step 3 to Step 4 effective 9/8/97
Sr. Research Analyst	Randall Bauer	Step 2 to Step 3 effective 8/25/97
Sr. Finance Officer	Linda Laurenzo	Step 4 to Step 5 effective 9/8/97
Finance Officer I	Lois Brownell	Step 2 to Step 3 effective 6/13/97
Sr. Research Analyst	Theresa Kehoe	Step 3 to Step 4 effective 11/17/97
Legislative Secretary to Research Assistant	Julie Simon	Grade 16, Step 5 to Grade 24, Step 1 effective 5/2/97
Sr. Research Analyst	Carolann Jensen	Step 3 to Step 4 effective 3/8/98
Research Analyst III	Pam Dugdale	Step 2 to Step 3 effective 5/16/97

Confidential Secretary to Leader	Joann Hanover	Step 5 to Step 6 effective 7/11/97
Research Analyst I	Kristin Ripperger	Step 1 to Step 2 effective 9/8/97
Research Analyst I	Mark Braun	Step 1 to Step 2 effective 10/6/97
Admin. Asst. to President II to Admin. Asst. to President III	Kaye Lozier	Grade 32, Step 1 to Grade 35, Step 2 effective 7/11/97
Admin. Asst. to President II to Admin. Asst. to President III	Becky Beach	Grade 32, Step 2 to Grade 35, Step 2 effective 7/11/97
Research Analyst	Michael Savala	Step 4 to Step 5 effective 3/20/98
Research Analyst	Mike St. Clair	Step 1 to Step 2 effective 6/23/97
Research Analyst I to Research Analyst II	Ronald M. Parker	Grade 29, Step 2 to Grade 32, Step 1 effective 5/16/97
Research Analyst I to Research Analyst II	Linda Santi	Grade 29, Step 3 to Grade 32, Step 2 effective 7/11/97
Caucus Secretary	James Fitzgerald	Step 2 to Step 3 effective 8/8/97
Sr. Editor	Carole Kelly	Resigned 1/5/98
Editor II	Teri Souer	Resigned 12/1/97
Indexing Assistant to Indexer I/Records & Supply	Kathleen Curoe	Grade 19, Step 6 to Grade 22, Step 5 effective 12/12/97
Doorkeeper	Kermit Tannatt	Step 1 to Step 2 effective 3/6/98
Chief Doorkeeper to Sergeant-at-Arms	William Krieg	Grade 12, Step 4 to Grade 17, Step 4 effective 1/12/98
Legislative Committee Secretary	David Boettger	Step 1 to Step 2 effective 3/6/98

Legislative Committee Secretary	Vicki Davis	Step 3 to Step 4 effective 2/6/98
Legislative Committee Secretary	Marilyn Rensink	Step 5 to Step 6 effective 4/3/98
Legislative Committee Secretary	Elaine Rittmer	Step 1 to Step 2 effective 3/6/98
Legislative Secretary	Laval Anderson	Step 1 to Step 2 effective 4/3/98
Legislative Secretary	Jean Cooper	Step 2 to Step 3 effective 4/3/98
Legislative Secretary	S. Brenna Findley	Step 1 to Step 2 effective 3/6/98
Legislative Secretary	Faye Fraise	Step 4 to Step 5 effective 4/3/98
Legislative Secretary	Jake Parsons	Step 1 to Step 2 effective 3/6/98

STEWART IVERSON, JR. Chair

SUBCOMMITTEE ASSIGNMENTS

SSB 2000

TRANSPORTATION: Drake, Chair; Borlaug and Connolly

SSB 2001

STATE GOVERNMENT: Kibbie, Chair; Drake and Tinsman

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: 3:02 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox; McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 3:05 p.m.

TRANSPORTATION

Convened: January 12, 1998, 2:05 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: None.

Committee Business: SSB 2000 was passed as a committee bill.

Adjourned: 2:35 p.m.

COMMITTEE REPORTS**TRANSPORTATION**

Final Bill Action: SENATE FILE 2022 (SSB 2000), a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED**SSB 2000 Transportation**

Relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

SSB 2001 State Government

Relating to the composition of the board of podiatry examiners.

AMENDMENTS FILED

S-5001	H.F.	299	Tom Vilsack Michael E. Gronstal
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S-5002	H.F.	299	Tom Vilsack Michael E. Gronstal
S-5003	H.F.	299	Tom Vilsack Michael E. Gronstal
S-5004	H.F.	299	Tom Vilsack Michael E. Gronstal

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2001	Judiciary
S.F.	2002	Judiciary
S.F.	2003	Ways and Means
S.F.	2004	Natural Resources and Environment
S.F.	2005	Natural Resources and Environment
S.F.	2006	Ways and Means
S.F.	2007	Local Government
S.F.	2008	Judiciary
S.F.	2009	Local Government
S.F.	2010	Natural Resources and Environment
S.F.	2011	Human Resources
S.F.	2012	Local Government
S.F.	2013	Education
S.F.	2014	Judiciary
S.F.	2015	Natural Resources and Environment
S.F.	2016	Judiciary
S.F.	2017	Agriculture
S.F.	2018	Ways and Means
S.F.	2019	State Government
S.F.	2020	Agriculture
S.F.	2021	Ways and Means

INTRODUCTION OF BILLS

Senate File 2009, by McKean, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city.

Read first time under Rule 28 and passed on file.

Senate File 2010, by Rittmer, a bill for an act relating to permit applications submitted to the department of natural resources.

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

Senate File 2011, by Freeman, a bill for an act relating to the disbursement of child support payments made to the clerk of the district court or to the collection services center and providing penalties and effective dates.

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

Senate File 2012, by Borlaug, a bill for an act relating to the service of written notice of a petition to vacate an official plat.

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

Senate File 2013, by Lundby, a bill for an act relating to the transportation of children participating in open enrollment.

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

Senate File 2014, by Lundby, a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support.

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

Senate File 2015, by Lundby, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

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

Senate File 2016, by Lundby, a bill for an act increasing compensation for grand jurors and petit jurors.

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

Senate File 2017, by Borlaug, a bill for an act relating to the state ceiling on the issuance of private activity bonds to administer programs by the Iowa agricultural development authority.

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

Senate File 2018, by Gronstal, a bill for an act relating to the exemption from the state sales, services, and use taxes of foods purchased with or eligible for purchase with food coupons issued by the federal government.

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

Senate File 2019, by McCoy, a bill for an act relating to the size of beer containers sold for consumption off a licensed or permitted premises, and subjecting violators to a penalty.

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

Senate File 2020, by Kibbie, a bill for an act relating to animal feeding operations by regulating distances that separate an animal feeding operation structure from a cemetery.

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

Senate File 2021, by Kibbie, a bill for an act exempting gross receipts from the purchase of goods or services by a fair society from the state sales and services tax.

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

Senate File 2022, by committee on Transportation, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:46 a.m., until 9:00 a.m., Tuesday, January 13, 1998.

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 13, 1998

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

Prayer was offered by Pastor Tim Diehl of Faith Presbyterian Church of Ackley, Iowa.

ADOPTION OF RESOLUTION

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

House Concurrent Resolution 102

On motion of Senator Iverson, House Concurrent Resolution 102, a resolution relating to a joint convention on Wednesday, January 14, 1998, at 10:00 a.m., for Chief Justice McGiverin to present his message of the condition of the judicial department, was taken up for consideration.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Concurrent Resolution 101 and House Concurrent Resolution 102 be immediately messaged to the House.

The Senate stood at ease at 9:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:56 a.m., President Kramer 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.

JOINT CONVENTION

The joint convention convened at 9:59 a.m., President Kramer presiding.

Senator Redfern 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 Kramer declared a quorum present and the joint convention duly organized.

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Behn, Schuerer, and Judge on the part of the Senate, and Representatives Nelson, Weidman, and Ford on the part of the House.

The following guests were escorted into the House Chamber:

Chief Justice McGiverin and Justices of the Supreme Court; Chief Judge Cady and Judges of the Court of Appeals; Secretary of State Paul Pâte; Treasurer of State Michael Fitzgerald; Secretary of Agriculture Dale Cochran; State Auditor Richard Johnson; Attorney General Tom Miller; and Lieutenant Governor Joy Corning.

Mrs. Chris Branstad, wife of the Governor, their son Marcus, and Dick and Clara Johnson, Mrs. Branstad's parents.

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

President Kramer presented Governor Branstad, who delivered the following Condition of the State and Budget Address:

President Kramer, Speaker Corbett, Lieutenant Governor Corning, Chief Justice McGiverin, Justices and Judges, Senators and Representatives, State Officials, Distinguished Guests and Friends.

One score and five years ago, I sat in this chamber as a freshman legislator, awed by the ornate surroundings, humbled by the responsibility given me by my constituents, and yet eager to do the people's work.

Today, on this, my 15th report to you and the people of Iowa on the condition of our state, I stand, as your Governor, just as awed, just as humbled, just as eager to get on with the people's work.

My passion for our state has grown with every day I have served it. My love of our people is deepened with every act of kindness and goodness I have encountered.

I am truly blessed to serve as your Governor. I thank God every day for this opportunity and pray for the wisdom to make the right decisions. And I'm not done yet.

I am more pumped up about the future of our state than ever before. Now, don't worry all you gubernatorial candidates - I'm not announcing for re-election here. But I don't plan to go gently into that good night either.

I will spend every waking moment of my final year as Governor pushing and pulling, speaking out and working behind the scenes, all to make this great state the best it can be.

We've come a long way. We've weathered a farm crisis as searing as the Great Depression. We've seen hardships as well as bounty; economic uncertainty as well as prosperity; natural disaster as well as nature's benevolence. The heart and soul of our state has been tried and tested, reinvigorated and renewed, seasoned and strengthened.

Iowa's story is best described by something once said by a prominent American businessman: "Good timber does not grow with ease. The stronger the wind the stronger the trees."

Today, we stand together stronger and taller than ever before. I am proud to report, the condition of our state is as good as we've ever had it. Consider just a few facts:

- In 1997, unemployment fell to the lowest level in history and the number of working Iowans rose to the highest level in history.

- In 1997, the number of jobs created by new businesses rose almost 19 percent.
- In 1997, we had one-third fewer Iowans on welfare than four years ago.
- In 1997, Iowa land values increased for the eleventh consecutive year.
- In 1997, we created one of the best student-to-computer ratios in the nation and within a year, every Iowa school district will be hooked up to the Information Superhighway.
- In 1997, we ended the year with a state budget surplus of over \$800 million – the state's best fiscal position ever.

This record of achievement didn't happen by magic. It took a lot of hard work by Iowans all over this fertile prairie all pitching in to build a better Iowa.

And the people in this chamber, yes, you the members of the 77th General Assembly did your part too.

A year ago, I stood in this very place and challenged you to take bold steps to make our state more competitive. You answered that call. And today, every Iowa taxpayer is paying 10 percent less in state income taxes. The elimination of the inheritance tax for family members will help Iowa families pass on their piece of the Iowa Dream to loved ones.

On behalf of all Iowans, I would like to thank you for taking those actions.

But our job's not complete.

As we stand on the cusp of a new century, we face unique challenges brought on by our own successes.

- We need more and better trained workers for a growing economy.
- We need even stronger schools to educate our children for the rigors of a world marketplace.
- We need new and more housing to provide shelter for a growing work force.
- We need to give all parts of Iowa a share of our growth by processing agricultural products here in Iowa instead of shipping out our valuable commodities.
- We need to protect Iowans from the few who break our laws and threaten our communities.
- We need to continue sanding off the edges of uncompetitiveness that burden our people and the state's long-term growth.

The sun has indeed been shining on our state – but there are storm clouds on the horizon.

Dealing with diversity, international competition, the information explosion, and new stresses on the family all stare squarely at us.

How do we deal with them?

Our old ways of doing things won't always work in this modern world. We can be Iowa stubborn, lock our heels and build walls around our state. Or we can recognize change, manage it and master our future.

That is our choice.

I am of the firm belief that those storm clouds on our horizon will bring replenishing rains that will cause our economy to grow and our state to flourish – if we prepare the ground.

We are on the verge of historic change in our state. Since the invention of the plow centuries ago, our population has been weighted down by the need for fewer hands on the farm. Those Malthusians, who predict the future only by looking at the past, say the same is in store for us in the future.

They're wrong.

Our economy is crying for more hands to man the tiller of our economic growth. We are in the same position as we were when our state was first settled. Back then we needed Dutch pioneers to till the rich, black soil of Sioux County; and the Jewish families to market goods in Burlington; and the German missionaries to open the doors of learning at Wartburg College in Waverly.

Today, we need the Latinos, Asians, Bosnians and Kurds – all immigrants of the 21st century, eager to find new opportunities for a new life here in the Heartland of America. Each new people – each new culture – has helped to enrich our Iowa character and values. And today is no exception.

Our sons and daughters will find good jobs here at home. And families from other states will migrate here for a good life and good jobs.

They will be the engine of our growth for the next century as Iowa enters this new era of growth and opportunity – if we prepare the ground.

We should start, as always, with our kids.

At no time has it been more evident just how much our state cares about children than a couple of months ago, with the birth of the McCaughey septuplets. The outpouring of love and support that family is receiving from their church, community and the entire state is testimony to the caring nature of Iowa's people.

We must now make sure that the McCaughey's children – and all children in Iowa – get the best education in the world. Our schools are good, but not good enough.

Our schools are structured on a model suited for a time that is past – not one prepared to meet the challenges of the future. No other public institution has been more resistant to change; no public institution needs it more.

Our education system still looks much like one designed for pioneers of the Old West and not the pioneers of the Information Age. We cannot continue to operate that way.

If you do nothing else this year, do not leave here without reforming our schools. The time to act is now.

In my Condition of the State Message last year, I announced the formation of a citizen's commission to help develop a vision and road map for education in the 21st century.

Many members of that commission, including Chairman Marvin Pomerantz, are with us today and I would like to acknowledge them and thank them for their assistance in assembling a plan to remake Iowa's public education system.

The vision they presented us with is the right one for Iowa. That's because it is based on the best research and just good common sense. How do we improve education?

- With better teachers;
- By teaching children earlier and longer; and
- By locally setting standards with accountability for results.

These are the common sense building blocks of a new educational system that will prepare our state for the 21st century.

Better teachers.

I'll bet each of you can recall at least one teacher who made a big difference in your life. I can. I'll never forget Lura Sewick, my 8th grade history teacher, and I'll forever be indebted to her. We need more Lura Sewicks to influence more children's lives for the better.

To do that:

- We must reform the teacher education program to make it truly a profession. My program includes rigorous reforms of teacher preparation and financial incentives for those who attain the highest level of certification through the National Board for Professional Teaching Standards.
- We must raise beginning teacher salaries so high achievers will be attracted to the profession. It's been eleven years since we raised the beginning salaries, and
- We must pay good teachers and administrators more with a merit pay program and make it easier to get rid of bad teachers.

Teach kids earlier and longer.

By age three, three-fourths of a child's brain is developed. Properly nurtured, that development will lead to a productive adult. Without nurturing, that lack of development can result in a juvenile delinquent and an unemployable adult.

State government can't guarantee every child a good family. But we can help Iowa's families and schools give our children the building blocks for success in life. I asked Lieutenant Governor Corning to head a workgroup that developed a strategy for helping Iowa's children.

By assisting at-risk children at an early age, research has shown that we will help them do better in school and stay away from crime and drugs. Early intervention has even been shown to increase incomes for the parents as well as improve the opportunities for children.

What I am recommending is not a new government program – it is a new way of thinking and a better way to deliver the multitude of programs designed to make sure children get off to a good start in life.

It is called, "Building Blocks for Success," and it is an initiative designed to empower local communities with decision-making authority by block-granting funds and enabling them to set their own priorities for where money and services are needed most. It will create a new era of local empowerment, allowing us to tap the creativity and innovation of our people to help every Iowa child have a solid start in life.

This year, we must also take action to expand health care coverage for low-income children. The budget I am presenting today will allow us to provide health care coverage for over 55,000 more Iowa children.

We must also:

- Ensure access to quality preschools and give every child a chance to attend all-day, everyday kindergarten.
- The State should also provide assistance to those schools that make the decision to lengthen their school year.

Schools should be open longer and serve as community learning centers, open to the entire community for recreational and educational activities. Today's kids get in trouble when they have nothing else to do. Let's keep them actively involved throughout the day and year.

Iowa has a long and proud tradition of being a local control state. Our schools are the best because parents and communities take an active role in making them that way. But our public schools must be accountable to the people they serve.

Every Iowa school must have strong local standards – developed by school boards, teachers, administrators and parents. The standards must be rigorous and set out clear expectations for learning.

Iowans deserve to know how their students and schools are doing in comparison to the competition. Each school in Iowa should be required to report uniformly on their students' progress in reading, writing, math, science, and other basic skills.

Better teachers. Teaching kids earlier and longer. Local accountability for results. These are the three common sense principles upon which we must build our new public education system.

Don't be fooled by those who say we need not change. If we fail to act now, our kids will forever suffer.

Many Iowa families make the financial sacrifice each year to send their child to the nonpublic school of their choice. I am recommending the tuition and textbook credit be increased from \$100 to \$250 per student and that it be expanded to include the fees paid by the parents of public school students as well.

The quality of Iowa's schools reaches well beyond the day a student achieves a high school diploma.

The University of Iowa, Iowa State University and the University of Northern Iowa provide a quality, affordable education while at the same time conducting world class scientific research. There is no finer example of the groundbreaking research and valuable services Iowans get than the University of Iowa Hospitals and Clinics, which is celebrating its centennial this year. My budget includes funding to improve undergraduate education and libraries, to strengthen our Colleges of Education, and enhance initiatives under way in biosciences, value-added agriculture, the arts and humanities and international education.

So much of Iowa's unique character is embodied in our independent colleges and universities. Through the Tuition Grant, we help thousands of Iowans have access to education they otherwise might not be able to afford. This year, we should increase the Iowa Tuition Grant to provide a higher level of assistance.

Our fifteen area community colleges are essential in preparing Iowa's work force for the jobs of the future. We must increase support of our community colleges and expand the Vocational Technical Grants to help part-time as well as full-time students.

The roots of this state are firmly grounded in the land that God has blessed us with – hundreds of thousands of acres of the richest soil anywhere.

The subsistence farming of the 19th century has evolved into a modern-day agriculture that uses satellites in space and seeds scientifically engineered to withstand the elements.

With the growth of international markets, those of us here in the breadbasket of America will be facing tremendous opportunities. No one – no one – will be better able to feed the world than we Iowans.

We are the nation's leading producer of corn, soybeans and pork. We also rank near the top in beef, turkey, egg, dairy, and even honey production. In the past, Iowans were the ones to grow the crops, but we'd export them to be processed. Others reaped the economic rewards of what we Iowans sowed.

No more.

In community after community, we've seen what adding value to the commodities we produce can do – it creates quality jobs, increases the prices farmers get for their crops and brings new economic vitality to our communities.

Last summer and fall, I was in over 60 counties to learn more about value-added agriculture. What I discovered from Iowans was really quite profound: our future is on the table.

Iowans told me that a significant barrier to investment in new agricultural enterprises was the availability of investment capital. We must encourage more networking among producers. The state should become a reliable partner for those entrepreneurs who need help getting off to a good start in agriculture.

We need to expand the innovative Beginning Farmer Loan Program that works with bankers to help new, young farmers get started. The average age of borrowers from this program is 32, the average age of an Iowa farmer is well over 50. It is vital to get more young people into farming.

I am also recommending the creation of the Agrifutures Fund – a \$25 million revolving loan guarantee program – as well as expanded use of the Link Deposit Program to support the development of value-added agriculture activities.

One of the fastest growing areas in agriculture is organic farming. This year, 62,000 acres are in organic production – a significant number, but not nearly enough to meet the growing demands. We need to establish a state Organic Agriculture Certification Program to provide a valuable marketing tool that will add credibility and stability for the organic farmer to become competitive in the global marketplace.

A study by Iowa State University identified livestock production as the single most efficient way to add value to grain. Jobs related to the livestock industry employ more people than live in Council Bluffs, Dubuque and Iowa City combined.

Three years ago, we adopted one of the nation's strongest laws regulating the livestock industry. Our approach is based on strict, stable, scientifically-based, statewide standards.

This year, we must expand the State's ability to deal with chronic violators by enabling the Department of Natural Resources to deny new permits and revoke the existing ones of those who repeatedly break our environmental laws.

Good stewardship of the land has always been central to the Iowa character. We cannot allow the loud voices of a small minority to drown out the need for good, solid Iowa common sense policies. Balancing strong statewide standards with an enhanced ability to stop those who do not live by the rules will provide the valuable environmental protection Iowans expect.

Succeeding in the global economy of the 21st century demands that our work to improve Iowa's competitiveness never cease.

The actions we took last year on income and inheritance taxes were significant steps forward, but we can do more – and we should.

Retirees add so much to the vibrancy of our communities and we can no longer afford to lose so many of them. It is all too common to hear of long-time Iowa residents moving to Illinois or South Dakota upon retirement. This year, we should double the

pension tax exemption. I am also recommending we direct all revenues above expectations toward eliminating the tax on pensions altogether.

Iowa taxpayers deserve constitutional protection from high taxes and excessive government spending. We should adopt the Taxpayers Rights Amendment and give them that protection.

The State of Iowa should encourage, not discourage, its people to have access to the information superhighway. That's why I am recommending we eliminate the sales tax on Internet services.

Our elimination of the inheritance tax for family members will allow hundreds of Iowa families to pass on their farm or business to the next generation. But I think we should ask ourselves if it is really fair to make families wait until a death to transfer their assets without the burden of excessive taxation. The current capital gains tax exclusion should be increased to 100 percent and expanded to include the assets of family farms and businesses sold or transferred to lineal descendants.

We can also make our state safer. The opening of the Clarinda, Newton and Fort Dodge prisons gives us greatly needed prison space to keep dangerous criminals where they should be - behind bars.

The budget I am recommending will continue to increase our prison capacity by adding 500 beds at our existing prisons in Mitchellville, Mount Pleasant and Fort Madison.

The shocking rise in crimes by sexual predators is of grave concern to me and all Iowans. Let us have the courage this year to take steps to prevent these crimes by authorizing the use of temporary hormonal treatment of sex offenders, something that has been proven effective in those places bold enough to take this action. We must also improve the monitoring of sexual offenders as well as make it easier for Iowans to know if one is living in their midst.

A few years ago, most Iowans had no idea what methamphetamines were. All too quickly that has changed because too many lives have been lost to this horrible drug. In just four years, we have seen a twelve-fold increase in the number of Iowans seeking treatment for addiction to methamphetamine.

With tougher penalties, a strong anti-drug education campaign and a coordinated enforcement effort, we are determined to win the war against this deadly killer.

Drug use in the workplace is a great concern of Iowa workers, who are put at risk everyday because we have one of the weakest drug testing laws in the country. Iowans seeking treatment for drug abuse tell us that workplace drug testing would have helped them avoid drugs.

As I travel the state, I sense there is a growing consensus that drugs are definitely affecting the quality of Iowa's workforce. We cannot afford to wait any longer. This year, we must strengthen our workplace drug testing law.

I am also asking you to pass a strong Crime Victims' Bill of Rights. And, we need the possibility of the death penalty for multiple killings and the cold-blooded murder of rape and kidnap victims.

We should also take action to ban the heinous procedure of partial birth abortion.

Whether it be the victims of crime or our next-door neighbors, Iowans have always been willing to lend a helping hand. I remember President Reagan saying that "the success story of America is neighbor helping neighbor."

Community service and volunteerism are important chapters in Iowa's success story. Over the past couple of years, I have spent considerable time volunteering with Iowans. From painting a school in Waterloo to serving meals to seniors in Bedford, I've seen volunteers truly making a difference in the lives of others.

As we build Iowa's foundation for the future, we can never forget the importance of volunteerism. I am proclaiming 1998 as the Year of the Volunteer in Iowa.

In June of this year, we will be having a state summit on volunteerism - in the spirit of the Presidents' Summit for America's Future held in Philadelphia. The Iowa Summit will bring together teams from all 99 counties to set forth a bold agenda of helping others. Seated in the gallery today are many of the members of the steering committee - from throughout the state - who are helping to put the Iowa Summit together and I would like to recognize them at this time.

Today, I invite you to join me in recommitting ourselves and our state to caring for those in need.

Making schools better, adding value to agricultural commodities, making our state more competitive, protecting the safety of our citizens. This is our common sense agenda for 1998.

Our state is in good shape. It is tempting to sit back, pat our stomach, and rock away these good times. But that would only guarantee that they will never last.

My love for this state is founded not on what Iowa has been, but what it can be.

Iowa can be a state that is growing good, quality jobs everywhere. Iowa can be a state with the best schools and smartest kids in the world. Iowa can be a place to raise and nurture a family for people from every race, religion and country.

Yes, I am convinced that those challenges which face us - which some see as storm clouds on our horizon - are truly directed by God to bring us the refreshing rains of spring - if we prepare the ground.

The program I have outlined for you does just that.

When the gavel has fallen and our work here is done - when the last echoes of speeches have faded - let us be able to say that we truly seized the day. We ushered in a new century of growth and opportunity for Iowa.

That will be our lasting legacy. Thank you and God bless the state of Iowa.

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

Representative Siegrist 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, President Kramer presiding.

RECESS

On motion of Senator Lundby, the Senate recessed at 10:47 a.m., until 4:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS

Senate File 2023, by Rittmer, Kibbie, and Drake, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses.

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

Senate File 2024, by Redwine, a bill for an act relating to the speed limit on interstate and fully controlled-access, divided, multilaned highways.

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

Senate File 2025, by Hammond, Neuhauser, and Dvorsky, a bill for an act including social studies in the list of standards the department of education uses for accrediting area education programs.

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

Senate File 2026, by Rife, a bill for an act relating to the ownership of gambling facilities by, or the issuance of gambling licenses to, political subdivisions of the state.

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

Senate File 2027, by Rehberg, a bill for an act relating to hunting on land with written permission, limiting liability of the owner or lessee of land used for hunting, and providing a penalty.

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

APPENDIX**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: January 12, 1998, 1:07 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Boettger, Dvorsky, Fink, Kibbie, Kramer, Redwine, Rensink, and Tinsman.

Members Absent: Angelo, Iverson, Neuhauser, and Szymoniak (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:25 p.m.

JUDICIARY

Convened: January 13, 1998, 3:04 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, and Tinsman.

Members Absent: Angelo and Redfern (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:25 p.m.

LOCAL GOVERNMENT

Convened: January 13, 1998, 2:00 p.m.

Members Present: Zieman, Chair; Behn, Vice Chair; Fraise, Ranking Member; Black, Boettger, Connolly, Dearden, Hansen, McKean, Redwine, and Schuerer.

Members Absent: Angelo and Bartz (both excused).

Committee Business: Organizational meeting.

Adjourned: 2:10 p.m.

STATE GOVERNMENT

Convened: January 13, 1998, 2:05 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, and Tinsman.

Members Absent: McLaren and Szymoniak (both excused).

Committee Business: SSB 2001 was passed as a committee bill.

Adjourned: 2:20 p.m.

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2023	Transportation
S.F.	2024	Transportation
S.F.	2025	Education
S.F.	2026	State Government
S.F.	2027	Natural Resources and Environment

SUBCOMMITTEE ASSIGNMENTS

Senate File 120
(Reassigned)

COMMERCE: Flynn, Chair; Jensen and Rife

Senate File 259

COMMERCE: Deluhery, Chair; King and Lundby

Senate File 343
(Reassigned)

COMMERCE: Flynn, Chair; Jensen and Rife

Senate File 367

COMMERCE: Bartz, Chair; Palmer and Schuerer

Senate File 465

COMMERCE: Bartz, Chair; Deluhery and Maddox

Senate File 521

COMMERCE: King, Chair; Deluhery and Redfern

Senate File 527

COMMERCE: Maddox, Chair; King and McCoy

House File 334

COMMERCE: Rife, Chair; Deluhery, Douglas, Gronstal, and Jensen

ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 4:03 p.m., until 9:00 a.m., Wednesday, January 14, 1998.

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 14, 1998

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journals of Monday, January 12, 1998, and Tuesday, January 13, 1998, were approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben until he arrives, on request of Senator Iverson.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel.

The Senate resumed session at 9:45 a.m., President Kramer 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.

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:50 a.m., President Kramer presiding.

Senator Iverson 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 Kramer declared a quorum present and the joint convention duly organized.

Senator Iverson 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 announced the appointment of Senators King, Maddox, and Neuhauser on the part of the Senate, and Representatives Lamberti, Millage, and Chapman, on the part of the House.

The following guests were escorted into the House Chamber:

Secretary of State Paul Pate; Treasurer of State Michael Fitzgerald; Secretary of Agriculture Dale Cochran; and Attorney General Tom Miller.

The Justices of the Supreme Court, Chief Judge Cady and the Judges of the Court of Appeals, and the Chief Judges of the state's judicial districts were escorted into the House Chamber.

Mrs. Joan McGiverin, wife of the Chief Justice; and Ed and Joan McGiverin, Chief Justice McGiverin's cousin and his wife, were escorted into the House Chamber.

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

President Kramer then presented Chief Justice McGiverin who delivered the following Condition of the Iowa Judiciary Message:

Madam President, Mr. Speaker, Members of the General Assembly, State Officials, Judicial Colleagues and My Fellow Iowans:

On behalf of the court, thank you for the invitation to report to you on the state of the Iowa judiciary. It is a great honor for the Judicial Branch, as well as a personal privilege for me, to meet with you each year at this time. This address marks my tenth

state of the judiciary message. However, I know that one should never assume that a repeat performance is automatic. Winston Churchill once used this fact to his advantage.

Churchill received an invitation from George Bernard Shaw to attend the opening of one of his plays. Shaw's note read: "Enclosed are two tickets to the first-night performance of one of my plays. Bring a friend—if you have one."

Not to be outdone, Churchill shot back this reply: "Dear G.B.S., I thank you for the invitation and tickets. Unfortunately, I am engaged on that night, but could I have tickets for the second performance—if there is one?"

After I finish my remarks, we hope you can join the other judges and me for coffee and conversation downstairs in our courtroom. We can get better acquainted there.

We regard this address as one of the most important things I do. It is our opportunity to share with you an assessment of the administration of justice in Iowa; in other words, it is an account of our stewardship. I trust you will conclude, as I have, that the past year has been exciting, marked by significant milestones for Iowa's court system.

You should be aware of a number of important trends. So far as we have been able to learn, none of them are related to El Nino.

During the past few years, you have been told of our struggles to keep up with the rising tide of criminal cases pouring into the courts. I am pleased to announce that after ten years of dramatic growth, the number of indictable criminal case filings decreased slightly last year. We do not know the reasons for the sudden change in this long-term trend, so we are only cautiously optimistic. But if the rate of criminal filings continues to slow, it will ease some of the pressure on our courts, jails and prisons.

However, I must report that the news about our overall caseload is mixed. I won't burden you with all the numbers. Information about the caseload is detailed in the appendix to these remarks.

We're concerned about the growing backlog of cases in the appellate courts. In the past ten years, filings in our appellate courts increased over twenty percent; twice as fast as dispositions. Parties appealing civil cases involving contracts, personal injury, and administrative law must wait seventeen months from the time of filing the notice of appeal to a decision. Typically, these cases are ready to be submitted to the court within ten months. But because cases involving children, crimes and certain other matters take precedence, the civil cases must wait in line to be heard.

While it appears that appeals will continue to increase in the foreseeable future, the number of dispositions per judge cannot continue to increase without negatively affecting the quality of justice. The Supreme Court and the Court of Appeals are working together to come up with solutions to cope with the volume, and we'll keep you posted.

We are especially concerned this year about the trend in juvenile cases. No work of the courts is more important. Since 1991, juvenile case filings have increased nearly forty percent. What do these numbers mean? For one thing it clearly means

increasing demands on our juvenile court system—a system already in real need of repair.

This is not to say our hard-working juvenile court system is devoid of innovative tools to help rescue troubled children. One of our brightest examples is the CASA program.

A CASA is a trained volunteer who advocates in court for abused and neglected children. Each CASA volunteer works closely with a child and the child's family to gather information about their personal life. This information, which is furnished to the court in written reports and courtroom testimony, provides the court with extra insight about the child's circumstances.

CASA makes a difference for youngsters who might otherwise become lost in the juvenile court system—often a very dramatic difference. Thanks to your support, CASA is reaching more children than ever before.

Last year we added nine counties to our CASA program. With these additions, CASA is now operating in a total of twenty-two counties, covering all eight judicial districts. Next fiscal year, we hope to take CASA into more counties so that we can reach more children in need.

Anthropologist Margaret Meade, once said, "Never doubt that a small group of thoughtfully committed citizens can change the world. Indeed, it's the only thing that ever has."

Iowa is blessed with many generous people—volunteers and professionals—who dedicate their lives to helping abused and neglected children. Recently, the Supreme Court, together with the Friends of Iowa CASA foundation, established the Child Advocate of the Year Award to recognize the special people who work tirelessly on behalf of Iowa's children. It's my privilege to announce the first award winner—Patty McKee, a shelter caseworker at Jasper County Youth Services. I will present the award at the courtroom reception immediately following this address. I look forward to seeing all of you there.

"It's time to light a fire under Iowa's child welfare system." These are the words of Dr. Jim McCullaugh, one of the members of a special Supreme Court committee that is examining Iowa's child welfare system. After extensive study, the committee found serious inadequacies in the state's procedures for termination of parental rights and adoption.

What are some of the problems?

- Unacceptable delays,
- Children left in temporary placement too long,
- Judges do not have fast access to key information,
- Parents do not know the serious consequences of removal and placement, and
- Parties and their attorneys rarely confer before court hearings.

With the help of juvenile justice professionals from around the state, the committee developed solutions to these problems. Several proposals involve statutory changes that will speed up the adoption process and provide better information to parents. I ask your approval of these proposals, which we will be furnishing to you.

There are other proposals that require further study. The committee recommended more review hearings and less time between hearings. These changes could vastly improve judicial oversight of these cases if there are more judges to handle the extra hearings. We have asked the committee to determine the number of judges that would be needed to accomplish its worthy goal. We advise you to withhold acting on this specific recommendation pending the outcome of the committee's study.

At this point, I want to briefly discuss our need for judges in general. We appreciate your response to our requests for more judges in recent years. The added judge power has made a tremendous difference in our ability to administer justice. Last fall, two of our districts asked that we include more judges in our budget request. We did not. After a careful evaluation of our overall needs, we decided that support staff for our judges is a more critical need in our district or trial courts this year. That support is needed in the offices of our clerks of district court and juvenile court services. We also need more law clerks to help our judges with research and rulings. This year we will evaluate, with the help of our planning office, our need for judges. We will report our findings to you next year.

We obviously must do what we can to attract and retain good judges. We appreciate your strong support of judicial compensation and retirement requests over the years and hope that we can continue to count on your support this year.

Now, I'd like to again switch gears and report on the progress that we've made with the help of technology. We're proud of our statewide computer network which was completed last September. More than thirty clerk of district court offices were computerized last year alone. This achievement represents the culmination of more than ten years of planning and hard work by many people. I want to thank and commend you for your support over the years.

It wasn't easy changing from a paper-based record keeping system to a computer-based system. There were many times in the early years of the program when I thought we might have a revolt on our hands. In fact, there were times when I thought I might lead the revolt! But we made it through the tough times, and today we are one of few court systems in the country with a statewide computer network.

The completion of our statewide computer network does not mean that our work is finished. The system must be updated, maintained, supported, and enhanced if we are to retain it and realize its full potential.

Two of the promising technological innovations now within our grasp deserve special mention.

lowAccess. Think of accessing court records from the convenience of one's home or office. Or what about specialized reports in a format generated to fit a customer's specific needs? Automation adds value to court information. Justice Marsha Ternus of our court has been working with the lowAccess Project to explore the idea of marketing these value added services. It could turn into a revenue producing venture for the state.

We're excited about an interface with the DOT which will completely automate the processing of criminal citations from start to finish. When issuing a citation, law enforcement officers armed with computers and scanners, will enter information about

the citation into their computer systems. At the end of the officer's shift, the information will be sent electronically to the appropriate clerk of district court office. The time consuming job of shuffling mountains of paper citations will be a thing of the past.

It's easy to be overly enthralled by technology. We're captivated by all the bells and whistles that promise to improve our productivity and public service. While it's true that technology is dramatically changing the way the Judicial Branch does business, we must remember that it is just a tool to help us perform our basic function of resolving disputes in a dispassionate, well-reasoned manner. It frees judges to perform their function in our independent branch of government.

I was originally going to end my remarks here but I cannot cover the state of the judiciary today without talking about judicial independence. The word "independence" refers to independence in decision-making. Judicial independence means upholding the law without fear of the consequence of political retribution. Judges are under constant pressure to surrender their judicial independence and decide cases based upon the popularity of a particular result or party. Examples of this pressure are everywhere.

Last fall, America watched as Louise Woodward, a young British au pair accused of shaking to death an infant left in her charge, was tried for murder in Massachusetts. Public opinion about the case seemed to change with the wind. One day public opinion blamed the parents of the infant—especially the working mother—for the child's death. Another day, public opinion was sympathetic toward Woodward. When the jury found Woodward guilty of second-degree murder, Woodward's supporters expressed outrage and condemned the justice system.

One week after the jury verdict, the presiding judge, Hiller Zoebel, saying that he had erred, by not allowing the jury to consider the possibility of a manslaughter conviction, changed the conviction to manslaughter and entered a jail sentence for only the time Woodward had already served. Immediately, Judge Zoebel's decision was criticized by the public as too lenient. Arm chair legal scholars speculated that Judge Zoebel was swayed by public opinion.

It would be inappropriate for me to join in the public debate about Judge Zoebel's decision, and I won't. But it is proper for me to observe that this is a dramatic illustration of the impossibility of pleasing the court of public opinion.

Judges must not test the winds of public opinion before entering a decision. They are bound by their oath of office to render decisions based on the constitution and statutory law. When there is disagreement about the meaning or application of a law, judges turn to well-established legal principles to guide their decisions. This is the rule of law. Without the rule of law, our legal system would be unstable and unpredictable—like a leaf blowing in the wind, supported by only the most recent gusts.

Judicial independence ensures that judges uphold the law. Judicial independence ensures that judges defy current popular opinion in favor of the long-standing principles established in our constitution. Judicial independence ensures social order and stability. It is of supreme importance to all citizens because it is the ligament which holds our justice system together.

Unfortunately, there are forces working to undermine this important principle that has served our nation well for over two hundred years. I'm talking about well-orchestrated campaigns to intimidate judges into entering decisions that favor specific outcomes over legal merits. For example:

- Following the last general election, all Iowa Supreme Court justices received copies of newspaper articles about the ouster of a Nebraska Supreme Court justice who was targeted for rulings that invalidated term limits for Nebraska elected officials. The copies of the newspaper articles were from a group called "Citizens for Common Sense Justice" out of Washington, D.C. Although the group didn't include a cover letter, its message was unmistakable—intimidation.
- Some of our district court judges have come under attack for their decisions in hog lot cases. These attacks are not based on the soundness of the judges' legal analyses but on the critics' unhappiness with the outcome. I've been told that anti-hog lot organizers, who came to the statehouse in November to attend the Supreme Court hearing of a hog lot case, reminded their followers to vote against the justices in the next retention election if the court didn't rule in favor of the group's cause.
- Business associations in several Midwestern states have hired consultants to evaluate judges for "anti-business" bias.
- During the 1996 presidential race, both candidates attacked a federal district court judge in New York for his evidentiary ruling in a drug case. The judge changed his order, forever calling into question his impartiality and credibility.

These attacks and intimidation tactics do a grave disservice to the public. Criticism of the courts is not new and is to be expected. For judges, criticism comes with the territory and we are entirely accustomed to it. However, the kind of efforts I have just described threaten the integrity of our nation's justice system.

Just what, then, is the condition of Iowa's judicial branch of government? The short answer is that it closely matches the condition of Iowa itself—good enough to be the source of pride but in constant need of attention. Certain areas, such as juvenile court, need special attention just now. Technology is an enormous help to Iowa's courts as we embark upon a new millennium. Our greatest present threat is a frontal assault on judicial independence by some who would politicize and thereby destroy—or at least severely damage—the courts' usefulness to our citizens.

Finally, like our other two branches of government, courts do not belong to the temporary incumbents but rather to the people who sent us all here. Let us keep that foremost in our minds as we work together to make Iowa government a source of lasting pride for us all.

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

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

The Senate returned to the Senate Chamber.

RECESS

On motion of Senator Redwine, the Senate recessed at 11:36 a.m., until 4:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

Convened: January 13, 1998, 1:08 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Flynn, McCoy, Redwine, and Rensink.

Members Absent: Douglas, Hammond, King, Palmer, and Schuerer (all excused).

Committee Business: Organizational meeting.

Adjourned: 1:13 p.m.

AGRICULTURE

Convened: January 14, 1998, 8:33 a.m.

Members Present: Rensink, Chair; McLaren, Vice Chair; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman.

Members Absent: Judge, Ranking Member (excused).

Committee Business: Organizational meeting.

Adjourned: 8:44 a.m.

COMMITTEE REPORT**STATE GOVERNMENT**

Final Bill Action: SENATE FILE 2029 (SSB 2001), a bill for an act relating to the composition of the board of podiatry examiners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 2: McLaren and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2004**

NATURAL RESOURCES & ENVIRONMENT: Fink, Chair; Hedge and McKibben

Senate File 2005

NATURAL RESOURCES & ENVIRONMENT: Angelo, Chair; Bartz and Judge

Senate File 2010

NATURAL RESOURCES & ENVIRONMENT: Rehberg, Chair; Borlaug and Judge

Senate File 2015

NATURAL RESOURCES & ENVIRONMENT: Freeman, Chair; Dvorsky and Hedge

Senate File 2017

AGRICULTURE: Bartz, Chair; Fraise and Hedge

Senate File 2020

AGRICULTURE: Rensink, Chair; Kibbie and Rehberg

Senate File 2027

NATURAL RESOURCES & ENVIRONMENT: Rehberg, Chair; Dearden and Zieman

AMENDMENT FILED

S-5005

S.F.

2022

Matt McCoy

AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson 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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2022.

Senate File 2022

On motion of Senator Drake, Senate File 2022, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date, was taken up for consideration.

Senator McCoy offered amendment S-5005 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-5005 was adopted by a voice vote.

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. 2022) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond

Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent Or Not Voting, 0

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

Senator Iverson asked and received unanimous consent that **Senate File 2022** be **immediately messaged** to the House.

INTRODUCTION OF BILLS

Senate File 2028, by Schuerer, a bill for an act relating to restrictions on siting new sanitary landfills.

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

Senate File 2029, by committee on State Government, a bill for an act relating to the composition of the board of podiatry examiners.

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

Senate File 2030, by Dvorsky, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, and requiring related reporting of the status of treatment by the judicial district department of correctional services.

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

Senate File 2031, by Dvorsky, a bill for an act relating to sexually violent predators.

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

Senate File 2032, by Hedge, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

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

Senate File 2033, by Angelo, a bill for an act relating to elections to change the boundaries of director districts after dissolution of a school district.

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

APPENDIX**REPORTS OF COMMITTEE MEETINGS****BUSINESS AND LABOR RELATIONS**

Convened: January 14, 1998, 1:04 p.m.

Members Present: Rife, Chair; King, Vice Chair; Behn, Freeman, Horn, Jensen, Palmer, Schuerer, and Ziemann.

Members Absent: Dearden, Ranking Member; Gettings

Committee Business: Organizational meeting.

Adjourned: 1:05 p.m.

COMMERCE

Convened: January 14, 1998, 3:01 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, King, Lundby, Maddox, McCoy, Palmer, and Redfern.

Members Absent: Rife and Hansen (excused).

Committee Business: Distributed list of bills in committee.

Adjourned: 3:10 p.m.

TRANSPORTATION

Convened: January 14, 1998, 2:15 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, and Rittmer.

Members Absent: McKibben (excused)

Committee Business: Subcommittees were assigned to the following bills:

S.F. 2023 (Jensen, Chair; Connolly and Douglas)

S.F. 2024 (Drake, Chair; Borlaug and Connolly)

Adjourned: 2:45 p.m.

INTRODUCTION OF BILLS

Senate File 2034, by McKibben and Drake, a bill for an act relating to compensation by manufacturers or distributors for warranty work on motor vehicles and vessels and providing a remedy.

Read first time under Rule 28 and passed on file.

Senate File 2035, by Kibbie, a bill for an act regulating implements of husbandry.

Read first time under Rule 28 and passed on file.

STUDY BILLS RECEIVED

SSB 2002 Agriculture

Relating to the state ceiling on the issuance of private activity bonds to administer programs by governmental entities, including the Iowa Agricultural development authority, and political subdivisions.

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2028	Natural Resources and Environment
S.F.	2030	Judiciary
S.F.	2031	Judiciary
S.F.	2032	Judiciary
S.F.	2033	Education
S.F.	2034	Transportation
S.F.	2035	Agriculture

HCR	25	Human Resources
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SUBCOMMITTEE ASSIGNMENTS

Senate File 17

NATURAL RESOURCES & ENVIRONMENT: Hedge, Chair; Fink and McKibben

Senate File 390

NATURAL RESOURCES & ENVIRONMENT: Judge, Chair; Deluhery and Rehberg

Senate File 468
(Reassignment)

NATURAL RESOURCES & ENVIRONMENT: Hedge, Chair; Dearden, Fink, McKibben, and Ziemann

Senate File 471

NATURAL RESOURCES & ENVIRONMENT: Freeman, Chair; Fink and McKibben

Senate File 2023

TRANSPORTATION: Jensen, Chair; Connolly and Douglas

Senate File 2024

TRANSPORTATION: Drake, Chair; Jensen and McCoy

SCR 12

NATURAL RESOURCES & ENVIRONMENT: Bartz, Chair; Borlaug and Judge

ADJOURNMENT

On motion of Senator Iverson the Senate adjourned at 4:19 p.m., until 9:00 a.m., Thursday, January 15, 1998.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 15, 1998

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

Prayer was offered by the Honorable Allen Borlaug, member of the Senate from Chickasaw County, Protivin, Iowa.

The Journal of Wednesday, January 14, 1998, was approved.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

Convened: January 12, 1998, 2:00 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman.

Members Absent: Szymoniak (excused).

Committee Business: Organizational meeting.

Adjourned: 2:15 p.m.

EDUCATION

Convened: January 14, 1998, 1:02 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Iverson, Kibbie, Kramer, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Boettger and Neuhauser (both excused).

Committee Business: Governor's Commission on Educational Excellence for the 21st Century gave brief remarks on the Commission's recommendations.

Adjourned: 2:05 p.m.

HUMAN RESOURCES

Convened: January 14, 1998, 2:05 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman.

Members Absent: None.

Committee Business: Presentation by the Iowa Nurses Association.

Adjourned: 2:40 p.m.

LOCAL GOVERNMENT

Convened: January 15, 1998, 2:00 p.m.

Members Present: Zieman, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Boettger, Dearden, McKean, Redwine, and Schuerer.

Members Absent: Connolly and Hansen (both excused).

Committee Business: Reactivated SF 45, SF 107, SF 121, SF 179, SF 517, SSB 81. Presentation made by ISAC.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 15, 1998, 1:00 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Black, Dearden, Deluhery, Dvorsky, Hedge, Judge, Rehberg, and Zieman.

Members Absent: Fink, Ranking Member; Iverson, McKibben, Borlaug (excused), and Freeman (excused).

Committee Business: Organizational meeting.

Adjourned: 1:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 15, 1998, 9:50 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Report on governor's proposed budget.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 15, 1998, 9:40 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation from Department of Natural Resources.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 15, 1998, 9:43 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Zieman (excused).

Committee Business: LFB review of FY '99 governor's recommendations.

Adjourned: 10:23 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 15, 1998, 10:22 a.m.

Members Present: Rittmer, Chair and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Subcommittee budget review by LFB staff.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 15, 1998, 9:40 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Department request overview and governor's recommendation.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 15, 1998, 9:45 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 10:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE AND CAPITALS**

Convened: January 15, 1998, 9:43 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Report on governor's budget.

Adjourned: 11:30 a.m.

CERTIFICATES OF RECOGNITION

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

Andrew J. Majerus, Bellevue – For achieving the rank of Eagle Scout. Senator Connolly (1/15/98).

Fannie Luther, Creston – For being named 1997 "Creston Citizen of the Year." Senator Angelo (1/15/98).

Jay T. Wiederholt, Zwingle – For achieving the rank of Eagle Scout. Senator Connolly (1/15/98).

INTRODUCTION OF BILLS

Senate File 2036, by Vilsack, a bill for an act relating to environmental protection by regulating confinement feeding operations, and providing for an appropriation, fees, and penalties.

Read first time under Rule 28 and passed on file.

Senate File 2037, by Douglas, McKibben, McCoy, McLaren, Rife, Gettings, Fraise, Schuerer, and Jensen, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Read first time under Rule 28 and passed on file.

Senate File 2038, by Deluhery, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

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

Senate File 2039, by Szymoniak, a bill for an act relating to the process by which a school district may terminate a teacher's continuing contract.

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

Senate File 2040, by Deluhery, a bill for an act relating to the compensation of jurors.

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

STUDY BILLS RECEIVED

SSB 2003 Business and Labor Relations

Providing for reporting requirements and applicable interest rates assessed concerning workers' compensation.

SSB 2004 Business and Labor Relations

Striking the sunset provision relating to the employment security administrative contribution surcharge.

SSB 2005 Agriculture

Regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, and providing enhanced penalties.

BILLS ASSIGNED TO COMMITTEE

S.F.	2036	Agriculture
S.F.	2037	State Government
S.F.	2038	State Government
S.F.	2039	Education
S.F.	2040	Judiciary

SUBCOMMITTEE ASSIGNMENTS

Senate File 100
(Reassignment)

HUMAN RESOURCES: Schuerer, Chair; Harper and Redwine

Senate File 191
(Reassignment)

APPROPRIATIONS: Hedge, Chair; Hammond, Maddox, Neuhauser, and Rehberg

Senate File 344
(Reassignment)

APPROPRIATIONS: Behn, Chair; Borlaug, Hammond, Hedge, and Horn

Senate File 363
(Reassignment)

APPROPRIATIONS: McLaren, Chair; Borlaug, Halvorson, Hammond, and Rife

Senate File 2019

STATE GOVERNMENT: Borlaug, Chair; Fink and McLaren

Senate File 2026

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 2028

NATURAL RESOURCES & ENVIRONMENT: Zieman, Chair; Black and Iverson

Senate File 2035

AGRICULTURE: Kibbie, Chair; Angelo and Zieman

SSB 2003

BUSINESS AND LABOR RELATIONS: Freeman, Chair; Jensen and Dearden

SSB 2004

BUSINESS AND LABOR RELATIONS: Behn, Chair; Zieman and Gettings

SSB 2005

AGRICULTURE: Hedge, Chair; Vilsack and Rife

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:07 a.m., until 9:00 a.m., Friday, January 16, 1998.

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 16, 1998

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

The Journal of Thursday, January 15, 1998, was approved.

APPENDIX

STUDY BILLS RECEIVED

SSB 2006 Judiciary

Relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

SSB 2007 Judiciary

Relating to the HIV-related testing of alleged sexual offenders and allowing disclosure of the results of such testing to sexual assault victims.

SSB 2008 Judiciary

Relating to the sex offender registry and providing for the Act's applicability.

SSB 2009 Judiciary

Relating to the crime of arson committed as a hate crime and providing penalties.

SSB 2010 Judiciary

Relating to search warrant applications.

SUBCOMMITTEE ASSIGNMENTS**Senate File 294**

EDUCATION: Rensink, Chair; Angelo and Dvorsky

Senate File 464

EDUCATION: Tinsman, Chair; Kibbie and Kramer

Senate File 483

EDUCATION: Rehberg, Chair; Connolly and Redwine

Senate File 2025

EDUCATION: Rehberg, Chair; Boettger and Kibbie

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:05 a.m., until 10:00 a.m., Tuesday, January 20, 1998.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 20, 1998

The Senate met in regular session at 10:04 a.m., President Kramer presiding.

Prayer was offered by the Honorable Nancy Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Friday, January 16, 1998, was approved.

REQUEST WITHDRAWN

Senator Bartz asked and received unanimous consent to withdraw his request of April 29, 1997, that **House File 202** be **withdrawn** from further consideration by the Senate.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 15, 1998, 9:39 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; Kibbie, and McLaren.

Members Absent: None.

Committee Business: Presentation by LFB.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 15, 1998, 9:40 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine, and Szymoniak.

Members Absent: None.

Committee Business: Presentations by the LFB and DHS. Handouts were distributed.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 20, 1998, 10:43 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Presentations by the Treasurer of State and the Auditor of State.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 20, 1998, 10:45 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by DNR.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 20, 1998, 10:42 a.m.

Members Present: Schuerer, Vice Chair; Harper, Ranking Member; Fink and Zieman.

Members Absent: Borlaug, Chair (excused).

Committee Business: Presentation by DED.

Adjourned: 11:44 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 20, 1998, 10:35 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, and Kibbie.

Members Absent: McLaren.

Committee Business: Presentation by Department of Cultural Affairs.

Adjourned: 12:07 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 20, 1998, 10:45 a.m.

Members Present: Rittmer, Chair; Kramer and Palmer.

Members Absent: McKibben, Vice Chair and Flynn, Ranking Member (both excused).

Committee Business: Presentations from The Department of the Blind and The Civil Rights Commission.

Adjourned: 11:50 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 20, 1998, 10:43 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

Members Absent: McKean (excused).

Committee Business: Presentation by the Iowa Law Enforcement Academy.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 20, 1998, 10:45 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Presentations by State Auditor and LFB.

Adjourned: 11:46 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 20, 1998, 10:43 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly, and Douglas.

Members Absent: None.

Committee Business: Department of Transportation Summary. Department of Public Safety-Road/Weather Information System Costs. Funding for 106 County Fairs.

Adjourned: 11:33 a.m.

LOCAL GOVERNMENT

Convened: January 20, 1998, 2:05 p.m.

Members Present: Zieman, Chair; Behn, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Boettger, Connolly, Hansen, and McKean.

Members Absent: Dearden, Redwine, and Schuerer (all excused).

Committee Business: Assignment of subcommittees.

Adjourned: 2:25 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 20, 1998, 1:00 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, Rehberg, and Zieman.

Members Absent: Borlaug and Iverson (both excused).

Committee Business: Presentations by DNR and representatives of the cities of Iowa City and Cedar Rapids.

Adjourned: 2:04 p.m.

STATE GOVERNMENT

Convened: January 20, 1998, 2:10 p.m.

Members Present: Rittmer, Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, Lundby, McKibben, Rife, and Tinsman.

Members Absent: Borlaug, Vice Chair; King, McLaren, and Szymoniak (all excused).

Committee Business: Consideration of last year's committee bill list. Assignment of SF 2019 and SF 2026 to subcommittees.

Adjourned: 2:30 p.m.

INTRODUCTION OF BILLS

Senate File 2041, by Vilsack, a bill for an act relating to electronic access to information relating to health care facility violations.

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

Senate File 2042, by Rife, a bill for an act prohibiting the exercise of the power of eminent domain over certain real property for purposes of economic development.

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

Senate File 2043, by Boettger, a bill for an act relating to motor vehicle child restraint systems and the transportation of preschool-age children who require special education.

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

Senate File 2044, by Hansen, a bill for an act restricting the awarding of child visitation rights to a parent convicted of murder in the first degree of the other parent.

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

Senate File 2045, by Fink, Dearden, Deluhery, Gronstal, Halvorson, Hammond, Flynn, Black, Connolly, Harper, Horn, Kibbie, Judge, Neuhauser, Palmer, McCoy, Vilsack, Gettings, Dvorsky, and Fraise, a bill for an act relating to the establishment of a class size reduction weighting program and increasing the physical plant and equipment levy limit for eligible school districts.

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

Senate File 2046, by Fink, a bill for an act relating to the licensing of hunting guides and fishing guides, providing reciprocity with other states, and providing a penalty.

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

STUDY BILLS RECEIVED

SSB 2011 Ways and Means

Relating to the taxation of certain business-related transactions by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, and by exempting internet and other on-line access charges from the state sales, services, and use tax, and including effective and prospective and retroactive applicability date provisions.

SSB 2012 Ways and Means

Relating to the sales and use tax exemption on certain computers, equipment, machinery, and fuel and providing a retroactive applicability date.

SSB 2013 Agriculture

Requiring that gasoline for certain purposes contain oxygenates, restricting the blending of gasoline, making a penalty applicable, and providing an effective date.

SSB 2014 Agriculture

Relating to persons holding interests in agricultural land and providing penalties.

BILLS ASSIGNED TO COMMITTEE

S.F.	2041	Human Resources
S.F.	2042	State Government
S.F.	2043	Education

S.F. 2044 Judiciary
S.F. 2045 Education
S.F. 2046 Natural Resources and Environment

SUBCOMMITTEE ASSIGNMENTS

Senate File 194
(Reassignment)

WAYS AND MEANS: Douglas, Chair; Borlaug and Palmer

Senate File 243
(Reassignment)

AGRICULTURE: Kibbie, Chair; Behn and Ziemann

Senate File 365

JUDICIARY: McKean, Chair; Angelo, Halvorson, Hammond, and McKibben

Senate File 401

EDUCATION: Boettger, Chair; Szymoniak and Tinsman

Senate File 421

JUDICIARY: McKibben, Chair; Neuhauser and Tinsman

Senate File 437

EDUCATION: Angelo, Chair; Dvorsky and Redwine

Senate File 455

JUDICIARY: Tinsman, Chair; Angelo and Neuhauser

Senate File 458

BUSINESS AND LABOR RELATIONS: Rife, Chair; Horn and Ziemann

Senate File 476

JUDICIARY: Redfern, Chair; Hansen and Maddox

Senate File 484
(Reassignment)

AGRICULTURE: Bartz, Chair; Behn and Fraise

Senate File 485

EDUCATION: Rensink, Chair; Angelo and Neuhauser

Senate File 493

JUDICIARY: Redfern, Chair; Boettger and Neuhauser

Senate File 540

BUSINESS AND LABOR RELATIONS: Rife, Chair; Gettings and Zieman

Senate File 554
(Reassignment)

WAYS AND MEANS: Douglas, Chair; Borlaug and Vilsack

Senate File 2001

JUDICIARY: Boettger, Chair; Hammond and King

Senate File 2002

JUDICIARY: McKibben, Chair; Hammond and King

Senate File 2003

WAYS AND MEANS: Douglas, Chair; Deluhery and McKibben

Senate File 2006

WAYS AND MEANS: McKibben, Chair; Connolly and McLaren

Senate File 2008

JUDICIARY: Tinsman, Chair; Drake and Halvorson

Senate File 2011

HUMAN RESOURCES: Behn, Chair; Boettger and Harper

Senate File 2013

EDUCATION: Redfern, Chair; Fink and Tinsman

Senate File 2014

JUDICIARY: Boettger, Chair; Maddox and Neuhauser

Senate File 2016

JUDICIARY: McKean, Chair; Harper and Redfern

Senate File 2018

WAYS AND MEANS: McKibben, Chair; Hedge and Szymoniak

Senate File 2021

WAYS AND MEANS: McLaren, Chair; Judge and McKibben

Senate File 2030

JUDICIARY: Boettger, Chair; Harper and King

Senate File 2031

JUDICIARY: Angelo, Chair; Halvorson and King

Senate File 2032

JUDICIARY: Tinsman, Chair; Drake and Fraise

Senate File 2036

AGRICULTURE: Rensink, Chair; McLaren and Vilsack

Senate File 2040

JUDICIARY: McKean, Chair; Harper and Redfern

Senate File 2041

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

House File 319

EDUCATION: Redfern, Chair; Rehberg and Szymoniak

SSB 2006

JUDICIARY: Maddox, Chair; Neuhauser and Tinsman

SSB 2007

JUDICIARY: McKibben, Chair; Fraise and King

SSB 2008

JUDICIARY: Angelo, Chair; Halvorson and King

SSB 2009

JUDICIARY: Hammond, Chair; Angelo and Redfern

SSB 2010

JUDICIARY: McKibben, Chair; Hansen and King

SSB 2013

AGRICULTURE: Behn, Chair; Kibbie and McLaren

SSB 2014

AGRICULTURE: Rensink, Chair; Angelo and Judge

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:14 a.m., until 9:00 a.m., Wednesday, January 21, 1998.

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 21, 1998

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

Prayer was offered by the Reverend Paul Nyquist, pastor of the First Federated Church, Des Moines, Iowa.

The Journal of Tuesday, January 20, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug for the day, on request of Senator Iverson.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:07 a.m., until 1:00 p.m.

APPENDIX

PRESENTATION OF VISITORS

The Iowa Arts Council presented the Urbandale High School Music Department Choral Group, who performed in the Senate chamber from 8:45 a.m. until 9:00 a.m. in honor of Arts Day at the Capitol

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 20, 1998, 3:00 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Behn, Black, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, and Tinsman.

Members Absent: Flynn, Ranking Member; Borlaug, and Vilsack (all excused).

Committee Business: Organizational meeting.

Adjourned: 3:10 p.m.

JUDICIARY

Convened: January 20, 1998, 4:00 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, Redfern, and Tinsman.

Members Absent: King and McKibben (both excused).

Committee Business: Assignment of bills.

Adjourned: 4:05 p.m.

CERTIFICATES OF RECOGNITION

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

Evan Conklin, Davenport – For achieving the rank of Eagle Scout. Senator Rife (1/20/98).

AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 43 present, 6 absent and a quorum present.

HOUSE AMENDMENT CONSIDERED

Senate Concurrent Resolution 1

Senator Iverson called up for consideration Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-seventh general assembly, amended by the House in House amendment S-3850, filed April 29, 1997.

Senator Iverson offered amendment S-5006, filed by Senators Iverson and Gronstal from the floor to page 1 of S-3850 and moved its adoption.

Amendment S-5006 was adopted by a voice vote.

Senator Iverson moved the adoption of amendment S-3850 as amended, which motion prevailed by a voice vote.

Senator Iverson moved the adoption of Senate Concurrent Resolution 1.

A non-record roll call was requested.

The ayes were 45, nays 2.

Senate Concurrent Resolution 1, as amended, was adopted.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2029.

Senate File 2029

On motion of Senator Kibbie, Senate File 2029, a bill for an act relating to the composition of the board of podiatry examiners, was taken up for consideration.

Senator Kibbie moved that the bill be read a last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 2029), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Cannolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 2:

Borlaug Horn

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 1** and **Senate File 2029** be **immediately messaged** to the House.

UNFINISHED BUSINESS
(Deferred April 10, 1997)

House File 8

On motion of Senator Rittmer, the Senate resumed consideration of House File 8, a bill for an act relating to the funding of state mandates, deferred April 10, 1997.

Senator Rittmer offered amendment S-5008, filed by him from the floor to page 1 of the bill.

Senator Halvorson called for a division of amendment S-5008: lines 3-6 as division S-5008A; lines 10-13 as division S-5008B.

Senator Rittmer moved the adoption of division S-5008A, which motion prevailed by a voice vote.

Senator Halvorson asked and received unanimous consent that action on division S-5008B be deferred.

Senator Vilsack offered amendment S-3471, filed by him on April 10, 1997, to page 1 of the bill and moved its adoption.

Amendment S-3471 was adopted by a voice vote.

Senator Halvorson offered amendment S-5009 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S-5009 was adopted by a voice vote.

With the adoption of amendment S-5009, amendment S-5008 division B, previously deferred, was ruled out of order.

Senator Halvorson offered amendment S-5010, filed by him from the floor, to page 1 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 29.

Amendment S-5010 lost.

Senator Rittmer moved that the bill be read a last time now and placed upon its passage which motion prevailed by a voice vote, and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 8), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 2:

Borlaug Judge

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

Senator Iverson asked and received unanimous consent that House File 8 be immediately messaged to the House.

INTRODUCTION OF BILLS

Senate File 2047, by Rife, a bill for an act relating to the deduction of amounts paid for long-term nursing home care insurance

for purposes of the state individual income tax and providing an effective and retroactive applicability date provision.

Read first time and passed on file.

Senate File 2048, by Bartz, a bill for an act relating to participation in interscholastic athletic contests and athletic competitions by pupils participating in open enrollment.

Read first time and passed on file.

Senate File 2049, by Borlaug, a bill for an act prohibiting the construction or expansion of earthen manure structures associated with confinement feeding operations, and providing an effective date.

Read first time and passed on file.

Senate File 2050, by Vilsack, a bill for an act providing for county zoning of confinement feeding operations and related structures constructed pursuant to a permit approved by the department of natural resources.

Read first time and passed on file.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 20, 1998, 10:45 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine, and Szymoniak.

Members Absent: None.

Committee Business: Presentations by LFB, Economic Assistance Division.

Adjourned: 12:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 21, 1998, 9:40 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn, and Dearden.

Members Absent: None.

Committee Business: Budget presentation by DNR.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 21, 1998, 9:36 a.m.

Members Present: Schuerer, Vice Chair; Harper, Ranking Member; Fink, and Zieman.

Members Absent: Borlaug, Chair (excused).

Committee Business: Presentation by DED.

Adjourned: 11:22 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 21, 1998, 9:35 a.m.

Members Present: Rittmer, Chair; McKibben, Vice Chair; Flynn, Ranking Member; and Palmer.

Members Absent: Kramer (excused).

Committee Business: Presentation by DPH.

Adjourned: 11:28 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 21, 1998, 9:36 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise, and McKean.

Members Absent: None.

Committee Business: Presentations from Department of Justice, Public Defender/Indigent Defense, and Department of Public Safety.

Adjourned: 11:13 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 21, 1998, 9:40 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery, and Jensen.

Members Absent: None.

Committee Business: Presentation from Information Technology Services.

Adjourned: 11:27 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 21, 1998, 9:41 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly, and Douglas.

Members Absent: None.

Committee Business: Presentations by IPERS, Department of Corrections, and DNR.

Adjourned: 11:25 a.m.

AGRICULTURE

Convened: January 21, 1998, 8:30 a.m.

Members Present: Rensink, Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Vilsack, and Ziemann.

Members Absent: Rife (excused).

Committee Business: Assigned bills. Passed SSB 2002.

Adjourned: 8:50 a.m.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2052 (SSB 2002), a bill for an act relating to the state ceiling on the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority, and political subdivisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rensink, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Vilsack, and Ziemann. Nays, none. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2023, a bill for an act relating to the issuance of expirer of war motor vehicle registration plates to surviving spouses.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Drake, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer. Nays, none. Absent or not voting, 2: Borlaug and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

MADAM PRESIDENT: Your committee appointed to determine the mileage for the members of the Senate submits the following supplemental report:

<u>NAME</u>	<u>ROUND TRIP MILEAGE</u>
Douglas, JoAnn.....	60

Respectfully Submitted,
Mary Lou Freeman, Chair
John W. Jensen

Don E. Gettings
Michael Connolly

INTRODUCTION OF BILLS

Senate File 2051, by Douglas, a bill for an act providing that a mechanic's lien filed by a subcontractor against an owner-occupant is enforceable only to the extent of the amount due to the primary contractor under the principal contract, less any payments made under the contract prior to service and receipt of the notice of mechanic's lien.

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

Senate File 2052, by committee on Agriculture, a bill for an act relating to the state ceiling on the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority, and political subdivisions.

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

STUDY BILLS RECEIVED

SSB 2015 Human Resources

Relating to the continued operation of the innovation zone board.

SSB 2016 Natural Resources

Relating to department of natural resources pollution programs by eliminating requirements for a pollution hotline and pesticide and fertilizer contaminated sites classification.

SSB 2017 Human Resources

Providing for the appointment of an additional member to the family development and self-sufficiency council.

SSB 2018 Transportation

Relating to exemptions from distinguishing registration plates for motor vehicles.

SSB 2019 Transportation

Relating to the identification of motor vehicles and any component or other parts used on or in motor vehicles and making a penalty applicable.

SSB 2020 Natural Resources and Environment

Relating to the management of lakes under the jurisdiction of the department of natural resources, authorizing lake management districts, authorizing the imposition of property tax levies, and making an appropriation.

SSB 2021 Ways and Means

Relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2047	Ways and Means
S.F.	2048	Education
S.F.	2049	Agriculture
S.F.	2050	Agriculture
S.F.	2051	Judiciary

SUBCOMMITTEE ASSIGNMENTS

Senate File 45
(Reassignment)

LOCAL GOVERNMENT: Behn, Chair; Boettger and Dearden

Senate File 107
(Reassignment)

LOCAL GOVERNMENT: Behn, Chair; Angelo and Hansen

Senate File 121
(Reassignment)

LOCAL GOVERNMENT: Boettger, Chair; Connolly and Redwine

Senate File 156

HUMAN RESOURCES: Boettger, Chair; Behn and Dvorsky

Senate File 157

HUMAN RESOURCES: Boettger, Chair; Behn and Dvorsky

Senate File 179
(Reassignment)

LOCAL GOVERNMENT: Bartz, Chair; Behn and Hansen

Senate File 517
(Reassignment)

LOCAL GOVERNMENT: Connolly, Chair; Behn and Schuerer

SSB 2002

AGRICULTURE: Bartz, Chair; Fraise and Hedge

SSB 2011

WAYS AND MEANS: McKibben, Chair; Deluhery and Douglas

SSB 2012

WAYS AND MEANS: Maddox, Chair; Hedge and Palmer

SSB 2015

HUMAN RESOURCES: Szymoniak, Chair; Boettger and Tinsman

SSB 2016

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Iverson and Rehberg

SSB 2017

HUMAN RESOURCES: Hammond, Chair; Behn and Schuerer

SSB 2018

TRANSPORTATION: Freeman, Chair; Connolly and Rittmer

SSB 2019

TRANSPORTATION: Drake, Chair; Jensen and McCoy

SSB 2020

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Angelo, Dvorsky, Fink, and Freeman

SSB 2021

WAYS AND MEANS: Douglas, Chair; Freeman and Szymoniak

AMENDMENTS FILED

S-5007	S.F.	2026	Mike Connolly
S-5008	H.F.	8	Sheldon Rittmer
S-5009	H.F.	8	Rod Halvorson
S-5010	H.F.	8	Rod Halvorson

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:13 p.m., until 9:00 a.m., Thursday, January 22, 1998.

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 22, 1998

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

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

The Journal of Wednesday, January 21, 1998, was approved.

SPECIAL GUEST

President Kramer introduced Pamela Schmidt, of Janesville, Iowa, Director of Instructional Development for the Union and Hudson School Districts.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Freeman until her return, on request of Senator Bartz.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: January 20, 1998, 4:30 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Connolly, Deluhery, Freeman, Hedge, Maddox, McLaren, Redfern, and Szymoniak.

Members Absent: Palmer, Ranking Member; Borlaug, Drake, Judge, and Vilsack (all excused).

Committee Business: Subcommittee assignments.

Recessed: 4:45 p.m.

Reconvened: January 21, 1998, 4:15 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Connolly, Deluhery, Freeman, Hedge, McLaren, Szymoniak, and Vilsack.

Members Absent: Palmer, Ranking Member; Borlaug, Drake, Judge, Maddox, and Redfern (all excused).

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 21, 1998, 9:40 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Distributed copies of the subcommittee bill draft.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 21, 1998, 9:35 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

Members Absent: McLaren.

Committee Business: Presentations by Iowa Association of Community Colleges.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 21, 1998, 9:40 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentations by DHS and LFB.

Adjourned: 11:30 a.m.

BUSINESS AND LABOR RELATIONS

Convened: January 21, 1998, 2:15 p.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Horn, Jensen, and Ziemann.

Members Absent: Gettings, Palmer, Freeman (excused), and Schuerer (excused).

Committee Business: Subcommittee assignments.

Adjourned: 2:16 p.m.

EDUCATION

Convened: January 21, 1998, 2:20 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Iverson and Kramer (both excused).

Committee Business: Presentations regarding education.

Adjourned: 3:00 p.m.

HUMAN RESOURCES

Convened: January 21, 1998, 3:05 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dearden, Hammond, Harper, Rensink, Tinsman, and Ziemann.

Members Absent: Bartz, Dvorsky, and Schuerer (all excused).

Committee Business: Bill assignments.

Adjourned: 3:10 p.m.

TRANSPORTATION

Convened: January 21, 1998, 3:08 p.m.

Members Present: Drake, Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer.

Members Absent: Borlaug, Vice Chair; and McKean (both excused).

Committee Business: Passed SF 2023. Subcommittee assignments.

Adjourned: 3:27 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 22, 1998, 10:00 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Presentations by the Department of Revenue and Finance and the Department of Inspections and Appeals.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 22, 1998, 10:05 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by the Department of Agriculture.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 22, 1998, 10:07 a.m.

Members Present: Schuerer, Vice Chair; Harper, Ranking Member; Fink and Zieman.

Members Absent: Borlaug, Chair (excused).

Committee Business: Presentations by the Department of Workforce Development and the Department of Economic Development.

Adjourned: 11:26 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 22, 1998, 10:09 a.m.

Members Present: Rittmer, Chair; and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Governor's Alliance on Substance Abuse presentation.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 22, 1998, 10:15 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; and Fraise.

Members Absent: Dvorsky, Ranking Member; and McKean (both excused).

Committee Business: Presentations by the Board of Parole, Department of Public Safety, and LFB.

Adjourned: 12:02 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 22, 1998, 10:05 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Presentations by the Iowa Department of General Services and the Iowa High School Athletic Association.

Adjourned: 11:20 a.m.

WAYS AND MEANS

Convened: January 22, 1998, 11:35 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Deluhery, Drake, Freeman, Hedge, McLaren, Redfern, and Vilsack.

Members Absent: Borlaug, Connolly, Judge, Maddox, and Szymoniak (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:55 a.m.

INTRODUCTION OF BILLS

Senate File 2053, by Flynn, a bill for an act to add sexual abuse in the third degree to the crimes for which offenders must serve at least eighty-five percent of the sentence imposed.

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

Senate File 2054, by Flynn, a bill for an act requiring motor trucks and truck tractors to be equipped with outside mirrors on both sides of the vehicle and making a penalty applicable.

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

Senate File 2055, by Rittmer, a bill for an act relating to nuisance suit actions against animal feeding operations.

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

Senate File 2056, by Hammond, Dvorsky, Neuhauser, Szymoniak, Harper, and Connolly, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

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

Senate File 2057, by Dearden, a bill for an act relating to the transportation of oil and hazardous material on the Mississippi river and providing penalties.

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

Senate File 2058, by Neuhauser, Dvorsky, Palmer, Gronstal, Dearden, Gettings, Halvorson, Hansen, and Hammond, a bill for an act relating to the state long-term care ombudsperson, establishing local area long-term care ombudspersons, making an appropriation, and providing an effective date.

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

Senate File 2059, by Neuhauser, a bill for an act establishing procedures for certain transfers of assets of nonprofit corporations which own, control, or operate hospitals when the transfer is to certain acquiring entities, providing penalties, and providing an applicability date.

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

Senate File 2060, by Dearden, McCoy, Flynn, Angelo, and McKibben, a bill for an act relating to the hunting of mourning doves and subjecting violators to a penalty.

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

Senate File 2061, by committee on Ways and Means, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 101, by Horn, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

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

STUDY BILLS RECEIVED

**SSB 2022 Small Business, Economic Development and
Tourism**

Relating to local community and economic development planning assistance and the community builder program.

**SSB 2023 Small Business, Economic Development and
Tourism**

Relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

SSB 2024 Agriculture

Relating to regulation of the grain industry.

SSB 2025 Local Government

Relating to the collection and payment of fees and expenses of county medical examiners.

SSB 2026 Local Government

Relating to the probationary period for deputy sheriffs.

SSB 2027 Local Government

Relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

SSB 2028 Local Government

Relating to charges for room and board by certain prisoners.

SSB 2029 Local Government

Providing for the determination of time for notice and service of process relating to residential property rentals and mobile home parks residential rentals.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2061 (SSB 2021), a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Douglas, McKibben, Palmer, Deluhery, Drake, Freeman, Hedge, McLaren, Redfern, and Vilsack. Nays, none. Absent or not voting, 5: Borlaug, Connolly, Judge, Maddox, and Szymoniak.

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 Ways and Means Committee on Senate File 2061 and they were attached to the committee report.

BILLS ASSIGNED TO COMMITTEE

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

S.C.R.	101	Education
S.F.	2053	Judiciary
S.F.	2054	Transportation
S.F.	2055	Agriculture
S.F.	2056	State Government
S.F.	2057	Transportation
S.F.	2058	Human Resources
S.F.	2059	Commerce
S.F.	2060	Natural Resources and Environment

SUBCOMMITTEE ASSIGNMENTS

Senate File 18
(Reassignment)

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 19
(Reassignment)

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 25

APPROPRIATIONS: Douglas, Chair; Horn, Jensen, Rife, and Vilsack

Senate File 28
(Reassignment)

STATE GOVERNMENT: Rife, Chair; Fink and Rittmer

Senate File 43
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Halvorson and Lundby

Senate File 86
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Harper and Lundby

Senate File 135

APPROPRIATIONS: Rensink, Chair; Freeman, Halvorson, Horn, and Rife

Senate File 203
(Reassignment)

AGRICULTURE: Behn, Chair; Black and Hedge

Senate File 211
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Harper and Szymoniak

Senate File 218
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Harper and King

Senate File 225
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Deluhery and Lundby

Senate File 250
(Reassignment)

STATE GOVERNMENT: Tinsman, Chair; Borlaug and Szymoniak

Senate File 262
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Harper and King

Senate File 279
(Reassignment)

AGRICULTURE: Hedge, Chair; Kibbie and Zieman

Senate File 336

APPROPRIATIONS: Rensink, Chair; Black, Flynn, Hedge, and Rife

Senate File 338
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Fink and Rife

Senate File 340

APPROPRIATIONS: Hedge, Chair; Black, Douglas, Neuhauser, and Rensink

Senate File 375

STATE GOVERNMENT: Rittmer, Chair; Fink and King

Senate File 380

STATE GOVERNMENT: McKibben, Chair; Lundby and Szymoniak

Senate File 396

STATE GOVERNMENT: Lundby, Chair; Fink and Rittmer

Senate File 400

APPROPRIATIONS: McLaren, Chair; Borlaug, Flynn, Hedge, and McCoy

Senate File 402
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Harper and King

Senate File 422
(Reassignment)

STATE GOVERNMENT: Lundby, Chair; Drake and Harper

Senate File 423

STATE GOVERNMENT: Kibbie, Chair; Drake and Rittmer

Senate File 424

STATE GOVERNMENT: Lundby, Chair; Kibbie and King

Senate File 425

STATE GOVERNMENT: Lundby, Chair; Halvorson and McLaren

Senate File 430

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 444

APPROPRIATIONS: Douglas, Chair; Behn, Dvorsky, Hammond, and Tinsman

Senate File 477

STATE GOVERNMENT: Lundby, Chair; McKibben and Szymoniak

Senate File 481

APPROPRIATIONS: Rife, Chair; Borlaug, Dvorsky, Halvorson, and Lundby

Senate File 486

STATE GOVERNMENT: Deluhery, Chair; McKibben and McLaren

Senate File 498

STATE GOVERNMENT: Deluhery, Chair; King and Szymoniak

Senate File 509

STATE GOVERNMENT: King, Chair; Halvorson and Lundby

Senate File 514

STATE GOVERNMENT: Borlaug, Chair; Fink and McLaren

Senate File 520

STATE GOVERNMENT: King, Chair; Drake, Kibbie, Lundby, and Rittmer

Senate File 2042

STATE GOVERNMENT: Rife, Chair; Kibbie and McLaren

Senate File 2047

WAYS AND MEANS: Douglas, Chair; Borlaug and Deluhery

Senate File 2049

AGRICULTURE: Rensink, Chair; Behn and Black

Senate File 2050

AGRICULTURE: Rensink, Chair; Rife and Vilsack

House File 651

APPROPRIATIONS: Maddox, Chair; Dvorsky, and McLaren

SR 9

(Reassignment)

AGRICULTURE: Bartz, Chair; Judge and Rehberg

SCR 10

(Reassignment)

AGRICULTURE: Kibbie, Chair; Bartz and Hedge

SJR 14

STATE GOVERNMENT: McLaren, Chair; Szymoniak and Tinsman

SSB 2024

AGRICULTURE: Rife, Chair; Behn and Fraise

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on 1/21/98, when the vote was taken on HF 8. Had I been present, I would have voted "aye" on the bill.

PATTY JUDGE

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:20 a.m., until 1:00 p.m., Monday, January 26, 1998.

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 26, 1998

The Senate met in regular session at 1:04 p.m., President Kramer presiding.

Prayer was offered by the Reverend Henry J. Koopman, pastor of Zion Lutheran and St. Peter Lutheran Churches of Auburn and Sac City, Iowa.

The Journal of Thursday, January 22, 1998, was approved.

QUORUM CALL

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

The vote revealed 43 present, 6 absent and a quorum present.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2061.

Senate File 2061

On motion of Senator Douglas, Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Flynn until he arrives, on request of Senator Connolly.

SPECIAL GUEST

Senator Palmer presented Jamie Solinger, Miss Iowa Teen and Miss Teen USA 1992 from Altoona, Iowa. Ms. Solinger addressed the Senate with brief remarks.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dearden and McCoy until they arrive, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2061

The Senate resumed consideration of Senate File 2061.

Senator Douglas moved that the bill be read the last time now and placed upon its passage, 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, 45:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 4:

Bartz

Dearden

Flynn

McCoy

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

Senator Iverson asked and received unanimous consent that **Senate File 2061** be **immediately messaged** to the House.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

January 8, 1998

IOWA DEPARTMENT OF ELDER AFFAIRS

THE 1997 ANNUAL REPORT OF THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM as required by 321— 8.4(3)e, Iowa Administrative Code.

January 9, 1998

ICN

Agency Saving Report, 1997, as required by Iowa Code 8D.10.

IOWA'S ENVIRONMENTAL & PUBLIC HEALTH LABORATORY
University Hygienic Laboratory
The University of Iowa

1997 Annual Report. Focus on Emerging Infectious Diseases.

IOWA DEPARTMENT OF REVENUE AND FINANCE

1997 Annual Report.

DEPARTMENT OF ELDER AFFAIRS

Annual Report in accordance with Iowa Code, Chapter 7A.

DEPARTMENT OF COMMERCE

On behalf of the Professional Licensing and Regulation Division, a report pursuant to Iowa Code, Section 272C.4(2).

January 12, 1998

DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

Annual Report on status of utility customer contribution funds pursuant to Iowa Code, Section 476.66(6).

DEPARTMENT OF HUMAN SERVICES

IMPACT OF INCORPORATING PERSONAL CARE SERVICES INTO MEDICAL ASSISTANCE as required by HF 715, Division 1, Section 5(13).

STATE BOARD OF REGENTS
The University of Iowa

Progress Report, 1997. Center for Health Effects of Environmental Contamination in accordance with Chapter 263.17 (4b) of the Code of Iowa.

January 13, 1998

IOWA STATE SHERIFF'S AND DEPUTIES' ASSOCIATION

Legislative Priorities For 1998.

DEPARTMENT OF COMMERCE
IOWA UTILITIES BOARD

Report of the Iowa Utilities Board on Non-toll Dial-up Internet Access as found in HF 730, Section 5.

IOWA COMMISSION OF THE STATUS OF WOMEN

Proposals for 1998 to the Governor and the 77th General Assembly.

DEPARTMENT OF INSPECTIONS AND APPEALS

A report on the development of a repository for criminal history, abuse and sex offender registries, and nurse aide and other health profession certification and licensing information pursuant to HF 439.

January 14, 1998

STATE BOARD OF REGENTS

FY 1999-FY 2003 Five-Year Building Program in accordance with Section 262A.3 of the Code of Iowa.

January 15, 1998

DEPARTMENT OF EDUCATION

The Career Pathways Report as required by HF 565 (1995).

DEPARTMENT OF HUMAN SERVICES

Recommendations regarding the potential benefits of expanding initiatives for diverting families from the Family Investment Program. 1997 Iowa Acts, chapter 208, section 3, subsection 3, paragraph "f", subparagraph (1).

THE STATE PSEUDORABIES ADVISORY COMMITTEE

Official 1998 Report on Calendar Year 1997 Activities as required by Chapter 166D.3, Code of Iowa.

January 20, 1998

IOWA DEPARTMENT OF PUBLIC HEALTH

A report to the G.A. on Access to Obstetrical Care in Iowa, pursuant to 77th G.A., Chapter 197, Subsection 1.

Health Families Iowa Expansion Plan. A report pursuant to Chapter 203.

IOWA CIVIL RIGHTS COMMISSION

1977 Annual Report pursuant to Chapter 7A, Code of Iowa.

STATE BOARD OF REGENTS

Reports pertaining to Iowa Code Chapter 262.82, Regent Minority and Women Educators Enhancement Program, and Iowa Code Chapter 262.92, College-Bound Program.

IOWA DEPARTMENT OF TRANSPORTATION

An annual report certifying the identified savings associated with the state agency's use of the ICN, pursuant to Iowa Code, Section 8D.10.

STATE APPEAL BOARD

All General Tort Claims, Highway Tort Claims and Settlements & Judgements paid during 1997 under Chapter 669, in accordance with Section 669.12, Code of Iowa.

IOWA DEPARTMENT OF NATURAL RESOURCES

State of Iowa Public Drinking Water Program. 1996 Annual Compliance Report.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report FY 1997. Community Economic Betterment Account.

January 22, 1998

DEPARTMENT OF NATURAL RESOURCES

1998 Iowa Comprehensive Energy Plan Update as required in Section 473.7 of the Iowa Code.

Iowa Land Recycling and Environmental Remediation Standards Act. A joint report of the Technical Advisory Committee and the DNR as specified in Iowa Code Chapter 455H and SF 528.

January 23, 1998

DEPARTMENT OF ECONOMIC DEVELOPMENT

A report on Value Added Agriculture Products and Processes Financial Assistance Program, as required by Iowa Code, Section 15E.111.

IDED's Approach to the Workforce Recruitment Challenge as required by HF 655.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 22, 1998, 9:38 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

Members Absent: McLaren.

Committee Business: Presentations by Board of Regents, Iowa School for the Deaf, Iowa Braille and Sight Saving School, and IPTV.

Adjourned: 11:14 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 22, 1998, 10:10 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentations by the Child Welfare Work Group and DHS.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 22, 1998, 10:05 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member, and Deluhery.

Members Absent: Jensen (excused).

Committee Business: Presentation by Iowa Communications Network.

Adjourned: 11:30 a.m.

STATE GOVERNMENT

Convened: January 22, 1998, 2:10 p.m.

Members Present: Rittmer, Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, McLaren, Szymoniak, and Tinsman.

Members Absent: Borlaug, Vice Chair; Lundby and Rife (all excused).

Committee Business: Presentation on Licensure Across State Lines/Multi-State Licensure for Nurses.

Adjourned: 2:37 p.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 26, 1998, when the vote was taken on Senate File 2061. Had I been present, I would have voted "aye."

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on January 26, 1998, when the vote was taken on Senate File 2061. Had I been present, I would have voted "aye."

TOM FLYNN

INTRODUCTION OF BILLS

Senate File 2062, by Angelo, a bill for an act relating to corporal punishment inflicted upon an elementary or secondary student by a school employee.

Read first time under Rule 28 and passed on file.

Senate File 2063, by Angelo, a bill for an act relating to the certification of manure applicators and providing for fees and penalties.

Read first time under Rule 28 and passed on file.

Senate File 2064, by Szymoniak, a bill for an act relating to access to and duplication of health records upon the request of a patient and providing for disciplinary action.

Read first time under Rule 28 and passed on file.

Senate File 2065, by Flynn, a bill for an act requiring promoters of certain services which are available from a governmental body to provide notices to consumers, and providing a penalty.

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

Senate File 2066, by Flynn, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

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

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2062	Education
S.F.	2063	Agriculture
S.F.	2064	Human Resources
S.F.	2065	Commerce
S.F.	2066	Human Resources

SUBCOMMITTEE ASSIGNMENTS

Senate File 333
(Reassignment)

APPROPRIATIONS: Maddox, Chair; Dvorsky, McCoy, McLaren, and Tinsman

Senate File 347

NATURAL RESOURCES AND ENVIRONMENT: Angelo, Chair; Dvorsky and McKibben

Senate File 2033

EDUCATION: Angelo, Chair; Boettger and Kibbie

Senate File 2039

EDUCATION: Szymoniak, Chair; Angelo and Rehberg

Senate File 2043

EDUCATION: Boettger, Chair; Neuhauser and Rensink

Senate File 2045

EDUCATION: Rensink, Chair; Fink and Rehberg

Senate File 2048

EDUCATION: Tinsman, Chair; Connolly and Redwine

Senate File 2055

AGRICULTURE: Rensink, Chair; McLaren and Vilsack

Senate File 2059

COMMERCE: Schuerer, Chair; Jensen and Palmer

Senate File 2060

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Angelo and McKibben

SSB 2025

LOCAL GOVERNMENT: McKean, Chair; Black and Schuerer

SSB 2026

LOCAL GOVERNMENT: Behn, Chair; Angelo and Connolly

SSB 2027

LOCAL GOVERNMENT: Bartz, Chair; Fraise and Zieman

SSB 2028

LOCAL GOVERNMENT: Zieman, Chair; Dearden and Redwine

SSB 2029

LOCAL GOVERNMENT: McKean, Chair; Black and Boettger

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:43 p.m., until 9:00 a.m., Tuesday, January 27, 1998.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 27, 1998

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

Prayer was offered by the Reverend Paul Akin, pastor of the First United Methodist Church of Indianola, Iowa.

The Journal of Monday, January 26, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zieman for the remainder of the week, on request of Senator Iverson.

INTRODUCTION OF BILLS

Senate File 2067, by McKibben, Schuerer, King, Behn, Rehberg, and Redwine, a bill for an act reducing the state individual income tax rates and including an effective date provision.

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

Senate File 2068, by Halvorson and Lundby, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty.

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

Senate File 2069, by Rife and McLaren, a bill for an act relating to the supplementation of purses for Iowa-foaled horses at pari-mutuel racetracks.

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

Senate File 2070, by Rife, a bill for an act relating to the allocation of gambling receipts to horse race purses.

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

APPENDIX**PETITION**

The following petition was presented and placed on file by:

Senator Bartz, from sixteen residents of Polk County, opposing legislation authorizing a dove hunting season in Iowa.

REPORTS OF COMMITTEE MEETINGS**EDUCATION**

Convened: January 26, 1998, 3:20 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Iverson and Kramer (both excused).

Committee Business: Presentation by the Department of Education.

Adjourned: 4:12 p.m.

HUMAN RESOURCES

Convened: January 26, 1998, 4:15 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman.

Members Absent: Zieman (excused).

Committee Business: SSB 2017 adopted.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 27, 1998, 9:35 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentations by Northeast Iowa Forestry Group, One Stop Forestry, and Tree Farmers of the Year for 1997.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 27, 1998, 9:41 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Zieman (excused).

Committee Business: Presentation by Board of Regents.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 1998, 9:36 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

Members Absent: McLaren (excused).

Committee Business: Presentation by College Student Aid Commission.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 27, 1998, 9:49 a.m.

Members Present: Rittmer, Chair; and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Presentation by Department of Human Rights.

Adjourned: 11:29 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 27, 1998, 9:50 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentations on Net-State Budgeting, Iowa Juvenile Home in Toledo, Managed Care, and Restructuring Task Force.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 27, 1998, 9:42 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Presentations by Department of Public Defense and Department of Corrections.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 27, 1998, 9:39 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Presentations by IPTV and Gambler's Treatment Program.

Adjourned: 11:26 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 27, 1998, 9:40 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Presentations by Iowa Underground Storage Tank Program, Agrifutures Fund recommendation by Governor, and First and Second Judicial District of Corrections Services.

Adjourned: 11:33 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 27, 1998, 1:04 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg.

Members Absent: Iverson and Ziemann (both excused).

Committee Business: Passed SF 471.

Adjourned: 1:20 p.m.

STATE GOVERNMENT

Convened: January 27, 1998, 2:04 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 2:35 p.m.

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2072 (SSB 2017), a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 1: Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2042, a bill for an act prohibiting the exercise of the power of eminent domain over certain real property for purposes of economic development.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rittmer, Kibbie, Deluhery, Fink, Harper, Lundby, McLaren, Rife, Szymoniak, and Tinsman. Nays, 5: Borlaug, Drake, Halvorson, King, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2071, by Kibbie, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

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

Senate File 2072, by committee on Human Resources, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

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

Senate File 2073, by Behn, Redwine, King, McKibben, Douglas, McKean, Angelo, Rehberg, Schuerer, Hedge, Freeman, Iverson, Boettger, Jensen, Rensink, Flynn, Bartz, Redfern, McCoy, McLaren, and Borlaug, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

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

STUDY BILLS RECEIVED

SSB 2030 Agriculture

Regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

SSB 2031 Agriculture

Regulating veterinary practice and procedures, by providing for the treatment of horses.

SSB 2032 Agriculture

Relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and

authorizing the receipt of rents, royalties, and license fees by the board.

SSB 2033 Agriculture

Providing for fees imposed upon persons receiving a permit for the construction of a confinement feeding operation with a manure storage structure, by excusing payment for certain persons, providing an amnesty period, and providing an effective date.

SSB 2034 Transportation

Establishing a railroad revolving loan fund and making an appropriation.

SSB 2035 Transportation

Relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

SSB 2036 Transportation

Relating to motor trucks, including weight requirements and transportation of hazardous materials, and providing an effective date.

SSB 2037 Transportation

Relating to individuals convicted of operating a motor vehicle while intoxicated, including maintenance of records, installation of ignition interlock devices, and notification of the youthful offender substance abuse awareness program.

SSB 2038 Transportation

Relating to driver and motor vehicle licensing, reporting, and registration.

SSB 2039 Transportation

Relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the department of transportation, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, authorizing the display of emergency vehicles for educational purposes, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

SSB 2040 Transportation

Relating to the administration of the motor vehicle laws by the state department of transportation concerning driver's license revocation, speeding violations, motor vehicle dealer sales, and multiyear motor vehicle and vehicle dealer licensing.

SSB 2041 Small Business, Economic Development and Tourism

Relating to economic development enterprise zones.

SSB 2042 Small Business, Economic Development and Tourism

Relating to a successor corporation to the Wallace technology transfer foundation of Iowa.

SSB 2043 Small Business, Economic Development and Tourism

Relating to the actual and necessary expenses of members of regional advisory boards concerned with workforce development.

SSB 2044 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, and providing effective and retroactive applicability dates.

SSB 2045 Judiciary

An Act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

BILLS TO COMMITTEE

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

S.F.	2067	Ways and Means
S.F.	2068	State Government
S.F.	2069	State Government
S.F.	2070	State Government
S.F.	2071	Local Government
S.F.	2073	Human Resources

SUBCOMMITTEE ASSIGNMENTS

Senate File 345
(Reassignment)

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

Senate File 412
(Reassignment)

STATE GOVERNMENT: Halvorson, Chair; Drake and Fink

Senate File 2034

TRANSPORTATION: Drake, Chair; Connolly and McKibben

Senate File 2044

JUDICIARY: Maddox, Chair; Neuhauser and Tinsman

Senate File 2051

JUDICIARY: Redfern, Chair; Drake and Hansen

Senate File 2053

JUDICIARY: Maddox, Chair; Neuhauser and Tinsman

Senate File 2057

TRANSPORTATION: Drake, Chair; Fraise and Jensen

Senate File 2063

AGRICULTURE: Rensink, Chair; Angelo and Fraise

Senate File 2065

COMMERCE: King, Chair; Flynn and Rife

SSB 2022
(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Rittmer, Chair;
Douglas and Hammond

SSB 2023
(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Schuerer,
Chair; Hansen and Redwine

SSB 2030

AGRICULTURE: Judge, Chair; Bartz and Hedge

SSB 2031

AGRICULTURE: Angelo, Chair; Black and Rife

SSB 2032

AGRICULTURE: Behn, Chair; Kibbie and McLaren

SSB 2033

AGRICULTURE: Fraise, Chair; Hedge and Rehberg

SSB 2034

TRANSPORTATION: Gettings, Chair; Borlaug and Jensen

SSB 2035

TRANSPORTATION: Douglas, Chair; Fraise and Rittmer

SSB 2036

TRANSPORTATION: McCoy, Chair; Freeman and Jensen

SSB 2037

TRANSPORTATION: McKean, Chair; Halvorson and McKibben

SSB 2038

TRANSPORTATION: McKibben, Chair; Connolly and Rittmer

SSB 2039

TRANSPORTATION: Borlaug, Chair; Drake and Gettings

SSB 2040

TRANSPORTATION: Borlaug, Chair; Drake and Gettings

SSB 2041

(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Rittmer, Chair; Douglas and Hansen

SSB 2042

(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Flynn, Chair; King and Rittmer

SSB 2043

(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Hansen, Chair; Boettger and Schuerer

SSB 2044

JUDICIARY: Neuhauser, Chair; Angelo and Boettger

SSB 2045

JUDICIARY: King, Chair; Angelo and Fraise

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:08 a.m., until 9:00 a.m., Wednesday, January 28, 1998.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 28, 1998

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

Prayer was offered by Pastor Norm Knight of the United Methodist Church, Mount Vernon, Iowa.

The Senate stood at ease at 9:08 a.m. until the fall of the gavel.

The Senate resumed session at 9:24 a.m., President Kramer presiding.

The Journal of Tuesday, January 27, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 27, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2002, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed and providing an effective date.

ALSO: That the House has on January 27, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2022, a bill for an act relating to the authority of the state transportation commission to temporarily transfer revitalize

Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

ALSO: That the House has on January 27, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 1, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-seventh general assembly.

APPENDIX**PETITION**

The following petition was presented and placed on file by:

Senator Schuerer, from 1,003 residents of Iowa, favoring the restructuring of Iowa tax laws.

CERTIFICATES OF RECOGNITION

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

Jason Greene, North English – For achieving the rank of Eagle Scout. Senator Schuerer (1/27/98).

Bruce Martini, Milwaukee, Wisconsin – For Honesty in Service. Senator Szymoniak (1/27/98).

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

Convened: January 27, 1998, 9:45 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; and Gettings.

Members Absent: Iverson (excused).

Committee Business: Presentation by Department of Management.

Recessed: 10:30 a.m.

Reconvened: 10:40 a.m.

Adjourned: 11:05 a.m.

COMMERCE

Convened: January 27, 1998, 3:03 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Palmer, and Rife.

Members Absent: McCoy and Redfern (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 3:05 p.m.

JUDICIARY

Convened: January 27, 1998, 4:05 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: Drake (excused).

Committee Business: Bill assignments. Considered SF 332.

Adjourned: 4:22 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 28, 1998, 10:00 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Presentations by Department of Commerce and Department of Inspections and Appeals.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 28, 1998, 9:50 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentations by DNR and Department of Agriculture and Land Stewardship.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: January 28, 1998, 9:58 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Zieman (excused).

Committee Business: Presentations by Iowa Business Council and Councils of Government.

Adjourned: 11:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 28, 1998, 9:50 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Presentation by Department of Corrections.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 28, 1998, 9:45 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Presentations by IPTV and Microsoft Teacher of the Year.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 28, 1998, 9:58 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Presentations by Terrace Hill, Capitol Gateway, Salisbury House Foundation, and DGS.

Adjourned: 11:00 a.m.

AGRICULTURE

Convened: January 28, 1998, 8:03 a.m.

Members Present: Rensink, Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, Rife, and Vilsack.

Members Absent: McLaren, Vice Chair; Gettings and Zieman (all excused).

Committee Business: Presentation by IVMA. Approved SSB 2005 and SF 2035.

Adjourned: 9:03 a.m.

HUMAN RESOURCES

Convened: January 28, 1998, 2:05 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman.

Members Absent: Zieman (excused).

Committee Business: Bill assignments.

Adjourned: 2:10 p.m.

TRANSPORTATION

Convened: January 28, 1998, 2:10 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, and McKibben.

Members Absent: McKean and Rittmer (both excused).

Committee Business: Subcommittee assignments. Passed SSB 2035.

Adjourned: 2:20 p.m.

INTRODUCTION OF BILLS

Senate File 2074, by Vilsack, a bill for an act relating to health care facilities, providing penalties, providing for an appropriation, and providing for a repeal.

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

Senate File 2075, by Iverson, Szymoniak, Hansen, Dvorsky, Hammond, Kibbie, Connolly, Douglas, Bartz, Horn, Harper,

Freeman, Rittmer, Gettings, Neuhauser, Gronstal, Fink, Lundby, McKibben, Drake, Vilsack, Maddox, and Behn, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

Read first time under Rule 28 and passed on file.

Senate File 2076, by Flynn, a bill for an act authorizing the issuance of lifetime fishing, hunting, and combined fishing and hunting licenses for residents who are sixty-five years of age or older.

Read first time under Rule 28 and passed on file.

Senate File 2077, by Harper, a bill for an act relating to school foundation weighting for pupils participating in school-to-work or career pathways programs, making an appropriation, and providing an effective date.

Read first time under Rule 28 and passed on file.

Senate File 2078, by Szymoniak, a bill for an act requiring protective headgear for bicyclists and creating a bicycle safety fund and a penalty.

Read first time under Rule 28 and passed on file.

Senate File 2079, by Flynn, a bill for an act relating to the retention of identification cards of persons while in premises licensed for the sale and consumption of alcoholic beverages.

Read first time under Rule 28 and passed on file.

Senate File 2080, by the committee on Natural Resources and Environment, a bill for an act relating to disposal, collection, and recycling of waste oil filters and providing an insurance premium discount.

Read first time under Rule 28 and placed on calendar.

Senate File 2081, by the committee on Agriculture, a bill for an act regulating implements of husbandry.

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

Senate File 2082, by committee on Agriculture, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 2046 Commerce

Relating to the exclusion of certain expenses under coverage provided by the Iowa comprehensive health insurance association.

SSB 2047 Commerce

Establishing an electronic benefits transfer program in the department of human services.

SSB 2048 Commerce

Relating to the exclusion of certain expenses under coverage provided by the Iowa comprehensive health insurance association.

SSB 2049 State Government

Concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

SSB 2050 Natural Resources and Environment

Relating to the licensing of hunting guides and providing a penalty for violations.

SSB 2051 Judiciary

Relating to nonsubstantive Code corrections and including a retroactive applicability provision.

SSB 2052 State Government

Relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

SSB 2053 State Government

Revising the definition of the practice of land surveying.

COMMITTEE REPORT**AGRICULTURE**

Final Bill Action: *SENATE FILE 2081, a bill for an act regulating implements of husbandry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rensink, Judge, Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 3: Gettings, McLaren, and Zieman.

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 and Environment Committee on Senate File 2080 and they were attached to the committee report.

AGRICULTURE

Final Bill Action: *SENATE FILE 2082 (SSB 2005), a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, and providing enhanced penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rensink, Judge, Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 3: Gettings, McLaren, and Zieman.

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 and Environment Committee on Senate File 2080 and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2080 (SSB 247), a bill for an act relating to disposal, collection, and recycling of waste oil filters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent or not voting, 2: Iverson and Zieman.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2080 and they were attached to the committee report.

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2074	Human Resources
S.F.	2075	State Government
S.F.	2076	Natural Resources and Environment
S.F.	2077	Education
S.F.	2078	Human Resources
S.F.	2079	State Government

SUBCOMMITTEE ASSIGNMENTS

Senate File 2058

HUMAN RESOURCES: Schuerer, Chair; Behn and Dearden

Senate File 2064

HUMAN RESOURCES: Boettger, Chair; Redwine and Szymoniak

Senate File 2066

HUMAN RESOURCES: Behn, Chair; Bartz and Harper

Senate File 2068

STATE GOVERNMENT: Lundby, Chair; Halvorson and Szymoniak

Senate File 2069

STATE GOVERNMENT: Rife, Chair; Fink and McLaren

Senate File 2070

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 2073

HUMAN RESOURCES: Redwine, Chair; Behn and Dvorsky

SSB 2046

COMMERCE: King, Chair; Douglas and Flynn

SSB 2047

COMMERCE: Schuerer, Chair; Deluhery and Douglas

SSB 2048

COMMERCE: Maddox, Chair; Jensen and McCoy

SSB 2050

NATURAL RESOURCES AND ENVIRONMENT: Angelo, Chair; Borlaug and Dvorsky

SSB 2051

JUDICIARY: Neuhauser, Chair; Angelo and Boettger

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:36 a.m., until 9:00 a.m., Thursday, January 29, 1998.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 29, 1998

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by Marvin Boldt, chaplain of the Iowa Fireman's Association, Traer, Iowa.

The Journal of Wednesday, January 28, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he arrives, on request of Senator Gronstal.

TEMPORARY COMMITTEE ASSIGNMENTS

Senator Iverson announced the following temporary committee assignments:

Agriculture	Senator Iverson
Business and Labor	Senator McKean
Human Resources	Senator Iverson
Local Government	Senator Kramer
Natural Resources	Senator McLaren
Economic Development Appropriation Subcommittee	Senator Iverson

These committee assignments will remain in effect until Senator Zieman returns to the Senate.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:11 a.m., until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 28, 1998, 9:45 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; and Kibbie.

Members Absent: McLaren (excused).

Committee Business: Presentations by IPTV and Microsoft Teacher of the Year.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 28, 1998, 9:55 a.m.

Members Present: Rittmer, Chair; McKibben, Vice Chair; and Flynn, Ranking Member.

Members Absent: Kramer and Palmer (both excused).

Committee Business: Presentations by Commission on Status of Women, Commission on Status of African-Americans, and Iowa Community Action Association.

Adjourned: 11:40 a.m.

COMMERCE

Convened: January 28, 1998, 3:04 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Maddox, Palmer, Redfern, and Rife.

Members Absent: Lundby and McCoy (both excused).

Committee Business: Presentation by the State Insurance Commissioner.

Adjourned: 4:04 p.m.

COMMITTEE REPORT

TRANSPORTATION

Final Bill Action: SENATE FILE 2085 (SSB 2035), a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, and McKibben. Nays, none. Absent or not voting, 2: McKean and Rittmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CERTIFICATES OF RECOGNITION

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

Andrew James Carroll, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (1/28/98).

Jessica Rohrig, Orient – For being named 1998 Iowa Pork Princess. Senator Douglas (1/21/98).

Thomas Mark Ruzicka, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (1/28/98).

David Neill Yeager, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (1/28/98).

BILL TO COMMITTEE

H.F. 2002 Judiciary

SUBCOMMITTEE ASSIGNMENTS

Senate File 2028
(Reassignment)

NATURAL RESOURCES AND ENVIRONMENT: Iverson, Chair; Black and Borlaug

Senate File 2076

NATURAL RESOURCES AND ENVIRONMENT: Deluhery, Chair; Iverson and Ziemann

House File 2002

JUDICIARY: McKibben, Chair; Hansen and King

SSB 2055

JUDICIARY: McKean, Chair; Halvorson and Redfern

SSB 2056

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Deluhery and Rehberg

INTRODUCTION OF BILLS

Senate File 2083, by Gronstal, a bill for an act relating to state funds and accounts by creating and reestablishing various state funds and accounts, directing the expenditure of receipts, and making appropriations and appropriation reductions.

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

Senate File 2084, by Hansen, Dearden, Deluhery, Fink, Gronstal, Halvorson, Hammond, Flynn, Black, Connolly, Harper, Kibbie, Judge, Horn, Neuhauser, Palmer, McCoy, Szymoniak, Vilsack, Gettings, Dvorsky, and Fraise, a bill for an act relating to school infrastructure, establishing a school infrastructure fund, and making an appropriation.

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

Senate File 2085, by committee on Transportation, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

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

AFTERNOON SESSION

The Senate reconvened at 2:10 p.m., President Kramer presiding.

QUORUM CALL

Senator Hedge 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 Iverson asked and received unanimous consent that **House File 202** be referred from the Unfinished Business Calendar to the committee on **Natural Resources and Environment**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2023, 2052, and 2072.

Senate File 2023

On motion of Senator Jensen, Senate File 2023, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 2:19 p.m. until the fall of the gavel.

The Senate resumed session at 2:21 p.m.

Senator Hansen offered amendment S-5012 filed by him from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

On the question "Shall amendment S-5012 be adopted?" (S.F. 2023) the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	

Absent or Not Voting, 1:

Zieman

Amendment S-5012 lost.

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. 2023), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 1:

Zieman

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

Senate File 2052

On motion of Senator Bartz, Senate File 2052, a bill for an act relating to the state ceiling on the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority, and political subdivisions, was taken up for consideration.

Senator Bartz offered amendment S-5011 filed by Senators Bartz, Judge, and Rensink from the floor to pages 1, 2, and the title page of the bill and moved its adoption.

Amendment S-5011 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2052), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Cannolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Halvorson	Hammond	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack			

Nays, 2:

Gronstal Hansen

Absent or Not Voting, 2:

Redfern Zieman

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

Senate File 2072

On motion of Senator Hammond, Senate File 2072, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon its passage which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2072), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack		

Nays, none.

Absent or Not Voting, 3:

Maddox Redfern Zieman

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2023, 2052, and 2072** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2086, by Angelo, a bill for an act providing for an alternative method of accreditation for public and nonpublic schools.

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

APPENDIX

APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as members unless otherwise specified):

	<u>TERM</u>
BARBER EXAMINERS, BOARD OF Ellen T. Larson, Des Moines	10/21/97 - 4/30/99
CITY DEVELOPMENT BOARD James M. Lawrence, Waterloo	5/14/97 - 4/30/00
CORRECTIONS, DIRECTOR OF THE DEPARTMENT OF Walter L. Kautzky, Des Moines	4/7/97 - Pleasure of the Governor
DEAF SERVICES, ADMINISTRATOR OF THE DIVISION OF Kathryn L. Baumann-Reese, Des Moines	9/30/97 - Pleasure of the Governor
DEAF, COMMISSION ON THE Janice L. Wilson, Cedar Rapids	9/8/97 - 4/30/99
ECONOMIC DEVELOPMENT BOARD, IOWA Dr. Pamela R. Sessions, Bloomfield	9/8/97 - 4/30/99
EDUCATION, STATE BOARD OF Mary Jean Montgomery, Spencer	5/22/97 - 4/30/02
EDUCATION, STATE BOARD OF John C. White, Iowa City	5/20/97 - 4/30/02
EDUCATIONAL EXAMINERS, BOARD OF Peter E. Hathaway, Sioux City	4/10/97 - 4/30/01
ENGINEERING AND LAND SURVEYING EXAMINING BOARD Diane R. Weiland, Greenfield	8/15/97 - 4/30/98
GENERAL SERVICES, DIRECTOR OF THE DEPARTMENT OF Richard J. Haines, Newton	1/26/98 - Pleasure of the Governor
HEALTH FACILITIES COUNCIL Kathleen E. Kregel, Fort Dodge	5/20/97 - 4/30/01
LAW ENFORCEMENT ACADEMY COUNCIL, IOWA Lynne R. DeKruif, Osage	9/18/97 - 4/30/00
MEDICAL EXAMINERS, BOARD OF Dr. Curtis L. Reynolds, Cedar Rapids	11/15/97 - 4/30/99

PAROLE, BOARD OF

Grace G. Copley, Des Moines

1/9/98 – 4/30/99

SOIL CONSERVATION COMMITTEE, STATE

Carol R. Jensen, Everly

4/2/97 – 4/30/01

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

Jennifer L. Brownlee, Emmetsburg

4/11/97 – 4/30/99

UTILITIES BOARD

Paula S. Dierenfeld, Johnston

9/19/97 – 4/30/99

VETERANS AFFAIRS, COMMISSION OF

Robert B. Leeman, Guttenberg

10/20/97 – 4/30/98

The appointments were referred to the committee on **Rules and Administration.**

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES****Convened:** January 29, 1998, 9:50 a.m.**Members Present:** Hedge, Chair; Rensink, Vice Chair; Behn and Dearden.**Members Absent:** Black, Ranking Member.**Committee Business:** Presentation by Energy and Geology Division of DNR.**Adjourned:** 10:45 a.m.**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT****Convened:** January 29, 1998, 9:47 a.m.**Members Present:** Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.**Members Absent:** Iverson (excused).**Committee Business:** Presentation by DED.**Adjourned:** 10:51 a.m.**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION****Convened:** January 29, 1998, 9:40 a.m.**Members Present:** Rehberg, Chair; Horn, Ranking Member; and Kibbie.

Members Absent: Redfern, Vice Chair; and McLaren.

Committee Business: Presentation by Board of Educational Examiners.

Adjourned: 11:13 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 29, 1998, 9:53 a.m.

Members Present: Rittmer, Chair; McKibben, Vice Chair; Flynn, Ranking Member; and Palmer.

Members Absent: Kramer (excused).

Committee Business: Presentations by the Commission of Veterans Affairs and the Department of Public Health.

Adjourned: 11:38 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 29, 1998, 9:55 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Presentation by Department of Corrections.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: January 29, 1998, 9:50 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Review and discussion of proposed Governor's bills.

Adjourned: 10:55 a.m.

JUDICIARY

Convened: January 29, 1998, 1:05 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Boettger, Drake, Halvorson, Hammond, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: Angelo, Fraise, and Hansen (all excused).

Committee Business: Bill assignments. Passed SSB 2006.

Adjourned: 1:14 p.m.

STUDY BILLS RECEIVED

SSB 2054 Small Business, Economic Development and Tourism

Relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

SSB 2055 Judiciary

Prohibiting the loan of money for gambling purposes through a credit card or an electronic or mechanical device at a licensed gambling facility.

SSB 2056 Natural Resources and Environment

Relating to waste tires and tire-derived fuels.

SSB 2057 Natural Resources and Environment

Providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

SSB 2058 Commerce

Relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

SSB 2059 Commerce

Relating to the operation and regulation of banks and making technical corrections.

SSB 2060 Agriculture

Relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

BILLS ASSIGNED TO COMMITTEE

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

S.F.	2083	State Government
S.F.	2084	Education
S.F.	2086	Education

SUBCOMMITTEE ASSIGNMENTS**Senate File 2056**

STATE GOVERNMENT: Rittmer, Chair; King and Szymoniak

Senate File 2071

LOCAL GOVERNMENT: McKean, Chair; Angelo and Dearden

Senate File 2079

STATE GOVERNMENT: Borlaug, Chair; Fink and McLaren

SSB 2057

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and McLaren

SSB 2058

COMMERCE: Palmer, Chair; Lundby and Rife

SSB 2059

COMMERCE: Palmer, Chair; Lundby and Rife

SSB 2060

AGRICULTURE: Rehberg, Chair; Behn and Kibbie

AMENDMENTS FILED

S-5011	S.F. 2052	Merlin E. Bartz Patty Judge Wilmer Rensink
S-5012	S.F. 2023	Steven D. Hansen

REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION

MADAM PRESIDENT: Pursuant to Senate Concurrent Resolution 1, the committee on Rules and Administration submits the following increases and reclassifications and the effective dates of Senate employees:

Research Analyst to Research Analyst I	Michael Savala	Grade 27, Step 4 to Grade 29, Step 3 Effective 3/20/98
Confidential Secretary to Confidential Secretary II	Lori Bristol	Grade 27, Step 6 to Grade 32, Step 3 Effective 2/6/98
Research Assistant	Julie Simon	Step 1 to Step 2 Effective 11/19/97

STEWART IVERSON, JR., Chair

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:02 p.m., until 9:00 a.m., Friday, January 30, 1998.

JOURNAL OF THE SENATE

NINETEENTH CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 30, 1998

The Senate met in regular session at 9:00 a.m., Senator Boettger presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

The Journal of Thursday, January 29, 1998, was approved.

INTRODUCTION OF BILL

Senate File 2087, by Kibbie, a bill for an act regulating certain animal feeding operation structures and providing an effective date.

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

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 28, 1998, 9:50 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentations by State Auditor's office and DHS.

Adjourned: 11:45 a.m.

EDUCATION

Convened: January 28, 1998, 1:04 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Fink, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Dvorsky, Iverson, and Kramer (all excused).

Committee Business: Presentation by UNI.

Adjourned: 2:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 29, 1998, 9:50 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentation by DHS.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: January 29, 1998, 9:48 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; and Deluhery.

Members Absent: Jensen.

Committee Business: Presentations by DOM & ITS.

Adjourned: 11:45 a.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2075

STATE GOVERNMENT: Lundby, Chair; McKibben and Szymoniak

SSB 2054
(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Douglas, Chair;
Boettger and Hammond

ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 9:03 a.m., until 10:00 a.m., Tuesday, February 3, 1998.

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 3, 1998

The Senate met in regular session at 10:08 a.m., President Kramer presiding.

Prayer was offered by Pastor Jennifer Daniel of the First United Methodist Church, Marshalltown, Iowa.

The Journal of Friday, January 30, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond for the day, on request of Senator Gronstal; Senator Zieman for the week, on request of Senator Iverson.

INTRODUCTION OF BILLS

Senate File 2088, by Freeman, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

Read first time and passed on file.

Senate Joint Resolution 2001, by Jensen, a joint resolution relating to the interior renovation of the state capitol and requiring that certain portions be accessible to persons with disabilities, consistent with federal requirements by the year 2002.

Read first time and passed on file.

RECESS

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

APPENDIX

CERTIFICATES OF RECOGNITION

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

Seann Casey, Waukee - For achieving the rank of Eagle Scout. Senator Douglas (2/2/98).

John-David Mallder, Dubuque - For achieving the rank of Eagle Scout. Senator Connolly (01/29/98).

Sara Shepherd, Stuart - Being named 1998 Iowa Charolais Queen. Senator Douglas (2/3/98).

PETITION

The following petition was presented and placed on file by:

Senator Gronstal, from two hundred eighteen residents of Boone County, favoring legislation to repeal the provisions of Section 414.23 of the Code of Iowa.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 February, 1998:

Senate File 2022.

MARY PAT GUNDERSON
Secretary of the Senate

STUDY BILLS RECEIVED

SSB 2061 Education

Relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

SSB 2062 State Government

Relating to monetary limits concerning procurement requirements for public improvements.

SSB 2063 State Government

Relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

SSB 2064 Education

Relating to the review, investigation, and confidential recordkeeping authority of the board of educational examiners related to licensee discipline.

SSB 2065 Education

Relating to education reform and making appropriations.

SUBCOMMITTEE ASSIGNMENTS

SSB 2049

STATE GOVERNMENT: Drake, Chair; Borlaug and Deluhery

SSB 2052

STATE GOVERNMENT: Szymoniak, Chair; Drake and Lundby

SSB 2053

STATE GOVERNMENT: McKibben, Chair; Lundby and Szymoniak

SSB 2061

EDUCATION: Redfern, Chair; Connolly and Rehberg

SSB 2062

STATE GOVERNMENT: Drake, Chair; Fink and King

SSB 2063

STATE GOVERNMENT: Borlaug, Chair; Szymoniak and Tinsman

SSB 2064

EDUCATION: Rehberg, Chair; Fink and Rensink

SSB 2065

EDUCATION: Redfern, Chair; Connolly and Rehberg

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 January 29, 1998:

AGRICULTURE

Carol R. Jensen - State Soil Conservation Committee

COMMERCE

Jennifer L. Brownlee - Telecommunications and Technology Commission

Paula S. Dierenfeld - Utilities Board

EDUCATION

Mary Jean Montgomery and John C. White - State Board of Education

Peter E. Hathaway - Board of Educational Examiners

HUMAN RESOURCES

Janice L. Wilson - Commission on the Deaf

Kathryn L. Baumann-Reese - Administrator of the Division of Deaf Services

Kathleen E. Kregel - Health Facilities Council

JUDICIARY

Walter L. Kautzky - Director of the Department of Corrections

Grace G. Copley - Board of Parole

LOCAL GOVERNMENT

James M. Lawrence – City Development Board

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Dr. Pamela R. Sessions – Iowa Economic Development Board

STATE GOVERNMENT

Ellen T. Larson – Board of Barber Examiners

Diane R. Weiland – Engineering & Land Surveying Examining Board

Richard J. Haines – Director of the Department of General Services

Dr. Curtis L. Reynolds – Board of Medical Examiners

Robert B. Leeman – Commission of Veterans Affairs

TRANSPORTATION

Lynne R. DeKruif – Iowa Law Enforcement Academy Council

COMMITTEE REPORT**JUDICIARY**

Final Bill Action: *SENATE FILE 2090 (SSB 2006), a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Boettger, Drake, Halvorson, Hammond, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 3: Angelo, Fraise, and Hansen.

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 2090, and they were attached to the committee report.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 3, 1998, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2022 - Relating to the authority of the state transportation commission to temporarily transfer revitalize Iowa's sound economy (RISE) funds to the primary road fund and providing an effective date.

AFTERNOON SESSION

The Senate reconvened at 4:14 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

INTRODUCTION OF BILLS

Senate File 2089, by Redwine, a bill for an act authorizing the imposition of a local option sales and services tax for school infrastructure projects and the issuance of bonds, and providing an effective date.

Read first time and passed on file.

Senate File 2090, by committee on Judiciary, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Read first time and placed on calendar.

Senate File 2091, by Harper, Dvorsky, Hammond, and Neuhauser, a bill for an act providing for a tax credit under the individual income tax for tuition, fees, and charges paid to attend a state board of regents institution of higher education and including an effective and retroactive applicability date provision.

Read first time and passed on file.

Senate File 2092, by Harper, Hammond, Dvorsky, Connolly, Judge, Neuhauser, Black, and Halvorson, a bill for an act exempting

from the sales, services, and use taxes sales made and services furnished to nonprofit hospitals and nonprofit nursing homes.

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

Senate File 2093, by Fink, a bill for an act relating to the conduct of raffles by certain fairs, nonprofit organizations, political parties, and committees of candidates for elective office, and subjecting violators to a penalty.

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

Senate File 2094, by committee on Education, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

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

Senate File 2095, by Maddox, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

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

Senate File 2096, by Palmer, Dvorsky, Kibbie, Deluhery, and Harper, a bill for an act increasing the amount of net income that qualifies a taxpayer for the child and dependent care credit and including a retroactive applicability date provision.

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

COMMITTEE REPORT

EDUCATION

Final Bill Action: SENATE FILE 2094, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Rehberg, Angelo, Boettger, Iverson, Kibbie, Kramer, Neuhauser, Redwine, Rensink, and Tinsman. Nays, 4: Connolly, Dvorsky, Fink, and Szymoniak.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2094.

Senate File 2094

On motion of Senator Redfern, Senate File 2094, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date, was taken up for consideration.

The Senate stood at ease at 4:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:09 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2094

The Senate resumed consideration of Senate File 2094.

Senator Fink offered amendment S-5013 filed by Senators Fink, et al., from the floor to page 1 of the bill and moved its adoption.

Senator Fink asked and received unanimous consent that action on S-5013 be deferred.

The Senate stood at ease at 5:12 p.m. until the fall of the gavel.

The Senate resumed session at 5:21 p.m., President Kramer presiding.

Senator Connolly offered amendment S-5015 filed by Senators Connolly, et al., from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5015 be adopted?" (S.F. 2094) the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or Not Voting, 2:

Hammond	Zieman
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Amendment S-5015 lost.

Senator Halvorson offered amendment S-5018 filed by Senators Halvorson, et al., from the floor to page 1 and the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5018 be adopted?" (S.F. 2094), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or Not Voting, 2:

Hammond Zieman

Amendment S-5018 lost.

Senator Harper offered amendment S-5016 filed by Senators Harper, et al., from the floor to page 1 and the title page of the bill.

Senator Iverson raised the point of order that amendment S-5016 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5016 out of order.

Senator Kibbie offered amendment S-5017 filed by Senators Kibbie, et al., from the floor to page 1 and the title page of the bill.

Senator Iverson raised the point of order that amendment S-5017 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5017 out of order.

The Senate resumed consideration of S-5013 filed by Senators Fink, et al., from the floor to page 1 of the bill, previously deferred.

Senator Fink moved the adoption of amendment S-5013 and requested a record roll call.

On the question "Shall amendment S-5013 be adopted?" (S.F. 2094) the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or Not Voting, 2:

Hammond Zieman

Amendment S-5013 lost.

The Senate stood at ease at 7:31 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 7:54 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2094

The Senate resumed consideration of Senate File 2094.

Senator Redfern moved that the bill be read the last time now and placed upon its passage 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, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean

McKibben
Rehberg
Schuerer

McLaren
Rensink
Tinsman

Redfern
Rife

Redwine
Rittmer

Nays, 21:

Black
Dvorsky
Gettings
Harper
McCoy
Vilsack

Connolly
Fink
Gronstal
Horn
Neuhauser

Dearden
Flynn
Halvorson
Judge
Palmer

Deluhery
Fraise
Hansen
Kibbie
Szymoniak

Absent or Not Voting, 2:

Hammond Zieman

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 2097, by Harper, a bill for an act relating to the guidelines to be followed by a trauma care facility for persons presenting with head injuries.

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

Senate File 2098, by Gronstal, a bill for an act relating to limitations of the focused small business linked investments program.

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

Senate File 2099, by Gronstal, a bill for an act relating to eligibility under the rural small business transfer linked investment loan program.

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

Senate File 2100, by Dvorsky and Freeman, a bill for an act relating to the exemption from the sales, services, and use taxes of gas and electricity for use in residential-type dwellings and providing an applicability date provision.

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

Senate File 2101, by Halvorson, Dvorsky, Hammond, Harper, Kibbie, Neuhauser, Black, Dearden, and Szymoniak, a bill for an act allowing a personal income tax credit for tuition and fees paid to an Iowa community college and including effective and retroactive applicability date provisions.

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

Senate File 2102, by Halvorson, Fraise, and Harper, a bill for an act reducing the individual income tax rates and providing an effective date.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2094** be **immediately messaged** to the House.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: January 29, 1998, 3:12 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Lundby, Maddox, Redfern, and Rehberg.

Members Absent: None.

Committee Business: Subcommittee assignments of Governor's appointments.

Adjourned: 3:48 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 3, 1998, 11:05 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gettings and Iverson.

Members Absent: None.

Committee Business: Presentation by IDOP.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 3, 1998, 11:20 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by DNR.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 3, 1998, 11:20 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Iverson (excused).

Committee Business: Presentation by Iowa Housing Corporation.

Adjourned: 1:03 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 3, 1998, 11:15 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Presentation by Department of Corrections and UNI.

Adjourned: 12:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 3, 1998, 11:35 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; and Douglas.

Members Absent: Connolly (excused).

Committee Business: Presentation by DED.

Adjourned: 12:03 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 3, 1998, 1:04 p.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Horn, Jensen, Palmer, and Schuerer.

Members Absent: McKean.

Committee Business: Presentation by Workforce Development. Approved SF 540 and SSB 2004.

Adjourned: 1:38 p.m.

COMMERCE

Convened: February 3, 1998, 3:06 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Study bill assignments. Presentation by Commerce Commission, Utilities Division.

Adjourned: 4:11 p.m.

EDUCATION

Convened: February 3, 1998, 11:20 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Iverson, Kibbie, and Kramer (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:27 p.m.

EDUCATION

Convened: February 3, 1998, 1:06 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Iverson, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Passed SSB 2061.

Adjourned: 2:05 p.m.

HUMAN RESOURCES

Convened: February 3, 1998, 2:15 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Harper, Iverson, Rensink, Schuerer, and Tinsman.

Members Absent: Hammond (excused).

Committee Business: Passed SF 2073.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: February 3, 1998, 2:12 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: None.

Committee Business: Approved Governor's appointee. Passed SSB 2034 and SSB 2038.

Adjourned: 2:40 p.m.

COMMITTEE REPORTS

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 540, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge; providing for employee compensation for certain subsequent injuries, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5014.

Final Vote: Ayes, 9: Rife, King, Behn, Freeman, Gettings, Horn, Jensen, Palmer, and Schuerer. Nays, 1: Dearden. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: Senate File 2073, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Boettger, Redwine, Bartz, Behn, Iverson, Rensink, Schuerer, and Tinsman. Nays, 4: Szymoniak, Dearden, Dvorsky, and Harper. Absent or not voting, 1: Hammond.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STUDY BILLS RECEIVED

SSB 2066 **Human Resources**

Relating to involvement of federal military installations with child abuse assessments.

SSB 2067 **Commerce**

Relating to credit-sale contracts for the sale of grain, by providing requirements and indemnification for sellers of grain and providing for fees.

SSB 2068 **Commerce**

Relating to the computation of interest pursuant to a written agreement between certain parties.

SSB 2069 **Commerce**

Requiring the Iowa telecommunications and technology commission to adopt rules relating to remote dial-up access to the Iowa communications network and internet access through the network by authorized users.

SSB 2070 Natural Resources and Environment

Relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

SSB 2071 Ways and Means

Exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

SSB 2072 Ways and Means

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting the growth rate of taxes, revenue, and spending of the state government and by increasing the people's control over taxes, revenue, and spending of the state government.

SSB 2073 Ways and Means

Relating to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

BILLS ASSIGNED TO COMMITTEE

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

S.J.R.	2001	Appropriations
S.F.	2087	Agriculture
S.F.	2088	Agriculture
S.F.	2089	Ways and Means
S.F.	2091	Ways and Means
S.F.	2092	Ways and Means
S.F.	2093	State Government
S.F.	2095	Judiciary
S.F.	2096	Human Resources
S.F.	2097	Human Resources

S.F.	2098	Small Business, Economic Development and Tourism
S.F.	2099	Small Business, Economic Development and Tourism
S.F.	2100	Ways and Means
S.F.	2101	Ways and Means
S.F.	2102	Ways and Means

SUBCOMMITTEE ASSIGNMENTS**Senate File 2062**

EDUCATION: Angelo, Chair; Boettger and Fink

Senate File 2067

WAYS AND MEANS: McKibben, Chair; Drake and Palmer

Senate File 2074

HUMAN RESOURCES: Schuerer, Chair; Boettger and Dvorsky

Senate File 2077

EDUCATION: Rensink, Chair; Kibbie and Redwine

Senate File 2078

HUMAN RESOURCES: Behn, Chair; Schuerer and Szymoniak

Senate File 2084

EDUCATION: Rehberg, Chair; Rensink and Szymoniak

Senate File 2086

EDUCATION: Redfern, Chair; Angelo and Fink

Senate File 2087

AGRICULTURE: Rensink, Chair; Kibbie and McLaren

Senate File 2088

AGRICULTURE: Black, Chair; Bartz and Rife

SCR 101

EDUCATION: Dvorsky, Chair; Neuhauser and Rehberg

SSB 2067

COMMERCE: Bartz, Chair; Flynn and Jensen

SSB 2068

COMMERCE: Schuerer, Chair; Flynn and Rife

SSB 2069

COMMERCE: Rife, Chair; Deluhery and Lundby

SSB 2070

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and McLaren

SSB 2071

WAYS AND MEANS: Hedge, Chair; Borlaug and Szymoniak

SSB 2072

WAYS AND MEANS: McKibben, Chair; Borlaug, Connolly, Douglas, and Palmer

SSB 2073

WAYS AND MEANS: McKibben, Chair; Connolly and Douglas

**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 3, 1998, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the State Soil Conservation Committee:

CAROL R. JENSEN: Kibbie, Chair; Rensink and Bartz

COMMERCE

As a member of the Iowa Telecommunications and Technology Commission:

JENNIFER L. BROWNLEE: Rife, Chair; Hansen and Bartz

As a member of the Utilities Board:

PAULA S. DIERENFELD: Jensen, Chair; McCoy and Douglas

EDUCATION

As members of the State Board of Education:

MARY JEAN MONTGOMERY: Kibbie, Chair; Rensink and Tinsman
JOHN C. WHITE: Neuhauser, Chair; Dvorsky and Boettger

As a member of the Board of Educational Examiners:

PETER E. HATHAWAY: Redwine, Chair; Rensink and Szymoniak

HUMAN RESOURCES

As a member of the Commission on the Deaf:

JANICE L. WILSON: Schuerer, Chair; Harper and Behn

As a member of the Health Facilities Council:

KATHLEEN E. KREGEL: Dvorsky, Chair; Redwine and Behn

As Administrator of the Division of Deaf Services:

KATHRYN L. BAUMANN-REECE: Szymoniak, Chair; Redwine and Schuerer

JUDICIARY

As a member of the Board of Parole:

GRACE G. COPLEY: Harper, Chair; Angelo and Drake

As Director of the Department of Corrections:

WALTER L. KAUTZKY: Hammond, Chair; McKean and Maddox

LOCAL GOVERNMENT

As a member of the City Development Board:

JAMES M. LAWRENCE: McKean, Chair; Kramer and Connolly

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

As a member of the Iowa Economic Development Board:

DR. PAMELA R. SESSIONS: Palmer, Chair; Flynn and Boettger

STATE GOVERNMENT

As a member of the Board of Barber Examiners:

ELLEN T. LARSON: Tinsman, Chair; Harper and Drake

As a member of the Board of Medical Examiners:

DR. CURTIS L. REYNOLDS: Lundby, Chair; Szymoniak and Harper

As a member of the Commission of Veterans Affairs:

ROBERT B. LEEMAN: Drake, Chair; Kibbie and Borlaug

As a member of the Engineering & Land Surveying Examining Board:

DIANE R. WEILAND: Fink, Chair; McKibben and Halvorson

As Director of the Department of General Services:

RICHARD J. HAINES: King, Chair; Deluhery and Tinsman

TRANSPORTATION

As a member of the Iowa Law Enforcement Academy:

LYNNE R. DeKRUIF: Borlaug, Chair; Drake and Gettings

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee assigned to standing committee for investigation was placed on the En Bloc Calendar with recommendation for confirmation on February 3, 1998:

TRANSPORTATION

Lynne R. DeKruif - Iowa Law Enforcement Academy Council

AMENDMENTS FILED

S-5013

S.F. 2094

Bill Fink
Dennis Black
Mike Connolly
Dick L. Dearden
Patrick J. Deluhery
Robert E. Dvorsky
Tom Flynn

		Eugene S. Fraise
		Don Gettings
		Michael E. Gronstal
		Rod Halvorson
		Steven D. Hansen
		Patricia Harper
		Wally E. Horn
		Patty Judge
		John P. Kibbie
		Matt McCoy
		Mary Neuhauser
		William D. Palmer
		Elaine Szymoniak
		Tom Vilsack
S-5014	S.F. 540	Business and Labor Relations
S-5015	S.F. 2094	Mike Connolly
		Dennis Black
		Dick L. Dearden
		Patrick J. Deluhery
		Bill Fink
		Robert E. Dvorsky
		Tom Flynn
		Eugene S. Fraise
		Don Gettings
		Michael E. Gronstal
		Rod Halvorson
		Steven D. Hansen
		Patricia Harper
		Wally E. Horn
		Patty Judge
		John P. Kibbie
		Mary Neuhauser
		William D. Palmer
		Elaine Szymoniak
		Tom Vilsack
S-5016	S.F. 2094	Patricia Harper
		Steven D. Hansen
		Elaine Szymoniak
		Robert E. Dvorsky
S-5017	S.F. 2094	John P. Kibbie
		Dennis H. Black

Mike Connolly
 Dick L. Dearden
 Patrick J. Deluhery
 Robert Dvorsky
 Bill Fink
 Tom Flynn
 Eugene Fraise
 Don E. Gettings
 Michael E. Gronstal
 Rod Halvorson
 Steven D. Hansen
 Patricia Harper
 Wally E. Horn
 Patty Judge
 Mary Neuhauser
 William D. Palmer
 Elaine Szymoniak
 Tom Vilsack
 Rod Halvorson
 Robert E. Dvorsky
 Patty Judge
 Michael E. Gronstal
 Elaine Szymoniak
 Patricia Harper

S-5018

S.F. 2094

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:18 p.m., until 9:00 a.m., Wednesday, February 4, 1998.

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 4, 1998

The Senate met in regular session at 9:07 a.m., Senator Redfern presiding.

Prayer was offered by the Reverend Casey Reinkoester, pastor of the New Covenant Fellowship, Independence, Iowa.

The Journal of Tuesday, February 3, 1998, was approved.

POINT OF ORDER

Senator Fink raised the point of order that Senate Files 540 and 2073 as listed on the Senate Calendar are not eligible until February 9, 1998.

Senator Fink withdrew his point of order.

INTRODUCTION OF BILLS

Senate File 2103, by Horn, a bill for an act relating to grandparent and great-grandparent visitation rights.

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

Senate File 2104, by Borlaug, a bill for an act relating to a sales, services, and use tax exemption for the purchase or rental of business-related equipment.

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

Senate File 2105, by Borlaug, a bill for an act requiring the department of economic development to report on the status of international trade development in this state.

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

Senate File 2106, by Borlaug, a bill for an act requiring a monitoring and notification system connected to an earthen manure storage structure, providing a penalty, and providing effective dates.

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

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 4, 1998, 9:50 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by UNI.

Adjourned: 10:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 4, 1998, 9:41 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Iverson (excused).

Committee Business: Presentation by Iowa Department of Workforce Development.

Adjourned: 11:23 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 4, 1998, 9:40 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; and Kibbie.

Members Absent: Horn, Ranking Member; and McLaren (both excused).

Committee Business: Presentations by Sioux City School District, Siouxland Chamber of Commerce, and Iowa Association of Business and Industry.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 4, 1998, 9:49 a.m.

Members Present: Rittmer, Chair; and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Presentations by Department of General Services and Department of Elder Affairs.

Adjourned: 11:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 4, 1998, 9:45 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Presentations by LFB, DHS, ISAC, and Pottawattamie, Mills, Montgomery, Cass, and Scott counties.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 4, 1998, 9:38 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Presentation by Department of Corrections.

Adjourned: 11:34 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: February 4, 1998, 9:47 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Presentation by ICN.

Adjourned: 11:17 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 4, 1998, 9:45 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Presentations by Fort Des Moines Black Officers Memorial, Inc. and IDOP.

Adjourned: 10:40 a.m.

AGRICULTURE

Convened: February 4, 1998, 8:01 a.m.

Members Present: Rensink, Chair; McLaren, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Iverson, Kibbie, Rehberg, Rife, and Vilsack.

Members Absent: Black (excused).

Committee Business: Approved study bills.

Adjourned: 8:40 a.m.

APPROPRIATIONS

Convened: February 4, 1998, 3:04 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Borlaug, Douglas, Dvorsky, Halvorson, Hammond, Harper, Hedge, Jensen, Lundby, Maddox, McCoy, Rehberg, Rensink, Rife, Rittmer, and Tinsman.

Members Absent: Kramer, Vice Chair; Black, Freeman, Horn, Neuhauser, Vilsack (all excused).

Committee Business: Subcommittee assignments. Discussed targets.

Adjourned: 3:12 p.m.

STATE GOVERNMENT'

Convened: February 4, 1998, 2:05 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, Tinsman.

Members Absent: None.

Committee Business: Governor's appointees assigned to subcommittees. Approved SF 2075.

Adjourned: 2:15 p.m.

WAYS AND MEANS

Convened: February 4, 1998, 11:35 a.m.

Members Present: Douglas, Chair; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Vilsack.

Members Absent: McKibben, Vice Chair; Palmer, Ranking Member; McLaren and Szymoniak (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:45 a.m.

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2119 (SSB 2032), a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rensink, Judge, Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Iverson, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2120 (SSB 2013), a bill for an act requiring that gasoline for certain purposes contain oxygenates, restricting the blending of gasoline, making a penalty applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rensink, Judge, Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Iverson, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 1: Black.

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 2120, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2121 (SSB 2031), a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rensink, Judge, Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Iverson, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 1: Black.

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 2121, and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Final Bill Action: *SENATE FILE 2112 (SSB 2004), a bill for an act striking the sunset provision relating to the employment security administrative contribution surcharge.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Rife, King, Dearden, Behn, Freeman, Gettings, Horn, Jensen, McKean, and Palmer. Nays, 1: Schuerer.

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 Business and Labor Committee on Senate File 2112, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2005, a bill for an act relating to forestry and rural development by establishing a revolving loan fund.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bartz, Angelo, Fink, Black, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent or not voting, 3: Borlaug, Iverson, and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2075, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Halvorson, Harper, King, Lundby, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 3: Fink, McLaren, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2111 (SSB 2034), a bill for an act establishing a railroad revolving loan fund and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2113 (SSB 2038), a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILLS

Senate File 2107, by Hammond, Gronstal, Dearden, Deluhery, Halvorson, Flynn, Black of Jasper, Connolly, Harper, Horn, Judge, Kibbie, Neuhauser, Palmer, McCoy, Vilsack, Szymoniak, Gettings, Dvorsky, Fraise, Hansen, and Fink, a bill for an act relating to statewide comprehensive early child development services for at-risk four-year-old children and making an appropriation.

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

Senate File 2108, by Palmer and Dearden, a bill for an act relating to the administration of lasix to race horses, and subjecting violators to a penalty.

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

Senate File 2109, by Borlaug, a bill for an act relating to mobile home dealers.

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

Senate File 2110, by Hansen, a bill for an act appropriating money to the department of public safety to provide training for law enforcement personnel concerning persons with Alzheimer's disease.

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

Senate File 2111, by committee on Transportation, a bill for an act establishing a railroad revolving loan fund and making an appropriation.

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

Senate File 2112, by committee on Business and Labor, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

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

Senate File 2113, by committee on Transportation, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

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

Senate File 2114, by Connolly, a bill for an act relating to establishment of a midwest museum of the arts.

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

Senate File 2115, by Gronstal and Dearden, a bill for an act relating to employee participation in political party conventions and creating a penalty.

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

Senate File 2116, by Angelo, a bill for an act relating to the registration of sex offenders, by making changes in the registry information which must be provided by an offender, making changes to contempt procedures applicable to a refusal to register, changing the procedures applicable to release of information from the registry, and providing for the assessment of risk of persons required to register as sex offenders.

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

Senate File 2117, by Iverson, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities.

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

Senate File 2118, by Harper, a bill for an act establishing a pharmaceutical assistance program for the elderly and providing a penalty.

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

Senate File 2119, by committee on Agriculture, a bill for an act relating to the corn promotion board, by increasing the ceiling on the

state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Read first time under Rule 28 and placed on calendar.

Senate File 2120, by committee on Agriculture, a bill for an act requiring that gasoline for certain purposes contain oxygenates, restricting the blending of gasoline, making a penalty applicable, and providing an effective date.

Read first time under Rule 28 and placed on calendar.

Senate File 2121, by committee on Agriculture, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

Read first time under Rule 28 and placed on calendar.

STUDY BILLS RECEIVED

SSB 2074 Agriculture

Providing for interests in authorized entities owning or leasing agricultural land and making penalties applicable.

SSB 2075 Commerce

Relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

SSB 2076 Commerce

Relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

SSB 2077 Judiciary

Concerning judicial administration.

SSB 2078 Judiciary

Relating to administration of criminal sentencing by making changes pertaining to suspension of portions of sentences in operating while intoxicated cases; providing for a mandatory minimum term of incarceration for felonious domestic abuse assault; allowing distribution of the presentence investigation report under certain circumstances; adding attempted murder to the crimes for which a person must serve eighty-five percent of the sentence imposed; eliminating a parole requirement for persons convicted of sexually predatory offenses; making changes relating to the receipt of credit for time served for escapes, offenses committed while in an institution, and for time spent in a violator facility; and providing for the sharing of certain habilitative and treatment resources with the department of human service.

SSB 2079 Judiciary

Relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

SSB 2080 Judiciary

Relating to property of a debtor which is exempt from execution.

SSB 2081 Ways and Means

Updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

SSB 2082 Ways and Means

Relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state

individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions.

BILLS ASSIGNED TO COMMITTEES

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

S.F.	2103	Human Resources
S.F.	2104	Ways and Means
S.F.	2105	Small Business, Economic Development and Tourism
S.F.	2106	Agriculture
S.F.	2107	Human Resources
S.F.	2108	Agriculture
S.F.	2109	Transportation
S.F.	2110	Appropriations
S.F.	2114	Education
S.F.	2115	Business and Labor Relations
S.F.	2116	Judiciary
S.F.	2117	Transportation
S.F.	2118	Human Resources

SUBCOMMITTEE ASSIGNMENTS

Senate File 488
(Reassignment)

APPROPRIATIONS: Behn, Chair; Black, Flynn, Hedge, Lundby, Rensink, and Vilsack

Senate File 2054

TRANSPORTATION: Drake, Chair; Borlaug and Gettings

Senate File 2083

STATE GOVERNMENT: Drake, Chair; Harper and King

Senate File 2089

WAYS AND MEANS: McKibben, Chair; Redfern and Szymoniak

Senate File 2091

WAYS AND MEANS: McLaren, Chair; Judge and Redfern

Senate File 2092

WAYS AND MEANS: Douglas, Chair; Connolly and Maddox

Senate File 2093

STATE GOVERNMENT: Rife, Chair; Fink and Lundby

Senate File 2095

JUDICIARY: Maddox, Chair; Drake and Harper

Senate File 2096

HUMAN RESOURCES: Boettger, Chair; Dearden and Tinsman

Senate File 2097

HUMAN RESOURCES: Boettger, Chair; Dearden and Redwine

Senate File 2100

WAYS AND MEANS: McKibben, Chair; Douglas and Judge

Senate File 2101

WAYS AND MEANS: McLaren, Chair; Deluhery and Redfern

Senate File 2102

WAYS AND MEANS: McKibben, Chair; Maddox and Palmer

SJR 2001

APPROPRIATIONS: Jensen, Chair; Black, Douglas, Halvorson, and Tinsman

SSB 2074

AGRICULTURE: Rensink, Chair; Angelo and Judge

SSB 2075

COMMERCE: McCoy, Chair; King and Maddox

SSB 2076

COMMERCE: Deluhery, Chair; Douglas and Schuerer

SSB 2077

JUDICIARY: McKibben, Chair; Neuhauser and Redfern

SSB 2078

JUDICIARY: Angelo, Chair; Halvorson and Maddox

SSB 2079

JUDICIARY: Angelo, Chair; Halvorson and Maddox

SSB 2080

JUDICIARY: Tinsman, Chair; Hammond and McKibben

PETITION

The following petition was presented and placed on file by:

Senator Harper, from thirty-eight residents of Black Hawk County, favoring legislation (1) opposing managed care for child welfare, (2) oppose changes to Chapter 20, (3) for public hearings on merit, and (4) for moratorium on privatization of human services.

AMENDMENT FILED

S-5019 S.F. 2042 Jack Rife

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee assigned to standing committee for investigation was placed on the En Bloc Calendar with recommendation for confirmation on February 4, 1998:

STATE GOVERNMENT

Robert B. Leeman - Commission of Veterans Affairs

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:33 a.m., until 9:00 a.m., Thursday, February 5, 1998.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 5, 1998

The Senate met in regular session at 9:11 a.m., President Kramer presiding.

Prayer was offered by the Reverend Jim Newby, pastor of the Plymouth Congregational Church, Des Moines, Iowa.

The Journal of Wednesday, February 4, 1998, was approved.

INTRODUCTION OF BILLS

Senate File 2122, by Rittmer, a bill for an act changing the conditions for providing nuisance suit protection for animal feeding operations.

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

Senate File 2123, by McKibben, a bill for an act relating to the inclusion of dentists in the volunteer health care provider program.

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

Senate File 2124, by Dvorsky, a bill for an act concerning assistive devices by providing for express warranties, replacement of assistive devices, and providing consumer remedies.

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

Senate File 2125, by Fink and Hammond, a bill for an act concerning access of minors to businesses conducting certain sexually arousing performances and making penalties applicable.

Read first time and passed on file.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2111** be referred from the Regular Calendar to the committee on **Appropriations**, and **Senate File 2042** be referred from the Regular Calendar to the committee on **Local Government**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:16 a.m., until 2:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: February 4, 1998, 4:04 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Bill assignments.

Adjourned: 4:34 p.m.

LOCAL GOVERNMENT

Convened: February 4, 1998, 2:05 p.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Connolly, Dearden, Hansen, Kramer, McKean, Redwine, and Schuerer.

Members Absent: None.

Committee Business: Bill assignments. Presentation by City Development Board.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 4, 1998, 1:05 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg.

Members Absent: Borlaug, Iverson, and McLaren (all excused).

Committee Business: Presentation by UNI.

Adjourned: 1:55 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: February 4, 1998, 1:08 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, and Rensink.

Members Absent: Schuerer (excused).

Committee Business: Governor's appointee deferred.

Adjourned: 1:18 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 5, 1998, 9:45 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by DNR.

Adjourned: 10:40 a.m.

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: *SENATE FILE 2131 (SSB 2030), a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rensink, McLaren, Judge, Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Iverson, Kibbie, Rehberg, Rife, and Vilsack. Nays, none. Absent or not voting, 1: Black.

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 2131, and they were attached to the committee report.

JUDICIARY

Final Bill Action: HOUSE FILE 2002, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

SUBCOMMITTEE ASSIGNMENTS

SSB 2082

WAYS AND MEANS: Maddox, Chair; Deluhery and Douglas

SSB 2083

(Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Schuerer, Chair; Hansen and Lundby

SSB 2086

WAYS AND MEANS: Douglas, Chair; McLaren and Vilsack

AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn for the remainder of the day, on request of Senator Judge.

QUORUM CALL

Senator Iverson 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 BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2081, 2082, 2090, 2121, and 2073.

Senate File 2081

On motion of Senator Kibbie, Senate File 2081, a bill for an act regulating implements of husbandry, 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. 2081), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy

McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack		

Nays, none.

Absent or Not Voting, 3:

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

Senate File 2082

On motion of Senator Hedge, Senate File 2082, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date, was taken up for consideration.

Senator Hedge offered amendment S-5020 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-5020 was adopted by a voice vote.

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?" (S.F. 2082), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg

Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	

Nays, none.

Absent or Not Voting, 2:

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

Senate File 2090

On motion of Senator Maddox, Senate File 2090, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2090), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	

Nays, none.

Absent or not voting, 2:

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

Senate File 2121

On motion of Senator Angelo, Senate File 2121, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	

Nays, none.

Absent or Not Voting, 2:

Horn Zieman

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

Senate File 2073

On motion of Senator Redwine, Senate File 2073, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the

prohibition, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Neuhauser offered amendment S-5021 filed by her from the floor striking everything after the enacting clause of the bill and moved its adoption.

Amendment S-5021 lost by a voice vote.

Senator Szymoniak offered amendment S-5025 filed by her from the floor, to page 1 of the bill and moved its adoption.

Amendment S-5025 lost by a voice vote.

Senator Fink offered amendment S-5023 filed by him from the floor, to page 1 of the bill and moved its adoption.

Amendment S-5023 lost by a voice vote.

Senator Dvorsky offered amendment S-5022 filed by him from the floor, to pages 1 and 2 of the bill and moved its adoption.

Amendment S-5022 lost by a voice vote.

Senator Harper offered amendment S-5024 filed by her from the floor, to pages 1 and 2 of the bill.

Senator Boettger raised the point of order that Senator Harper's question was beyond the scope of the amendment.

The Chair ruled the point not well taken and Senator Harper's question was in order.

Senator Harper moved adoption of S-5024.

Amendment S-5024 lost by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2073), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hansen	Harper
Hedge	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Vilsack		

Nays, 5:

Dearden	Hammond	Neuhauser	Rife
Szymoniak			

Absent or Not Voting, 2:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2081, 2082, 2090, 2121, and 2073** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 5, 1998, passed the following bill in which the **concurrence of the Senate** is asked:

House File 2119, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Read first time and passed on file.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 102, by Tinsman and Boettger, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight.

Read first time and passed on file.

Senate Concurrent Resolution 103, by Vilsack, Gronstal, Dearden, Fink, Halvorson, Flynn, Black of Jasper, Connolly, Harper, Horn, Judge, Kibbie, Neuhauser, Palmer, McCoy, Gettings, Fraise, and Hansen, a concurrent resolution encouraging the federal government to ease restrictions on the immediate removal from the classroom of students behaving violently or disruptively and requesting an appropriation increase to assist in establishing alternative education programs.

Read first time and passed on file.

INTRODUCTION OF BILLS

Senate File 2126, by Rehberg, a bill for an act requiring by statute a three-fifths majority vote for passage of state tax legislation.

Read first time and passed on file.

Senate File 2127, by Gronstal, Dearden, Fink, Halvorson, Hammond, Flynn, Black of Jasper, Harper, Connolly, Horn, Judge, Kibbie, Neuhauser, Palmer, McCoy, Gettings, Dvorsky, Fraise, and Hansen, a bill for an act relating to the establishment of a rewarding Iowa's students educationally scholarship program.

Read first time and passed on file.

Senate File 2128, by Hammond, Black of Jasper, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Gettings, Gronstal, Halvorson, Harper, Hansen, Horn, Judge, Kibbie, McCoy, Neuhauser, Palmer, Szymoniak, Vilsack, and Dvorsky, a bill for an act increasing the dependent credit under the individual income tax and including a retroactive applicability date provision.

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

Senate File 2129, by Rensink and Freeman, a bill for an act requiring the service needs of persons with traumatic brain injury to be addressed in county management plans for mental health, mental retardation, and developmental disabilities services.

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

Senate File 2130, by Kibbie, a bill for an act authorizing the issuance of revenue bonds by county fairs and the levy of a property tax for repayment security.

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

Senate File 2131, by committee on Agriculture, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, and providing penalties.

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

Senate File 2132, by Vilsack, a bill for an act relating to audits of nonprofit corporations created by or in association with the Iowa finance authority, providing for the transfer of funding, and providing an effective date.

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

Senate File 2133, by McCoy and Vilsack, a bill for an act relating to the composition of the board of directors of nonprofit corporations created by or in association with the Iowa finance authority, providing for the transfer of certain moneys, and providing an effective date.

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

Senate File 2134, by Dvorsky, a bill for an act extending indefinitely the school technology improvement program and the annual appropriation made for the program.

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

Senate File 2135, by committee on Judiciary, a bill for an act prohibiting the loan of money for gambling purposes through a credit card or an electronic or mechanical device at a licensed gambling facility.

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

Senate File 2136, 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, and providing effective and retroactive applicability dates.

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

Senate File 2137, by Rehberg, a bill for an act providing applicability provisions regarding recent amendments to the law relating to operating while intoxicated offenses.

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

Senate File 2138, by Rehberg, Behn, Rife, Redwine, King, McKibben, and Schuerer, a bill for an act repealing the state inheritance tax and providing for the Act's applicability.

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

Senate File 2139, by Rife and Szymoniak, a bill for an act defining physical therapists as health care providers for purposes of limited provider network plan offerings and group managed care health plans.

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

Senate File 2140, by Fink, a bill for an act relating to age requirements for offering early retirement incentive programs for school employees.

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

Senate File 2141, by Gronstal, Hansen, and Dvorsky, a bill for an act relating to an increase in the community college facilities levy.

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

Senate File 2142, by Judge, a bill for an act relating to the use of the Iowa communications network by certain health care professionals.

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

Senate File 2143, by Borlaug, a bill for an act authorizing a dry fire hydrant and rural water supply education and demonstration project and making an appropriation.

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

APPENDIX

CERTIFICATES OF RECOGNITION

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

Daniel Aguirre, Ankeny – For winning the Prudential Spirit of Community Award for outstanding, self-initiated community service. Senator Palmer (2/4/98).

City of Coralville – 125th Year Anniversary. Senator Dvorsky (4/7/98).

City of Ely – 125th Year Anniversary. Senator Dvorsky (4/7/97).

John and Jean O'Neil, Iowa City – For celebrating their 50th Wedding Anniversary. Senator Dvorsky (1/21/98).

Lauren Rollins, Carson – For winning a prudential Spirit of Community Award for outstanding, self-initiated community service. Senator McLaren (2/5/98).

Marie and Charles Ruppert, Iowa City – For celebrating their 60th Wedding Anniversary. Senator Dvorsky (5/17/97).

Arlene and Merlin Shera, Tiffin – For celebrating their 50th Wedding Anniversary. Senator Dvorsky (7/28/97).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 5, 1998, 9:57 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; Fink and Iverson.

Members Absent: None.

Committee Business: Presentations by US Small Business Administration and DED Human Resource Marketing Advisory Group.

Adjourned: 11:28 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 5, 1998, 9:44 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; and Kibbie.

Members Absent: Horn, Ranking Member; and McLaren.

Committee Business: Presentations by the U of I, Iowa City Schools, and Reading Recovery Task Force.

Adjourned: 11:29 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 5, 1998, 9:55 a.m.

Members Present: Rittmer, Chair; and McKibben, Vice Chair.

Members Absent: Flynn, Ranking Member; Kramer and Palmer (all excused).

Committee Business: Presentations by Department of Elder Affairs, Department of Human Rights.

Adjourned: 11:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 5, 1998, 9:50 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; and Fraise.

Members Absent: McKean (excused).

Committee Business: Presentation by Judicial Branch.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: February 5, 1998, 9:55 a.m.

Members Present: Rife, Chair; and Deluhery.

Members Absent: King, Vice Chair; Neuhauser, Ranking Member (excused); and Jensen (excused).

Committee Business: Presentations by DWD and LSB.

Adjourned: 11:20 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 5, 1998, 9:50 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Presentation by Department of General Services.

Adjourned: 10:35 a.m.

EDUCATION

Convened: February 5, 1998, 1:03 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Redwine, Rensink, and Tinsman.

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

Committee Business: Subcommittee assignments. Governor's appointments.

Adjourned: 1:17 p.m.

TRANSPORTATION

Convened: February 5, 1998, 11:35 a.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Fraise, Freeman, Gettings, Halvorson, McKean, and Rittmer.

Members Absent: Connolly, Douglas, Jensen, and McKibben (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:56 a.m.

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2144 (SF 2033), a bill for an act relating to elections to change the boundaries of director districts after dissolution of a school district.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Redwine, Rensink, and Tinsman. Nays, none. Absent or not voting, 3: Iverson, Kramer, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2135 (SSB 2055), a bill for an act prohibiting the loan of money for gambling purposes through a credit card or an electronic or mechanical device at a licensed gambling facility.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2136 (SSB 2044), 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 effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2144, by committee on Education, a bill for an act relating to elections to change the boundaries of director districts after dissolution of a school district.

Read first time under Rule 28 and placed on calendar.

STUDY BILLS RECEIVED

SSB 2083 **Small Business, Economic Development and Tourism**

Relating to procurement requirements and agency responsibilities concerning the targeted small business program.

SSB 2084 Education

Providing for the establishment of a school energy conservation measure program.

SSB 2085 Education

Relating to the establishment of a beginning teacher induction program and making an appropriation.

SSB 2086 Ways and Means

Providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

SSB 2087 Education

Relating to the repeal of the school finance law.

SSB 2088 Commerce

Relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

SSB 2089 Commerce

Relating to open meetings and open records and permitting municipal utilities to close such meetings or records in specific circumstances.

SSB 2090 Commerce

Relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 2122	Agriculture
S.F. 2123	Human Resources
S.F. 2124	State Government
S.F. 2125	Judiciary
S.F. 2126	State Government
S.F. 2127	Education
S.F. 2128	Ways and Means
S.F. 2129	Human Resources
S.F. 2130	State Government
S.F. 2132	Small Business, Economic Development and Tourism
S.F. 2133	Small Business, Economic Development and Tourism
S.F. 2134	Appropriations
S.F. 2137	Judiciary
S.F. 2138	Ways and Means
S.F. 2139	Human Resources
S.F. 2140	Education
S.F. 2141	Education
S.F. 2142	Commerce
S.F. 2143	Appropriations
S.C.R. 102	Human Resources
S.C.R. 103	Education
H.F. 2119	Ways and Means

SUBCOMMITTEE ASSIGNMENTS

Senate File 2104

WAYS AND MEANS: Douglas, Chair; Borlaug and Judge

Senate File 2106

AGRICULTURE: Rensink, Chair; Fraise and McLaren

Senate File 2108

AGRICULTURE: Angelo, Chair; Black and Rife

Senate File 2110

APPROPRIATIONS: Rittmer, Chair; Hammond, Neuhauser, Rife, and Tinsman

Senate File 2111

APPROPRIATIONS: Freeman, Chair; Dvorsky, Hedge, Horn, and Tinsman

Senate File 2115

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Jensen and Schuerer

SSB 2084

EDUCATION: Rehberg, Chair; Angelo and Kibbie

SSB 2085

EDUCATION: Angelo, Chair; Fink and Kramer

SSB 2087

EDUCATION: Redfern, Chair; Angelo and Szymoniak

SSB 2088

COMMERCE: Maddox, Chair; Jensen and McCoy

SSB 2089

COMMERCE: Redfern, Chair; Gronstal and King

SSB 2090

COMMERCE: Gronstal, Chair; Douglas and Redfern

AMENDMENTS FILED

S-5020	S.F. 2082	H. Kay Hedge
S-5021	S.F. 2073	Mary Neuhauser
S-5022	S.F. 2073	Robert E. Dvorsky
S-5023	S.F. 2073	Bill Fink
S-5024	S.F. 2073	Patricia Harper
S-5025	S.F. 2073	Elaine Szymoniak

REQUEST FOR NOMINEE INTRODUCTION

To the Secretary of the Senate:

Pursuant to Senate Rule 59, we respectfully request that DR. PAMELA R. SESSIONS, the Governor's appointee to the Iowa Economic Development Board, be introduced to the full Senate prior to a vote on confirmation of the appointment.

MARY A. LUNDBY
MARY LOU FREEMAN
STEVEN D. HANSEN
DICK L. DEARDEN
WILLIAM D. PALMER

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:00 p.m.,
until 11:00 a.m., Monday, February 9, 1998.

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 9, 1998

The Senate met in regular session at 11:04 a.m., President Kramer presiding.

Prayer was offered by the Reverend Perry Fruhling, pastor of the Bethany Lutheran Church, Thompson, Iowa.

The Journal of Thursday, February 5, 1998, was approved.

ANNOUNCEMENT OF VACANCY

President Kramer announced that notification had been received from the office of Governor Branstad of the following vacancy in the Senate:

District 8 – James E. Black, resignation effective January 6, 1998.

COMMITTEE ON CREDENTIALS

Senator Iverson moved that a committee on Credentials be appointed to examine and report on the election in Senate District 8.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Maddox, Chair; King, Boettger, Black, and Horn.

The Senate stood at ease at 11:09 a.m., until the fall of the gavel.

The Senate resumed session at 11:13 a.m., President Kramer 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 1998 Session of the Seventy-seventh General Assembly.

GENE MADDOX, Chair
STEVE KING
NANCY BOETTGER
DENNIS H. BLACK
WALLY HORN

CERTIFICATION — STATE OF IOWA
OFFICE OF THE SECRETARY OF STATE

To the Honorable, the Secretary of Senate:

I, PAUL PATE, 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 February 3, 1998, Thurman Gaskill was elected to fill a vacancy in the office of State Senator of the Eighth District, for the balance of the term which began on January 13, 1997.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines this 9th day of February, 1998.

PAUL PATE, Secretary of State

Senator Maddox moved the adoption of the Report of the Committee on Credentials, which motion prevailed by a voice vote.

Senator Thurman Gaskill was escorted to the bar of the Senate by Senators Angelo and Tinsman, was duly sworn and subscribed his name to the oath of office.

SELECTION OF SEATS

Senator Iverson asked and received unanimous consent that Senator Angelo be assigned Seat 32 and Senator Gaskill be assigned Seat 1.

INTRODUCTION OF BILLS

Senate File 2145, by Tinsman, a bill for an act specifying that physicians practicing obstetrics and gynecology are to be included as eligible participants in the volunteer health care provider program.

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

Senate File 2146, by Neuhauser, a bill for an act relating to a debtor's exemptions in bankruptcy.

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

Senate File 2147, by Black, a bill for an act relating to the burial of cremated remains of a deceased individual and requiring registration with the county recorder.

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

APPENDIX**COMMITTEE ASSIGNMENTS**

Senator Iverson announced Senator Gaskill's assignment to the following committees:

Agriculture (Vice Chair) – replacing Senator Iverson
Education – replacing Senator Iverson
Local Government – replacing Senator Kramer
Natural Resources and Environment – replacing Senator McLaren
Appropriations Subcommittee on
Administration and Regulation – replacing Senator Iverson

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 5, 1998, when the vote was taken on Senate File 2073. Had I been present, I would have voted "aye."

WALLY E. HORN

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

Convened: February 5, 1998, 9:35 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gaskill and Gettings.

Members Absent: None.

Committee Business: Tour of Department of Revenue and Finance.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 5, 1998, 9:50 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; and Szymoniak.

Members Absent: Redwine (excused).

Committee Business: Recommendations of Work Group of Mental Health/Plan Issues. Presentations by LFB and DHS.

Adjourned: 11:30 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 9, 1998, 1:05 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, and Rehberg.

Members Absent: Gaskill, Iverson, Judge, and McKibben (all excused).

Committee Business: Bills voted to calendar.

Adjourned: 1:25 p.m.

INTRODUCTION OF BILLS

Senate File 2148, by Horn and Tinsman, a bill for an act relating to certification of the need for minors' school licenses.

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

Senate File 2149, by Maddox, a bill for an act relating to the display of a safety flag by a boat towing a water skier.

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

Senate File 2150, by Maddox, a bill for an act providing coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses for the costs associated with equipment, supplies, and self-management educational training for the treatment of diabetes.

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

Senate File 2151, by Maddox, a bill for an act relating to political party county convention delegates and providing an effective date.

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

Senate File 2152, by Maddox, a bill for an act restricting the reduction in benefits under certain disability insurance coverage as a result of quadriplegia.

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

Senate File 2153, by Maddox, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

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

Senate File 2154, by Tinsman, a bill for an act prohibiting smoking in child day care facilities and making a penalty applicable.

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

Senate File 2155, by Flynn, a bill for an act providing for the number of children receiving care under the child care home pilot projects and providing an effective date.

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

Senate File 2156, by committee on Transportation, a bill for an act relating to motor trucks, including weight requirements and transportation of hazardous materials, and providing an effective date.

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

STUDY BILLS RECEIVED

SSB 2091 Agriculture

Relating to a partial property tax exemption for value added to certain livestock facilities and providing an applicability date.

SSB 2092 State Government

Transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the

emergency management division in the department of public defense to the E911 communications council.

SSB 2093 State Government

Providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

SSB 2094 State Government

Relating to the state registrar of voters.

SSB 2095 State Government

To provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

SSB 2096 Human Resources

Relating to child support, providing penalties, and providing effective dates.

SSB 2097 Commerce

Relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

SSB 2098 Commerce

Relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

SSB 2099 Commerce

Relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

SSB 2100 Commerce

Relating to consumer credit contracts and the permissible fees and charges which may be assessed under such contracts.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 2145	Human Resources
S.F. 2146	Judiciary
S.F. 2147	Local Government
S.F. 2148	Transportation
S.F. 2149	Natural Resources and Environment
S.F. 2150	Commerce
S.F. 2151	State Government
S.F. 2152	Commerce
S.F. 2153	State Government
S.F. 2154	Human Resources
S.F. 2155	Human Resources

SUBCOMMITTEE ASSIGNMENTS**Senate File 2042**

LOCAL GOVERNMENT: Angelo, Chair; Dearden and McKean

Senate File 2098

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Lundby, Chair; Flynn and King

Senate File 2099

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Lundby, Chair; Flynn and King

Senate File 2103

HUMAN RESOURCES: Bartz, Chair; Behn and Dvorsky

Senate File 2105

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: King, Chair; McCoy and Rensink

Senate File 2107

HUMAN RESOURCES: Boettger, Chair; Dearden and Tinsman

Senate File 2118

HUMAN RESOURCES: Schuerer, Chair; Dvorsky and Tinsman

Senate File 2122

AGRICULTURE: Rensink, Chair; McLaren and Vilsack

Senate File 2123

HUMAN RESOURCES: Behn, Chair; Dearden and Tinsman

Senate File 2129

HUMAN RESOURCES: Boettger, Chair; Hammond and Schuerer

Senate File 2132SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Lundby, Chair;
King and McCoy**Senate File 2133**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Lundby, Chair;
King and McCoy**Senate File 2134**

APPROPRIATIONS: Rehberg, Chair; Freeman, Hammond, Horn, and Tinsman

Senate File 2142

COMMERCE: Rife, Chair; Flynn and Lundby

Senate File 2143

APPROPRIATIONS: Borlaug, Chair; Black, Freeman, Jensen, and McCoy

SCR 102

HUMAN RESOURCES: Tinsman, Chair; Boettger and Szymoniak

SSB 2066

HUMAN RESOURCES: Bartz, Chair; Dearden and Behn

SSB 2081

WAYS AND MEANS: Borlaug, Chair; Freeman and Palmer

SSB 2092

STATE GOVERNMENT: Tinsman, Chair; Halvorson and McLaren

SSB 2093

STATE GOVERNMENT: Tinsman, Chair; Lundby and Szymoniak

SSB 2094

STATE GOVERNMENT: Lundby, Chair; Halvorson and Tinsman

SSB 2095

STATE GOVERNMENT: Drake, Chair; Borlaug and Halvorson

SSB 2097

COMMERCE: Flynn, Chair; Douglas and Rife

SSB 2098

COMMERCE: Schuerer, Chair; Bartz and Palmer

SSB 2099

COMMERCE: Jensen, Chair; Flynn and Lundby

SSB 2100

COMMERCE: Lundby, Chair; Hansen and Maddox

COMMITTEE REPORTS

HUMAN RESOURCES

Final Bill Action: SENATE CONCURRENT RESOLUTION 102, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2015, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, and Rehberg. Nays, none. Absent or not voting, 4: Gaskill, Iverson, Judge, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2156 (SSB 2036), a bill for an act relating to motor trucks, including weight requirements and transportation of hazardous materials, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: McCoy, Fraise, Freeman, Gettings, and Halvorson. Nays, 4: Drake, Borlaug, McKean, and Rittmer. Absent or not voting, 4: Connolly, Douglas, Jensen, and McKibben.

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 2156, and they were attached to the committee report.

AMENDMENT FILED

S-5026

S.F. 380

Elaine Szymoniak
O. Gene Maddox**ADJOURNMENT**

On motion of Senator Iverson, the Senate adjourned at 11:39 a.m., until 9:00 a.m., Tuesday, February 10, 1998.

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 10, 1998

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

Prayer was offered by the Reverend Kent Mechler, pastor of the Zion St. John Lutheran Church, Sheffield, Iowa.

The Journal of Monday, February 9, 1998, was approved.

INTRODUCTION OF BILLS

Senate File 2157, by Judge, a bill for an act relating to the issuance of additional antlerless deer hunting tags to licensed hunters.

Read first time and passed on file.

Senate File 2158, by Dvorsky, Neuhauser, Fink, Horn, and Connolly, a bill for an act relating to school finance, by providing advance funding for new students based upon increased student enrollment, making an appropriation, and providing an effective and applicability date.

Read first time and passed on file.

Senate File 2159, by Dvorsky and Angelo, a bill for an act relating to certification and licensing of certain occupations relating to real estate, by providing for appraiser certification, discipline of brokers and salespersons, and related matters, and making a penalty applicable.

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

Senate File 2160, by Borlaug, a bill for an act establishing a state protocol officer.

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

Senate File 2161, by Szymoniak, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

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

The Senate stood at ease at 9:07 a.m. until the fall of the gavel.

The Senate resumed session at 9:09 a.m., President Kramer presiding.

PRESENTATION

Senator Iverson presented Senator Jensen with an inscribed walnut box with a carved depiction of the Iowa State Capitol Building for Senator Jensen's tireless efforts to restore the Capitol building.

The Senate rose and expressed its appreciation to Senator Jensen.

Senator Jensen addressed the Senate with brief remarks.

APPENDIX**CERTIFICATES OF RECOGNITION**

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

Amanda Dahlen, Decorah – For winning a Prudential Spirit of Community Award for outstanding, self-initiated community service. Senator Zieman (2/10/98).

Derek Maddux, Ankeny – For winning a Prudential Spirit of Community Award for outstanding, self-initiated community service. Senator Palmer (2/9/98).

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

Convened: February 9, 1998, 11:05 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gaskill, and Gettings.

Members Absent: None.

Committee Business: Tour and lunch with the office of the state treasurer.

Adjourned: 12:45 p.m.

COMMERCE

Convened: February 9, 1998, 3:10 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 3:20 p.m.

HUMAN RESOURCES

Convened: February 9, 1998, 2:07 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman.

Members Absent: Iverson (excused).

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 2:58 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 10, 1998, 9:50 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Presentation by LFB.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 10, 1998, 9:47 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Iverson (excused).

Committee Business: Presentation by DED.

Adjourned: 11:02 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 10, 1998, 9:44 a.m.

Members Present: Rehberg, Chair; Horn, Ranking Member; Kibbie and McLaren.

Members Absent: Redfern, Vice Chair (excused).

Committee Business: Presentation by ISU.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 10, 1998, 9:50 a.m.

Members Present: Rittmer, Chair; and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Presentation by DOM.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 10, 1998, 9:50 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Discussion on appropriations bill.

Adjourned: 12:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 10, 1998, 9:53 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise, and McKean.

Members Absent: None.

Committee Business: Presentations by D.A.R.E. and Department of Public Safety.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 10, 1998, 9:55 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; and Douglas.

Members Absent: Connolly (excused).

Committee Business: Presentation by DOT.

Adjourned: 11:14 a.m.

AGRICULTURE

Convened: February 10, 1998, 8:05 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, and Vilsack.

Members Absent: Bartz and Rife (excused).

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 8:20 a.m.

JUDICIARY

Convened: February 10, 1998, 3:35 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, McKibben, Redfern, and Tinsman.

Members Absent: Angelo and King (both excused).

Committee Business: Bill assignments.

Adjourned: 3:37 p.m.

LOCAL GOVERNMENT

Convened: February 10, 1998, 2:35 p.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer.

Members Absent: Connolly (excused).

Committee Business: Bill assignments. Presentation by the League of Cities.

Adjourned: 2:50 p.m.

STATE GOVERNMENT

Convened: February 10, 1998, 2:38 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Szymoniak, and Tinsman.

Members Absent: Rife (excused).

Committee Business: Consideration of bills.

Adjourned: 2:52 p.m.

INTRODUCTION OF BILLS

Senate File 2162, by committee on Commerce, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

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

Senate File 2163, by Szymoniak, a bill for an act relating to the penalty applicable to persons who commit animal abuse.

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

Senate File 2164, by Vilsack, a bill for an act to provide for the imposition of a life sentence for adults who manufacture and deliver methamphetamine to a minor.

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

Senate File 2165, by Connolly, a bill for an act relating to an individual income tax credit for tuition and fees paid to attend an accredited private college or university in Iowa and providing an effective and retroactive applicability date provision.

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

Senate File 2166, by Fraise, a bill for an act relating to the exemption from taxation of retirement income for purposes of state individual income tax and providing a retroactive applicability date.

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

Senate File 2167, by Tinsman, a bill for an act providing for a scheduled fine for the offense of driving a motor vehicle while a license is suspended, denied, revoked, or barred for an operating while intoxicated offense, or in the alternative, for community service by a defendant unable to pay the fine, and making related changes.

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

Senate File 2168, by Dvorsky, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

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

Senate File 2169, by Hansen, a bill for an act relating to the designation of a state poison center and making an appropriation.

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

Senate File 2170, by Tinsman, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

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

Senate File 2171, by Borlaug, Maddox, Rehberg, Redfern, Lundby, and King, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

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

Senate File 2172, by Deluhery, Gronstal, Dearden, Fink, Halvorson, Hammond, Flynn, Black of Jasper, Connolly, Harper, Horn, Kibbie, Judge, Neuhauser, Palmer, Vilsack, Gettings, Dvorsky, and Fraise, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

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

Senate File 2173, by Gronstal, a bill for an act relating to disposition and use of unclaimed funds resulting from the liquidation of an insurer.

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

Senate File 2174, by committee on Agriculture, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

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

INTRODUCTION OF RESOLUTION

Senate Resolution 101, by committee on Rules and Administration, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Read first time under Rule 28 and placed on calendar.

STUDY BILLS RECEIVED

SSB 2101 Education

Relating to the establishment of a beginning teacher induction program and making an appropriation.

SSB 2102 State Government

Relating to mobile home dealers.

SSB 2103 State Government

Relating to amusement ride rider safety and providing a penalty.

SSB 2104 Transportation

Relating to motor vehicle damage disclosure statements.

SSB 2105 Education

Establishing an early education improvement program, focused on kindergarten through grade three in the public school districts, and making an appropriation.

SSB 2106 Judiciary

Relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

SSB 2107 Judiciary

Providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

SSB 2108 Judiciary

Relating to adoption procedural requirements including those related to investigations, reports, and counseling.

SSB 2109 Judiciary

Providing for the merger of a limited partnership with other business entities.

BILLS ASSIGNED TO COMMITTEE

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

S.F. 2157	Natural Resources and Environment
S.F. 2158	Education
S.F. 2159	Commerce
S.F. 2160	State Government
S.F. 2161	Human Resources
S.F. 2163	Judiciary
S.F. 2164	Judiciary
S.F. 2165	Ways and Means
S.F. 2166	Ways and Means
S.F. 2167	Judiciary
S.F. 2168	Judiciary
S.F. 2169	Human Resources
S.F. 2170	State Government
S.F. 2171	Judiciary
S.F. 2172	Ways and Means
S.F. 2173	Commerce

SUBCOMMITTEE ASSIGNMENTS

Senate File 2117

TRANSPORTATION: Rittmer, Chair; Gettings and Jensen

Senate File 2124

STATE GOVERNMENT: Rittmer, Chair; Deluhery and Lundby

Senate File 2125

JUDICIARY: McKean, Chair; Hammond and McKibben

Senate File 2137

JUDICIARY: McKean, Chair; Halvorson and Redfern

Senate File 2139

HUMAN RESOURCES: Redwine, Chair; Boettger and Dearden

Senate File 2145

HUMAN RESOURCES: Tinsman, Chair; Dvorsky and Redwine

Senate File 2146

JUDICIARY: Tinsman, Chair; Hammond and McKibben

Senate File 2148

TRANSPORTATION: Connolly, Chair; Freeman and McKean

Senate File 2150

COMMERCE: Maddox, Chair; Jensen and McCoy

Senate File 2152

COMMERCE: Maddox, Chair; Jensen and McCoy

Senate File 2159

COMMERCE: Lundby, Chair; Flynn and King

SSB 2101

EDUCATION: Angelo, Chair; Fink and Kramer

SSB 2102

STATE GOVERNMENT: Borlaug, Chair; Harper and Rife

SSB 2103

STATE GOVERNMENT: Lundby, Chair; Drake and Kibbie

SSB 2104

TRANSPORTATION: Jensen, Chair; Drake and Fraise

SSB 2105

EDUCATION: Redfern, Chair; Neuhauser, Rensink, Szymoniak, and Tinsman

SSB 2106

JUDICIARY: Maddox, Chair; McKibben and Neuhauser

SSB 2107

JUDICIARY: Maddox, Chair; Harper and King

SSB 2108

JUDICIARY: Maddox, Chair; Boettger and Hammond

SSB 2109

JUDICIARY: Redfern, Chair; Hansen and McKibben

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on February 10, 1998:

AGRICULTURE

Carol R. Jensen – State Soil Conservation Committee

COMMERCE

Jennifer L. Brownlee – Iowa Telecommunications and Technology Commission

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 3, 1998, when the vote was taken on Senate File 2094. Had I been present, I would have voted "aye."

LYLE E. ZIEMAN

SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

MADAM PRESIDENT: Your committee appointed to determine the mileage for the members of the Senate submits the following report:

<u>NAME</u>	<u>ROUND TRIP MILES</u>
Gaskill, E. Thurman.....	250

Respectfully Submitted,
MARY LOU FREEMAN, Chair
JOHN W. JENSEN
DON E. GETTINGS
MICHAEL CONNOLLY

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: SENATE FILE 2174 (SSB 2060), a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, and Vilsack. Nays, none. Absent or not voting, 2: Bartz and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2162 (SSB 2075), a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 101, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Lundby and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

UPDATED TEMPORARY COMMITTEE ASSIGNMENTS

Senator Iverson announced the following temporary committee assignments:

Agriculture	Senator McLaren
Business and Labor	Senator McKean
Human Resources	Senator Iverson
Local Government	Senator Schuerer
Natural Resources and Environment	Senator Iverson
Appropriations Subcommittee on Economic Development	Senator Iverson

These committee assignments will remain in effect until Senator Zieman returns to the Senate.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:14 a.m., until 9:00 a.m., Wednesday, February 11, 1998.

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 11, 1998

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Reverend Douglas Dowling, pastor of St. John's Lutheran Church, Craig, Iowa.

The Journal of Tuesday, February 10, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 February 10, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2029, a bill for an act relating to the composition of the board of podiatry examiners.

Senate File 2081, a bill for an act regulating implements of husbandry.

ALSO: That the House has on February 10, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2049, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

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

INTRODUCTION OF BILLS

Senate File 2175, by Ziemann, a bill for an act relating to information entered on property tax rolls for mobile, modular, or manufactured homes.

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

Senate File 2176, by Ziemann, a bill for an act relating to assessment of certain manufactured buildings for purposes of property taxation.

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

Senate File 2177, by Redwine, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

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

APPENDIX**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: February 10, 1998, 1:02 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Connolly, Ranking Member; and Kramer (both excused).

Committee Business: Subcommittee assignments. Recommended confirmation of governor's appointee. Presentation by Governor Lamar Alexander.

Adjourned: 2:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 11, 1998, 10:10 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Iverson (excused).

Committee Business: Presentation by Department of Workforce Development.

Adjourned: 10:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 11, 1998, 9:44 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; and Horn, Ranking Member.

Members Absent: Kibbie and McLaren (both excused).

Committee Business: Budget discussion.

Adjourned: 10:57 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 11, 1998, 10:06 a.m.

Members Present: Rittmer, Chair; Flynn, Ranking Member; and Palmer.

Members Absent: McKibben, Vice Chair; and Kramer (both excused).

Committee Business: Discussion of appropriation issues.

Adjourned: 10:50 a.m.

COMMERCE

Convened: February 11, 1998, 8:04 a.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Douglas, Flynn, Gronstal, Hansen, King, and Redfern.

Members Absent: Bartz, Lundby, Maddox, McCoy, Palmer, and Rife (all excused).

Committee Business: Presentation by Superintendent of Banking.

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: February 11, 1998, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Deluhery, Drake, Freeman, Hedge, Maddox, Szymoniak, and Vilsack.

Members Absent: Connolly, Judge, McLaren, and Redfern (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 12:20 p.m.

INTRODUCTION OF BILLS

Senate File 2178, by Black, a bill for an act to prohibit public intoxication by inhaling chemical substances and providing a penalty.

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

Senate File 2179, by Black, a bill for an act relating to the authority and immunity of federal law enforcement officers in making arrests for nonfederal crimes.

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

Senate File 2180, by Black, a bill for an act relating to the audit of the annual report of receipts and disbursements of a township clerk.

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

Senate File 2181, by Tinsman, a bill for an act to establish sexual harassment as an unfair employment practice under the jurisdiction of the civil rights commission.

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

Senate File 2182, by committee on State Government, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

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

Senate File 2183, by committee on State Government, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

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

Senate File 2184, by committee on Natural Resources and Environment, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

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

Senate File 2185, by committee on Natural Resources and Environment, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

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

Senate File 2186, by McKibben, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

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

Senate File 2187, by McKibben and McKean, a bill for an act relating to the validity of certain marriages.

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

Senate File 2188, by committee on Commerce, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

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

Senate File 2189, by committee on Commerce, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

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

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 104, by Hansen and Gronstal, a concurrent resolution requesting the Congress of the United States to establish a national park in the Loess Hills area of western Iowa.

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

Senate Concurrent Resolution 105, by Boettger, a concurrent resolution relating to the intent of the Iowa General Assembly regarding federal tobacco legislation.

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

STUDY BILLS RECEIVED

SSB 2110 Ways and Means

Relating to rural improvement zones.

SSB 2111 Human Resources

Relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

SSB 2112 Education

Establishing an early education improvement program, focused on kindergarten through grade three in the public school districts, and making an appropriation.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on February 11, 1998:

EDUCATION

Mary Jean Montgomery – State Board of Education
John C. White – State Board of Education

Peter E. Hathaway – Board of Educational Examiners

HUMAN RESOURCES

Kathleen E. Kregel – Health Facilities Council

Kathryn L. Baumann-Reese – Administrator of the Division of Deaf Services

BILLS ASSIGNED TO COMMITTEE

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

S.F. 2175	Ways and Means
S.F. 2176	Ways and Means
S.F. 2177	Human Resources
S.F. 2178	Judiciary
S.F. 2179	Judiciary
S.F. 2180	Local Government
S.F. 2181	Human Resources
S.F. 2186	Human Resources
S.F. 2187	Judiciary
S.C.R. 104	Natural Resources and Environment
S.C.R. 105	Human Resources
H.F. 2049	Local Government

SUBCOMMITTEE ASSIGNMENTS

Senate File 2109

TRANSPORTATION: Borlaug, Chair; McCoy and McKean

Senate File 2128

WAYS AND MEANS: Drake, Chair; Judge and McKibben

Senate File 2138

WAYS AND MEANS: McLaren, Chair; Connolly and Drake

Senate File 2149

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Borlaug and Dvorsky

Senate File 2151

STATE GOVERNMENT: Lundby, Chair; Deluhery and Tinsman

Senate File 2153

STATE GOVERNMENT: Rittmer, Chair; Halvorson and Tinsman

Senate File 2157

NATURAL RESOURCES AND ENVIRONMENT: Judge, Chair; Angelo and Rehberg

Senate File 2165

WAYS AND MEANS: Douglas, Chair; Borlaug and Connolly

Senate File 2166

WAYS AND MEANS: McLaren, Chair; Deluhery and Hedge

Senate File 2172

WAYS AND MEANS: Douglas, Chair; Borlaug and Connolly

House File 2119

WAYS AND MEANS: Douglas, Chair; Borlaug and Connolly

SSB 2091

AGRICULTURE: Rensink, Chair; Behn and Kibbie

SSB 2096

HUMAN RESOURCES: Boettger, Chair; Behn, Hammond, Harper, and Schuerer

SSB 2110

WAYS AND MEANS: Maddox, Chair; Douglas and Judge

SSB 2111

HUMAN RESOURCES: Tinsman, Chair; Boettger and Hammond

SR 101

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2188 (SSB 2097), a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, and Redfern. Nays, none. Absent or not voting, 6: Bartz, Lundby, Maddox, McCoy, Palmer, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2189 (SSB 2099), a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, and Redfern. Nays, none. Absent or not voting, 6: Bartz, Lundby, Maddox, McCoy, Palmer, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: *HOUSE CONCURRENT RESOLUTION 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to

conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5027.

Final Vote: Ayes, 13: Redfern, Rehberg, Angelo, Boettger, Dvorsky, Fink, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: Connolly and Gaskill.

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 HCR 15, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2184 (SSB 2070), a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, and Rehberg. Nays, none. Absent or not voting, 4: Gaskill, Iverson, Judge, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2185 (SSB 2057), a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, and Rehberg. Nays, none. Absent or not voting, 4: Gaskill, Iverson, Judge, and McKibben.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2182 (SSB 2063), a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2183 (SSB 2052), a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, Lundby, McKibben, McLaren, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: King and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2117, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Drake, Borlaug, McCoy, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5027	H.C.R. 15	Education
S-5028	S.F. 2039	Elaine Szymoniak

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:22 a.m., until 9:00 a.m., Thursday, February 12, 1998.

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 12, 1998

The Senate met in regular session at 9:05 a.m., President pro tempore Redfern presiding.

Prayer was offered by Reverend Weisaupt, pastor of Christ the King Lutheran Church, Altoona, Iowa.

The Journal of Wednesday, February 11, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Fraise for the day and Senator Vilsack until his arrival, on request of Senator Gronstal.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 11, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2162, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Read first time and referred to committee on **Judiciary**.

INTRODUCTION OF BILLS

Senate File 2190, by Hammond, a bill for an act relating to foundations established pursuant to state direction by requiring that certain financial information be available for public examination and reproduction.

Read first time and referred to committee on **State Government**.

Senate File 2191, by Kibbie, a bill for an act relating to the management of a city-owned cemetery.

Read first time and referred to committee on **Local Government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly for the week, on request of Senator Fink.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:17 a.m., until 4:00 p.m.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 11, 1998, 10:00 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Consideration of committee appropriations bill.

Adjourned: 11:30 a.m.

EDUCATION

Convened: February 11, 1998, 1:02 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Angelo, Boettger, Dvorsky, Fink, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Connolly, Ranking Member; and Gaskill (both excused).

Committee Business: Recommended confirmation of governor's appointees. Passed SSBs.

Adjourned: 1:55 p.m.

HUMAN RESOURCES

Convened: February 11, 1998, 3:04 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman.

Members Absent: Bartz, Dearden and Iverson (all excused).

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 4:05 p.m.

TRANSPORTATION

Convened: February 11, 1998, 3:01 p.m.

Members Present: Drake, Chair, Borlaug, Vice Chair; McCoy, Ranking Member; Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: Connolly (excused).

Committee Business: Voted out SF 2117 and SSB 2104.

Adjourned: 3:26 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 12, 1998, 9:40 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; and Fink.

Members Absent: Iverson (excused).

Committee Business: Consideration of committee appropriations bill.

Adjourned: 9:44 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE AND CAPITALS**

Convened: February 12, 1998, 9:40 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; and Douglas.

Members Absent: Connolly (excused).

Committee Business: Subcommittee approved and submitted proposed appropriations bill LSB 3178JA to the full Appropriations Committee.

Adjourned: 10:40 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2147

LOCAL GOVERNMENT: Angelo, Chair; Black and Gaskill

Senate File 2180

LOCAL GOVERNMENT: Schuerer, Chair; Black and Boettger

SCR 104

NATURAL RESOURCES AND ENVIRONMENT: Angelo, Chair; Black and Freeman

House File 58
(Reassignment)

BUSINESS AND LABOR RELATIONS: Palmer, Chair; Dearden and Freeman

House File 2049

LOCAL GOVERNMENT: Bartz, Chair; Dearden and Redwine

SSB 2028
(Reassignment)

LOCAL GOVERNMENT: Schuerer, Chair; Dearden and Redwine

SSB 2112

EDUCATION: Redfern, Chair; Neuhauser, Rensink, Szymoniak, and Tinsman

SSB 2113

NATURAL RESOURCES AND ENVIRONMENT: Gaskill, Chair; Deluhery and Hedge

AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED

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 February 12, 1998, passed the following bill in which the concurrence of the **Senate** is asked:

House File 2163, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the rescision of an administrative revocation, and providing an effective date.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on February 12, 1998, passed the following bill in which the concurrence of the **House** was asked:

Senate File 2094, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

ALSO: That the House has on February 10, 1998, passed the following bill in which the concurrence of the **House** was asked:

Senate File 2082, a bill for an act regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

INTRODUCTION OF BILLS

Senate File 2192, by committee on Transportation, a bill for an act relating to motor vehicle damage disclosure statements.

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

Senate File 2193, by committee on Education, a bill for an act establishing an early education improvement program, focused on kindergarten through grade three in the public school districts, and making an appropriation.

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

Senate File 2194, by Halvorson, Dearden, Dvorsky, Hammond, Harper, Hansen, Fraise, Szymoniak, and Judge, a bill for an act making an appropriation to the department of education for allocation to the community colleges.

Read first time and referred to committee on **Appropriations**.

Senate File 2195, by Deluhery, Dearden, Gronstal, Fink, Halvorson, Flynn, Black, Harper, Connolly, Horn, Neuhauser, Palmer, Vilsack, Gettings, Dvorsky, Fraise, Hansen, McCoy, and Szymoniak, a bill for an act creating a hope scholarship tax credit.

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

Senate File 2196, by Flynn, Dvorsky, Harper, and Hammond, a bill for an act relating to the future repeal of the school technology improvement program and extending and increasing the appropriations to the program.

Read first time and referred to committee on **Appropriations**.

Senate File 2197, by Szymoniak, Dearden, Palmer, Gettings, Horn, and Gronstal, a bill for an act providing for family and medical disability leave benefits, establishing a task force, creating penalties, and providing a repeal provision.

Read first time and referred to committee on **State Government**.

Senate File 2198, by Borlaug, a bill for an act relating to the development of protocol to be used for international visitors.

Read first time and referred to committee on **State Government**.

Senate File 2199, by Black and Redwine, a bill for an act providing for the confidentiality and protection from discovery of communications relating to and involved in the peer review process.

Read first time and referred to committee on **State Government**.

Senate File 2200, by Angelo, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils.

Read first time and referred to committee on **Local Government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the day, on request of Senator Grönstal.

QUORUM CALL

Senator Iverson 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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2075.

Senate File 2075

On motion of Senator Lundby, Senate File 2075, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2075), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack			

Nays, none.

Absent or Not Voting, 5:

Connolly	Fraise	Gaskill	Gettings
Zieman			

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

ADOPTION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 101 and Senate Concurrent Resolution 102.

Senate Resolution 101

On motion of Senator Iverson, Senate Resolution 101, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 101, which motion prevailed by a voice vote.

Senate Concurrent Resolution 102

On motion of Senator Tinsman, Senate Concurrent Resolution 102, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight, with report of committee recommending passage, was taken up for consideration.

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2162 and 2136.

Senate File 2162

On motion of Senator McCoy, Senate File 2162, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code, was taken up for consideration.

Senator McCoy moved that the bill be read the last time now and placed upon its passage, 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, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack			

Nays, none.

Absent or Not Voting, 5:

Connolly
Zieman

Fraise

Gaskill

Gettings

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

Senate File 2136

On motion of Senator Neuhauser, Senate File 2136, 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 effective and retroactive applicability dates, was taken up for consideration.

Senator Neuhauser asked and received unanimous consent that action on Senate File 2136 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby for the remainder of the day, on request of Senator Iverson.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2174 and 2113.

Senate File 2174

On motion of Senator Rehberg, Senate File 2174, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions, was taken up for consideration.

Senator Rehberg offered amendment S-5029 filed by her from the floor, to page 2 of the bill and moved its adoption.

Amendment S-5029 was adopted by a voice vote.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, 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, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 7:

Connolly	Fraise	Gaskill	Gettings
Lundby	Rife	Zieman	

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

Senate File 2113

On motion of Senator McKibben, Senate File 2113, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration, was taken up for consideration.

Senator McKibben offered amendment S-5030 filed by him from the floor, to page 4 of the bill and moved its adoption.

Amendment S-5030 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2113), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 6:

Connolly	Fraise	Gaskill	Gettings
Lundby	Zieman		

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 previously deferred.

Senator Neuhauser offered amendment S-5033 filed by the committee on Judiciary from the floor, to page 1 of the bill and moved its adoption.

Amendment S-5033 was adopted by a voice vote.

Senator Neuhauser offered amendment S-5031 filed by Senators Neuhauser and McKean from the floor, to page 5 of the bill and moved its adoption.

Amendment S-5031 was adopted by a voice vote.

Senator Neuhauser moved that the bill be read the last time now and placed upon its passage which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2136), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 6:

Connolly	Fraise	Gaskill	Gettings
Lundby	Zieman		

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 2201, by Rehberg, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

Read first time and referred to committee on **Natural Resources and Environment**.

Senate File 2202, by McCoy, a bill for an act relating to the termination of a rental agreement of a residential or a mobile home tenant.

Read first time and referred to committee on **State Government**.

Senate File 2203, by Hammond, Harper, Dvorsky, Flynn, Hansen, Vilsack, Neuhauser, Horn, Halvorson, Fink, and Black, a bill for an act to provide for the imposition of a life sentence for certain repeat sexual abuse offenders.

Read first time and referred to committee on **Judiciary**.

Senate File 2204, by Halvorson, a bill for an act relating to lottery revenues being used for school infrastructure purposes and providing an appropriation.

Read first time and referred to committee on **Appropriations**.

Senate File 2205, by Halvorson, a bill for an act imposing the death penalty or life imprisonment in certain circumstances, by establishing the offense of capital murder, by providing a minimum age for imposition of a death sentence, by providing for review of death sentences, by providing for execution by lethal injection, by amending the rules of criminal procedure, and by providing for the Act's effectiveness and applicability.

Read first time and referred to committee on **Judiciary**.

Senate File 2206, by Tinsman, a bill for an act relating to child day care by creating a quality rating system for publicly funded child day care facilities.

Read first time and referred to committee on **Human Resources**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2075, 2113, 2136, 2162, and 2174; Senate Resolution 101; and Senate Concurrent Resolution 102** be immediately messaged to the House.

APPENDIX**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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 12th day of February, 1998:

Senate File 2029.

MARY PAT GUNDERSON
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS**RULES AND ADMINISTRATION**

Convened: February 10, 1998, 9:17 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg.

Members Absent: Lundby and Maddox (both excused).

Committee Business: Passed SR 101.

Adjourned: 9:19 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 12, 1998, 9:45 a.m.

Members Present: Rittmer, Chair; McKibben, Vice Chair; Flynn, Ranking Member; Kramer and Palmer.

Members Absent: None.

Committee Business: Approved and submitted proposed appropriations bill to the full Appropriations Committee.

Adjourned: 11:30 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 12, 1998, 9:45 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Discussed proposed appropriations bill.

Adjourned: 11:30 a.m.

JUDICIARY

Convened: February 12, 1998, 3:05 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: Fraise.

Committee Business: Bill assignments. Recommended confirmation of governor's appointees.

Adjourned: 3:55 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 12, 1998, 1:10 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg.

Members Absent: Gaskill and Iverson (both excused).

Committee Business: Voted bills to the calendar.

Adjourned: 1:40 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: February 12, 1998, 1:10 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Flynn, Hammond, King, McCoy, Redwine, Rensink, and Schuerer.

Members Absent: Douglas and Palmer (both excused).

Committee Business: Deferred SSB 2041.

Adjourned: 1:30 p.m.

STATE GOVERNMENT

Convened: February 12, 1998, 2:10 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Deluhery, Drake, Halvorson, Harper, King, Lundby, and McKibben.

Members Absent: Kibbie, Ranking Member; Fink, McLaren, Rife, Szymoniak, and Tinsman (all excused).

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 2:25 p.m.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on February 12, 1998:

JUDICIARY

Walter L. Kautzky – Director of the Department of Corrections

STATE GOVERNMENT

Dr. Curtis L. Reynolds – Board of Medical Examiners

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee assigned to standing committee for investigation was placed on the Individual Confirmation Calendar with recommendation for confirmation on February 12, 1998:

JUDICIARY

Grace G. Copley – Board of Parole

INTRODUCTION OF BILLS

Senate File 2207, by Vilsack, a bill for an act relating to surface water and groundwater monitoring and making an appropriation.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2208, by Vilsack, a bill for an act establishing a public nuisance task force pilot project and making appropriations.

Read first time under Rule 28 and referred to committee on **Local Government.**

Senate File 2209, by Dearden, a bill for an act concerning wage requirements for establishing eligibility for unemployment compensation benefits.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations.**

SUBCOMMITTEE ASSIGNMENTS

Senate File 2114

EDUCATION: Rensink, Chair; Connolly and Gaskill

Senate File 2116

JUDICIARY: Angelo, Chair; Halvorson and King

Senate File 2127

EDUCATION: Angelo, Chair; Kibbie and Redwine

Senate File 2140

EDUCATION: Redwine, Chair; Fink and Kramer

Senate File 2141

EDUCATION: Boettger, Chair; Neuhauser and Rehberg

Senate File 2158

EDUCATION: Gaskill, Chair; Dvorsky and Redfern

Senate File 2163

JUDICIARY: Tinsman, Chair; Harper and McKean

Senate File 2164

JUDICIARY: Maddox, Chair; Hammond and McKean

Senate File 2167

JUDICIARY: McKean, Chair; Halvorson and Redfern

Senate File 2168

JUDICIARY: Neuhauser, Chair; Maddox and McKean

Senate File 2171

JUDICIARY: King, Chair; Hammond and Redfern

Senate File 2173

COMMERCE: Schuerer, Chair; Gronstal and King

Senate File 2178

JUDICIARY: Redfern, Chair; Halvorson and McKean

Senate File 2179

JUDICIARY: Redfern, Chair; Harper and McKean

Senate File 2187

JUDICIARY: McKibben, Chair; Fraise and McKean

Senate File 2191

LOCAL GOVERNMENT: Angelo, Chair; Connolly and Redwine

SCR 103

EDUCATION: Redfern, Chair; Rehberg and Szymoniak

SSB 2114

JUDICIARY: Angelo, Chair; Halvorson and King

SSB 2115

JUDICIARY: Maddox, Chair; McKibben and Neuhauser

SSB 2116

APPROPRIATIONS: Tinsman, Chair; Hammond and McLaren

SSB 2117

NATURAL RESOURCES AND ENVIRONMENT: Fink, Chair; Dearden and Gaskill

SSB 2118

JUDICIARY: Neuhauser, Chair; Maddox and McKean

SSB 2119

COMMERCE: Lundby, Chair; Douglas and Gronstal

SSB 2120

AGRICULTURE: Rensink, Chair; Hedge, Judge, Kibbie, and McLaren

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE FILE 2193 (SSB 2112), a bill for an act establishing an early education improvement program, focused on kindergarten through grade three in the public school districts, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Rehberg, Angelo, Boettger, Dvorsky, Fink, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: Connolly and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5034.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent or not voting, 2: Gaskill and Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2192 (SSB 2104), a bill for an act relating to motor vehicle damage disclosure statements.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Drake, Borlaug, Douglas, Freeman, Gettings, Jensen, McKean, McKibben, and Rittmer. Nays, 3: McCoy, Fraise, and Halvorson. 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 Transportation Committee on Senate File 2192, and they were attached to the committee report.

STUDY BILLS RECEIVED

SSB 2113 Natural Resources and Environment

Eliminating a report of land acquisitions and exchanges by a county conservation board.

SSB 2114 Judiciary

Providing for the civil commitment of sexually violent predators by establishing commitment procedures, establishing a state hospital for placement and treatment of sexually violent predators, establishing a fund for the deposit of patient funds, establishing procedures relating to the supervision of patients in the hospital and upon release, providing for notification of a patient's release, making an appropriation, providing for the Act's applicability and severability, and providing an effective date.

SSB 2115 Judiciary

Changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

SSB 2116 Appropriations

A Senate Resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

SSB 2117 Natural Resources and Environment

Relating to the payment of snowmobile and all-terrain vehicle title fees.

SSB 2118 Judiciary

Relating to the sixth judicial district pilot probation revocation project and providing for an effective date.

SSB 2119 Commerce

Relating to the inclusion of alternate energy costs in customer billings.

AMENDMENTS FILED

S-5029	S.F. 2174	Kitty Rehberg
S-5030	S.F. 2113	Larry McKibben
S-5031	S.F. 2136	Mary Neuhauser Andy McKean
S-5032	H.F. 714	H. Kay Hedge
S-5033	S.F. 2136	Judiciary
S-5034	S.F. 347	Natural Resources and Environment

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:10 p.m., until 1:00 p.m., Monday, February 16, 1998.

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 16, 1998

The Senate met in regular session at 1:10 p.m., President Kramer presiding.

Prayer was offered by the Honorable Bill Fink, member of the Senate from Warren County, Carlisle, Iowa.

The Journal of Thursday, February 12, 1998, was approved.

Senator Bartz took the chair at 1:18 p.m.

INTRODUCTION OF BILLS

Senate File 2210, by Tinsman, a bill for an act requiring a peace officer to assist an abused person in removing clothing, medical items, and other personal effects for the immediate need of the abused person and any children in that person's care.

Read first time and referred to committee on **Human Resources**.

Senate File 2211, by Tinsman, a bill for an act providing for the seizure of firearms as part of the requirements of a protective order against domestic abuse.

Read first time and referred to committee on **Judiciary**.

Senate File 2212, by King, a bill for an act changing the conditions for nuisance suit protection for animal feeding operations.

Read first time and referred to committee on **Agriculture**.

Senate File 2213, by Hansen, a bill for an act relating to contracts for the medical and surgical treatment and care of indigent persons.

Read first time and referred to committee on **Human Resources**.

Senate File 2214, by Tinsman, a bill for an act relating to the requirements for professional engineering licensure for applicants with certain educational qualifications and providing a retroactive applicability date.

Read first time and referred to committee on **State Government**.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 16th day of February, 1998:

Senate Files 2082 and 2094.

MARY PAT GUNDERSON
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 16, 1998, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2029 - Relating to the composition of the Board of Podiatry Examiners.

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

January 26, 1998

DEPARTMENT OF NATURAL RESOURCES

Pursuant to Section 272C.4, Code of Iowa, a summary of activities for the 1997 certification programs. This applies to persons engaging in well construction, supervising operation of water treatment, and operating sanitary landfill disposal facilities.

January 27, 1998

GAMING ASSOCIATION OF IOWA

Examination of the Micro-Economic Impacts of Casino Gaming in Iowa.

DEPARTMENT OF GENERAL SERVICES

Fleet and Mail Division Private Vehicle Rate Policy.

IOWA DEPARTMENT OF PUBLIC HEALTH

Pursuant to 77th G.A., Chapter 203, Scope of Practice Review Committee. PILOT PROJECT. Project Report January 1998.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

Iowa's Drug and Violent Crime Control Strategy Update 1998.

DEPARTMENT OF NATURAL RESOURCES

Comprehensive Plan for the Management of Eurasian Water Milfoil in Iowa. July 1, 1997.

January 28, 1998

DEPARTMENT OF NATURAL RESOURCES

Annual Report as required by Code of Iowa, Sections 455B.425 and 455B.427. It describes the condition of the Hazardous Waste Remedial Fund and reports on the sites in the registry of hazardous waste, and disposal sites.

January 29, 1998

LEGISLATIVE SERVICE BUREAU

Progress Report. Task Force to Study Iowa's System of State and Local Taxation.

Progress Report. Commission on Urban Planning, Growth Management of Cities, and Protection of Farmland.

Final Report. Anatomical Gift Referral Study Committee.

Final Report. Criminal Sentencing Interim Study Committee.

Final Report. County Issuance of Motor Vehicle Licenses Study Committee.

DEPARTMENT OF CULTURAL AFFAIRS

Annual Report FY'97 in accordance with Iowa Code, Sections 7A.3 and 303.1(6)b.

IOWA COMMISSION ON THE STATUS OF WOMEN
Department of Human Rights

Annual Report.

February 2, 1998

IOWA DEPARTMENT OF PUBLIC HEALTH

Pursuant to 77th G. A., Chapter 93: Regarding the Regulation of Intermediate Care Facilities for the Mentally Retarded and Psychiatric Medical Institutions for Children.

Pursuant to Iowa Code, Section 135.43, the Report: IOWA CHILD DEATH REVIEW TEAM.

February 3, 1998

TREASURER OF THE STATE OF IOWA

In accordance with Iowa Code, Section 12.38, the Linked Investments for Tomorrow Annual Report.

IOWA DEPARTMENT OF PUBLIC SAFETY

1996 Rate Comparisons.

DEPARTMENT OF HUMAN SERVICES

Pursuant to 1997 Iowa Acts, Chapter 175, Section 241 (HF612), a report for The Iowa Child Support Recovery Unit.

IOWA DEPARTMENT OF HUMAN RIGHTS
Commission on Persons with Disabilities

1997 Annual Report.

February 4, 1998

IOWA DEPARTMENT OF TRANSPORTATION

As required in Iowa Code, Section 307.21. Recycled Content Plastic Bag and Soy Inks Report.

IOWA DEPARTMENT OF HUMAN RIGHTS
Family Development and Self-Sufficiency Council

1997 Annual Report.

February 5, 1998

IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH

Pursuant to Code of Iowa, Section 262.78(6), the I-CASH ANNUAL Report.

February 9, 1998

IOWA DEPARTMENT OF TRANSPORTATION

Pursuant to Iowa Code, Section 3271.8(6), the 1997 Annual Report of the Iowa Railway Finance Authority.

February 10, 1998

DEPARTMENT OF HUMAN SERVICES

As required by HF715, Iowa Medicaid Telemedicine Pilot Project Start-up Evaluation Report.

Pursuant to Iowa Code Section 7A.3, the 1997 Annual Report for the Iowa Department of Human Services.

DEPARTMENT OF MANAGEMENT

Pursuant to Section 8.6(2) of the Code of Iowa, an updated Statement of Standing Appropriations report for year ending June 30, 1997.

OFFICE OF AUDITOR OF STATE

An audit report on the Iowa Legislature for year ended June 30, 1997.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 11, 1998, 10:15 a.m.

Members Present: Lundby, Chair; Bartz, Vice Chair; McCoy, Ranking Member; Gaskill and Gettings.

Members Absent: None.

Committee Business: Presentations.

Adjourned: 11:30 a.m.

APPROPRIATIONS

Convened: February 16, 1998, 1:26 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Maddox, Neuhauser, Rehberg, Rensink, Rittmer, and Tinsman.

Members Absent: Kramer, Vice Chair; Jensen, Lundby, McCoy, Rife, and Vilsack (all excused).

Committee Business: Passed SSB 2116. Rule 40 was suspended.

Adjourned: 1:35 p.m.

INTRODUCTION OF BILLS

Senate File 2215, by committee on Education, a bill for an act relating to the establishment of a beginning teacher induction program and making an appropriation.

Read first time under Rule 28 and placed on calendar.

Senate File 2216, by Szymoniak, a bill for an act providing for an Iowa reading initiative program and making an appropriation.

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

Senate File 2217, by Neuhauser, Harper, Hammond, Dvorsky, Dearden, Szymoniak, Black, Fink, Flynn, Halvorson, Deluhery, Judge, Gronstal, and Fraise, a bill for an act relating to and making appropriations to the department of elder affairs for aging programs and services, and the Iowa department of public health for the public health nursing program, the home care aide program, and the Iowa senior health program.

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

Senate File 2218, by Zieman, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

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

Senate File 2219, by committee on Judiciary, a bill for an act relating to the establishment of an automatic temporary financial protective order against the parties to a dissolution of marriage,

separate maintenance, or annulment action limiting certain actions relating to assets and income of the parties.

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

Senate File 2220, by committee on Judiciary, a bill for an act relating to the definition of a chronic runaway.

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

Senate File 2221, by committee on Judiciary, a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support.

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

Senate File 2222, by Judge, a bill for an act relating to surface water and groundwater monitoring, watershed monitoring, and making appropriations.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2223, by Dvorsky, Black, Connolly, Dearden, Deluhery, Fink, Flynn, Fraise, Gettings, Gronstal, Halvorson, Hammond, Hansen, Horn, Judge, Kibbie, McCoy, Neuhauser, Palmer, Szymoniak, Vilsack, and Harper, a bill for an act increasing the amount of the child and dependent care credit and including a retroactive applicability date provision.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2224, by committee on Judiciary, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, and requiring related reporting of the status of treatment by the judicial district department of correctional services.

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

Senate File 2225, by committee on Judiciary, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

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

Senate File 2226, by committee on Judiciary, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

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

STUDY BILLS RECEIVED

SSB 2120 Agriculture

Relating to agricultural production, including animal agriculture, and providing for fees and the appropriation of moneys.

SSB 2121 Natural Resources and Environment

Relating to the regulation of the deer population.

SSB 2122 Natural Resources and Environment

Relating to a minimum number of persons required for a railroad train crew and providing a penalty.

SSB 2123 Natural Resources and Environment

Regulating the sale of dogs and cats by pet dealers, and providing penalties.

SSB 2124 Natural Resources and Environment

Relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, and underground storage tank insurance fund, and transferring assets and liabilities of

the insurance account of the comprehensive petroleum underground storage tank fund.

SSB 2125 Human Resources

Relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

SSB 2126 State Government

Relating to local government authority to hold elections and providing an effective date.

SSB 2127 State Government

Relating to radiological detection equipment maintenance services provided by the emergency management division of the department of public defense and authorizing fees to be charged for the services.

SSB 2128 State Government

Relating to hospital clinical privileges of a physician assistant or advanced registered nurse practitioner.

SSB 2129 Human Resources

Relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

SSB 2130 Human Resources

Relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

SSB 2131 Natural Resources and Environment

Relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date.

SSB 2132 Agriculture

Relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

SSB 2133 Local Government

Relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2130**

STATE GOVERNMENT: Kibbie, Chair; Drake and Harper

Senate File 2154

HUMAN RESOURCES: Boettger, Chair; Behn and Dearden

Senate File 2155

HUMAN RESOURCES: Behn, Chair; Dvorsky and Schuerer

Senate File 2160

STATE GOVERNMENT: Borlaug, Chair; Fink and McLaren

Senate File 2161

HUMAN RESOURCES: Szymoniak, Chair; Boettger and Redwine

Senate File 2170

STATE GOVERNMENT: Tinsman, Chair; Kibbie and McLaren

Senate File 2175

WAYS AND MEANS: Borlaug, Chair; Freeman and Szymoniak

Senate File 2176

WAYS AND MEANS: Douglas, Chair; Connolly and McLaren

Senate File 2177

HUMAN RESOURCES: Redwine, Chair; Behn and Szymoniak

Senate File 2181

HUMAN RESOURCES: Boettger, Chair; Behn and Dearden

Senate File 2186

HUMAN RESOURCES: Behn, Chair; Boettger and Dvorsky

Senate File 2198

STATE GOVERNMENT: Borlaug, Chair; McLaren and Szymoniak

Senate File 2201

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Borlaug and Dvorsky

Senate File 2202

STATE GOVERNMENT: Borlaug, Chair; Halvorson and King

Senate File 2206

HUMAN RESOURCES: Boettger, Chair; Dearden and Schuerer

Senate File 2209

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Jensen and King

SCR 105

HUMAN RESOURCES: Tinsman, Chair; Boettger and Harper

SSB 2121

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Angelo and Judge

SSB 2122

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Borlaug and Dearden

SSB 2123

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dvorsky and Rehberg

SSB 2124

NATURAL RESOURCES AND ENVIRONMENT: Borlaug, Chair; Angelo and Black

SSB 2126

STATE GOVERNMENT: Rittmer, Chair; Drake and Fink

SSB 2127

STATE GOVERNMENT: Szymoniak, Chair; Harper and Tinsman

SSB 2128

STATE GOVERNMENT: McLaren, Chair; Drake and Harper

SSB 2131

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Borlaug and Dearden

SSB 2132

AGRICULTURE: Angelo, Chair; Gettings and Rehberg

SSB 2133

LOCAL GOVERNMENT: Angelo, Chair; Boettger and Fraise

SSB 2134

TRANSPORTATION: Borlaug, Chair; Drake and Gettings

SSB 2135

APPROPRIATIONS: Rittmer, Chair; Flynn and McLaren

SSB 2136

AGRICULTURE: Bartz, Chair; Judge, McLaren, Rensink, and Vilsack

SSB 2137

AGRICULTURE: Gettings, Chair; Gaskill and Hedge

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on February 16, 1998:

LOCAL GOVERNMENT

James M. Lawrence – City Development Board

STATE GOVERNMENT

Diane R. Weiland – Engineering and Land Surveying Examining Board

COMMITTEE REPORTS

EDUCATION

Final Bill Action: *SENATE FILE 2215 (SSB 2101), a bill for an act relating to the establishment of a beginning teacher induction program and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Redfern, Rehberg, Angelo, Boettger, Kibbie, Kramer, Redwine, Rensink, and Tinsman. Nays, 1: Fink. Pass, 3: Dvorsky, Neuhauser, and Szymoniak. Absent, 2: Connolly and Gaskill.

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 2215, and they were attached to the committee report.

JUDICIARY

Final Bill Action: *SENATE FILE 2219 (SF 455), a bill for an act relating to the establishment of an automatic temporary stay against the parties to a dissolution of marriage, separate maintenance, or annulment action limiting certain actions relating to assets of the parties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, McKibben, and Tinsman. Nays, 2: King and Redfern. Absent or not voting, 1: Fraise.

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 2219, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2220 (SF 2001), a bill for an act relating to the definition of a chronic runaway.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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 2220, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2221 (SF 2014), a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2224 (SF 2030), a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such person in contempt for failure to report for or complete treatment, and requiring related reporting of the status of treatment by the judicial district department of correctional services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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 2224, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2225 (SF 2032), a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2226 (SF 2095), a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 599 (HF 327), a bill for an act relating to dispositional orders pertaining to certain delinquent children by expanding the criteria for state training school placements and providing for extension of dispositional orders to allow completion of sexual abusers treatment programs.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5039.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2079, a bill for an act relating to the retention of identification cards of persons while in premises licensed for the sale and consumption of alcoholic beverages.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, Rife, and Szymoniak. Nays, none. Absent or not voting, 3: McKibben, McLaren, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5035	H.F. 299	Steve King
S-5036	H.F. 299	Steve King
S-5037	H.F. 299	Steve King
S-5038	H.F. 299	Steve King
S-5039	H.F. 599	Judiciary

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:23 p.m., until 9:00 a.m., Tuesday, February 17, 1998.

JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 17, 1998

The Senate met in regular session at 9:08 a.m., President Kramer presiding.

Prayer was offered by the Reverend Glen Reynolds, pastor of the Christian Life Assembly of God, Norwalk, Iowa.

The Journal of Monday, February 16, 1998, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 16, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2166, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

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

INTRODUCTION OF BILLS

Senate File 2227, by Dearden, Fraise, Vilsack, Horn, Gettings, Palmer, and Gronstal, a bill for an act prohibiting the granting of public financial assistance to employers who hire permanent replacement employees.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2228, by Dearden, Horn, Gettings, Palmer, and Gronstal, a bill for an act relating to employee choice of medical care in workers' compensation.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2229, by Dearden, Horn, Gettings, Palmer, and Gronstal, a bill for an act increasing the minimum hourly wage rate and eliminating certain exemptions, and making related changes.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2230, by Dearden, Fraise, Vilsack, Horn, Gettings, Palmer, and Gronstal, a bill for an act to provide for payment of prevailing wage rates on public construction projects and to provide enforcement through the labor commissioner and providing penalties.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2231, by Dearden, Horn, Gettings, Palmer, and Gronstal, a bill for an act concerning the confidentiality of workers' compensation records.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2232, by Dearden, Fraise, Vilsack, Horn, Gettings, Palmer, and Gronstal, a bill for an act relating to the second injury fund by providing for a surcharge on workers' compensation weekly benefits.

Read first time and referred to committee on **Business and Labor Relations**.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2002, by Halvorson, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the power of the people to approve or disapprove certain Acts of the General Assembly by referendum.

Read first time and referred to committee on **State Government**.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

Convened: February 16, 1998, 10:10 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Consideration of committee appropriations bill.

Adjourned: 12:15 p.m.

COMMERCE

Convened: February 16, 1998, 4:05 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife.

Members Absent: Palmer (excused).

Committee Business: Recommended confirmation of governor's appointee. Approved SSB 2068, 2076, 2098, and 2119. Passed SF 367.

Adjourned: 4:55 p.m.

EDUCATION

Convened: February 16, 1998, 2:15 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Angelo, Boettger, Dvorsky, Fink, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Connolly, Ranking Member; Gaskill and Kramer (all excused).

Committee Business: Assigned subcommittees. Presentation on Mathematics Education.

Adjourned: 3:02 p.m.

LOCAL GOVERNMENT

Convened: February 16, 1998, 3:05 p.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Angelo, Bartz, Black, Dearden, Hansen, McKean, Redwine, and Schuerer.

Members Absent: Fraise, Ranking Member; Connolly and Gaskill (all excused).

Committee Business: Assigned bills. Recommended confirmation of governor's appointee. Passed SSB 2028.

Adjourned: 3:20 p.m.

STATE GOVERNMENT

Convened: February 16, 1998, 3:12 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, Rife, Szymoniak, and Tinsman.

Members Absent: McKibben and McLaren (both excused).

Committee Business: Consideration of SF 2079 and SSB 2049.

Adjourned: 3:55 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: February 17, 1998, 10:08 a.m.

Members Present: Hedge, Chair; Rensink, Vice Chair; Black, Ranking Member; Behn and Dearden.

Members Absent: None.

Committee Business: Approved and submitted proposed appropriations bill (LSB 3177JA77) to the full Appropriations Committee.

Adjourned: 11:00 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 17, 1998, 10:17 a.m.

Members Present: Borlaug, Chair; Schuerer, Vice Chair; Harper, Ranking Member; Fink and Iverson.

Members Absent: None.

Committee Business: Approved and submitted proposed appropriations bill to the full Appropriations Committee.

Adjourned: 12:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 17, 1998, 10:11 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean.

Members Absent: None.

Committee Business: Discussion of intent language.

Adjourned: 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE AND CAPITALS**

Convened: February 17, 1998, 10:10 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Consideration of committee appropriations bill.

Adjourned: 11:15 a.m.

AGRICULTURE

Convened: February 17, 1998, 8:05 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, and Rife.

Members Absent: Rehberg and Vilsack (both excused).

Committee Business: Passed SF 2088. Approved SSB 2033 and SSB 2091.

Adjourned: 8:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 17, 1998, 1:05 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, and Rehberg.

Members Absent: Borlaug and Iverson (both excused).

Committee Business: Presentation on The Future of Rural Water Supplies. Approved SSB 2122.

Adjourned: 1:55 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: February 17, 1998, 1:11 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: None.

Committee Business: Approved SSB 2041.

Adjourned: 1:14 p.m.

INTRODUCTION OF BILLS

Senate File 2233, by McLaren, a bill for an act concerning drug and alcohol testing of employees and prospective employees and providing remedies and a penalty and an effective date.

Read first time under Rule 28 and referred to committee on **Business and Labor**.

Senate File 2234, by Dearden, Fink, Horn, Gettings, Palmer, and Gronstal, a bill for an act relating to railroad safety by providing for a minimum number of persons on a train crew and providing a penalty.

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

Senate File 2235, by committee on Judiciary, a bill for an act concerning judicial administration.

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

Senate File 2236, by committee on Natural Resources and Environment, a bill for an act relating to the management and rehabilitation of lakes under the jurisdiction of the department of natural resources, and making an appropriation.

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

Senate File 2237, by Douglas and McKibben, a bill for an act relating to the sales, services, and use taxes exemption for the sales of meals by certain agricultural production associations and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2238, by Connolly, a bill for an act providing for expansion of the family resource center program and making an appropriation.

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

Senate File 2239, by Szymoniak, a bill for an act relating to compensation of boards of directors of school districts.

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

Senate File 2240, by Connolly, a bill for an act providing for the establishment of an Iowa reading initiative program and making an appropriation.

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

Senate File 2241, by Kramer, a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien.

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

Senate File 2242, by committee on Commerce, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

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

Senate File 2243, by committee on Commerce, a bill for an act relating to the computation of interest pursuant to a written agreement between certain parties.

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

Senate File 2244, by Dearden, Horn, Gettings, Palmer, and Gronstal, a bill for an act concerning occupational safety and health by increasing penalties and providing staffing requirements.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

Senate File 2245, by committee on Commerce, a bill for an act relating to the inclusion of alternate energy costs in customer billings.

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

Senate File 2246, by committee on Commerce, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

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

Senate Resolution 102, by committee on Appropriations, a resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

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

Senate File 2247, by McCoy, a bill for an act relating to limits on prepaid rent.

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

Senate File 2248, by committee on Education, a bill for an act relating to the repeal of the school finance law.

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

Senate Concurrent Resolution 106, by Harper and Redfern, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Read first time under Rule 28 and referred to committee on **State Government**.

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 17th day of February, 1998:

Senate File 2081

MARY PAT GUNDERSON
Secretary of the Senate

STUDY BILLS RECEIVED

SSB 2134 **Transportation**

Relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle-dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

SSB 2135 Appropriations

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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

SSB 2136 Agriculture

Relating to agriculture by providing programs to assist persons involved in value-added processing.

SSB 2137 Agriculture

Relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

SSB 2138 Judiciary

To exclude a claim of unlawful forfeiture of a reduction of sentence from the bases for postconviction relief and making related changes.

SSB 2139 Business and Labor Relations

Relating to the confidentiality of certain records and reports held by the labor commissioner.

SSB 2140 Natural Resources and Environment

Relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

SSB 2141 Commerce

Relating to electronic commerce security, and providing penalties.

SSB 2142 Commerce

Amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

SSB 2143 Commerce

Relating to a reinsurer's liability.

SSB 2144 Commerce

Relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

SSB 2145 Agriculture

Relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

SSB 2146 Judiciary

Relating to persons who commit certain unlawful sex acts, by providing for a procedure for the civil commitment of sexually violent predators, making changes in the procedures pertaining to the sex offender registry, providing for hormonal intervention therapy for persons convicted of certain sex offenses, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate File 14**

EDUCATION: Boettger, Chair; Szymoniak and Tinsman

Senate File 41

EDUCATION: Rehberg, Chair; Fink and Rensink

Senate File 47

EDUCATION: Angelo, Chair; Boettger and Kibbie

Senate File 50

EDUCATION: Angelo, Chair; Dvorsky and Redwine

Senate File 56

EDUCATION: Redwine, Chair; Rehberg and Szymoniak

Senate File 57

EDUCATION: Boettger, Chair; Neuhauser and Rensink

Senate File 78

EDUCATION: Boettger, Chair; Connolly and Redwine

Senate File 90

EDUCATION: Rensink, Chair; Angelo and Kibbie

Senate File 103

EDUCATION: Tinsman, Chair; Dvorsky and Redwine

Senate File 146

EDUCATION: Rehberg, Chair; Angelo and Szymoniak

Senate File 154

EDUCATION: Angelo, Chair; Boettger and Kibbie

Senate File 168

EDUCATION: Boettger, Chair; Kibbie and Tinsman

Senate File 186

EDUCATION: Redwine, Chair; Kibbie and Tinsman

Senate File 208

EDUCATION: Rensink, Chair; Dvorsky and Rehberg

Senate File 245

EDUCATION: Boettger, Chair; Fink and Rehberg

Senate File 263

EDUCATION: Redfern, Chair; Connolly and Rehberg

Senate File 303

EDUCATION: Rehberg, Chair; Dvorsky and Rensink

Senate File 353

EDUCATION: Rensink, Chair; Angelo and Neuhauser

Senate File 386

EDUCATION: Rehberg, Chair; Boettger and Connolly

Senate File 2042
(Reassignment)

LOCAL GOVERNMENT: McKean, Chair; Dearden and Gaskill

Senate File 2195

WAYS AND MEANS: Redfern, Chair; Deluhery and Douglas

Senate File 2200

LOCAL GOVERNMENT: Angelo, Chair; Gaskill and Hansen

Senate File 2203

JUDICIARY: Angelo, Chair; Halvorson and King

Senate File 2205

JUDICIARY: McKean, Chair; Halvorson and Maddox

Senate File 2207

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Borlaug and Judge

Senate File 2208

LOCAL GOVERNMENT: Behn, Chair; Gaskill and Hansen

Senate File 2211

JUDICIARY: Tinsman, Chair; Fraise and King

Senate File 2212

AGRICULTURE: Rensink, Chair; Judge and McLaren

Senate File 2222

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Borlaug and Judge

Senate File 2223

WAYS AND MEANS: McKibben, Chair; Freeman and Palmer

House File 506

EDUCATION: Rehberg, Chair; Kibbie and Tinsman

House File 2162

JUDICIARY: Neuhauser, Chair; Angelo and Boettger

House File 2163

JUDICIARY: McKean, Chair; Halvorson and Redfern

SJR 11

EDUCATION: Tinsman, Chair; Boettger and Dvorsky

SSB 2138

JUDICIARY: McKean, Chair; Fraise and Maddox

SSB 2139

BUSINESS AND LABOR RELATIONS: Jensen, Chair; Horn and Schuerer

SSB 2140

NATURAL RESOURCES AND ENVIRONMENT: Freeman, Chair; Fink and Gaskill

SSB 2141

COMMERCE: King, Chair; Deluhery and Douglas

SSB 2142

COMMERCE: Deluhery, Chair; Douglas and Redfern

SSB 2143

COMMERCE: Hansen, Chair; Lundby and Maddox

SSB 2144

COMMERCE: Schuerer, Chair; King and McCoy

SSB 2145

AGRICULTURE: Black, Chair; Bartz and Rife

SSB 2146

JUDICIARY: Angelo, Chair; Halvorson and King

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee assigned to standing committee for investigation was placed on the En Bloc Calendar with recommendation for confirmation on February 17, 1998:

COMMERCE

Paula S. Dierenfeld - Utilities Board

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: SENATE RESOLUTION 102 (SSB 2116), a resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 19: McLaren, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Maddox, Neuhauser, Rehberg, Rensink, Rittmer, and Tinsman. Nays, none. Absent or not voting, 6: Kramer, Jensen, Lundby, McCoy, Rife, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: *SENATE FILE 2242 (SSB 2098), a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Jensen, Schuerer, Bartz, Douglas, Hansen, King, Lundby, Redfern, and Rife. Nays, 4: Deluhery, Flynn, Gronstal, and McCoy. Absent or not voting, 2: Maddox and Palmer.

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 Commerce Committee on Senate File 2242, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2243 (SSB 2068), a bill for an act relating to the computation of interest pursuant to a written agreement between certain parties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Jensen, Schuerer, Bartz, Douglas, Flynn, Hansen, King, Lundby and Redfern. Nays, 2: Deluhery and Gronstal. Pass, 1: McCoy. Absent, 3: Maddox, Palmer and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2245 (SSB 2119), a bill for an act relating to the inclusion of alternate energy costs in customer billings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, McCoy, and Redfern. Nays, none. Absent or not voting, 3: Maddox, Palmer, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2246 (SSB 2076), a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife. Nays, none. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: SENATE FILE 2248 (SSB 2087), a bill for an act relating to the repeal of the school finance law.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Rehberg, Angelo, Boettger, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman. Nays, 2: Dvorsky and Fink. Absent or not voting, 2: Connolly and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2235 (SSB 2077), a bill for an act concerning judicial administration.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2236 (SSB 2020), a bill for an act relating to the management of lakes under the jurisdiction of the department of natural resources, authorizing lake management districts, authorizing the imposition of property tax levies, and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Iverson, Judge, McKibben, and Rehberg. Nays, 1: Hedge.

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 and Environment Committee on Senate File 2236, and they were attached to the committee report.

ANNOUNCEMENT OF APPOINTMENTS BY THE PRESIDENT OF THE SENATE

President Kramer announced the following senatorial appointments after consultation with the majority and minority leaders:

February 17, 1998

Committee on the Status of Women

Maggie Tinsman replaces Don Redfern

Commission on Children, Youth and Families

Tom Flynn replaces Tom Vilsack

Council on Human Investment

Pat Harper replaces Tom Flynn

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 12, 1998, when the votes were taken on Senate Files 2075, 2113, 2136, 2162, and 2174. Had I been present, I would have voted "aye."

MIKE CONNOLLY

AMENDMENTS FILED

S-5040	S.F. 2192	Eugene S. Fraise John P. Kibbie Don Gettings Tom Flynn
S-5041	S.F. 2014	John W. Jensen Nancy Boettger Steve King Rod Halvorson

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:21 a.m., until 9:00 a.m., Wednesday, February 18, 1998.

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 18, 1998

The Senate met in regular session at 9:05 a.m., President Kramer presiding.

Prayer was offered by the Reverend David Ruhe, pastor of the Plymouth Congregational Church, Des Moines, Iowa.

The Journal of Tuesday, February 17, 1998, was approved.

President pro tempore Redfern took the chair at 9:13 a.m.

HOUSE MESSAGES RECEIVED

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 February 17, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2168, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

House File 2210, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

Read first time and referred to committee on **Appropriations**.

INTRODUCTION OF BILLS

Senate File 2249, by Szymoniak, a bill for an act relating to coaching endorsement and authorization requirements.

Read first time and referred to committee on **Education**.

Senate File 2250, by Dvorsky, a bill for an act relating to the use of county wage levels as criteria used in determining financial assistance for economic development.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

Senate File 2251, by Vilsack, Kibbie, Judge, Dvorsky, Hansen, Gronstal, Harper, Halvorson, Horn, Fink, and Black, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, requiring that certain wages and benefits be provided, making an appropriation, and including an effective and applicability date provision.

Read first time and referred to committee on **Small Business, Economic Development, and Tourism**.

Senate File 2252, by Szymoniak, a bill for an act relating to the performance of acupuncture by deleting the requirement of a prior evaluation and referral.

Read first time and referred to committee on **Human Resources**.

Senate File 2253, by Dvorsky, a bill for an act relating to requirements and fees for solid waste transfer stations.

Read first time and referred to committee on **Natural Resources and Environment**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:15 a.m., until 1:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****EDUCATION**

Convened: February 12, 1998, 1:40 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Angelo, Boettger, Dvorsky, Fink, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Connolly, Ranking Member; and Gaskill (both excused).

Committee Business: Approved SSB 2101.

Adjourned: 2:23 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 17, 1998, 10:13 a.m.

Members Present: Rittmer, Chair; and Flynn, Ranking Member.

Members Absent: McKibben, Vice Chair; Kramer and Palmer (all excused).

Committee Business: Discussion of Budgeting for Results.

Adjourned: 11:05 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 17, 1998, 9:40 a.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Hammond, Ranking Member; Redwine and Szymoniak.

Members Absent: None.

Committee Business: Consideration of committee appropriations bill.

Recessed: 10:20 a.m.

Reconvened: 10:40 a.m.

Adjourned: 11:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: February 17, 1998, 10:09 a.m.

Members Present: Rife, Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: King, Vice Chair.

Committee Business: Consideration of committee appropriations bill.

Adjourned: 11:22 a.m.

HUMAN RESOURCES

Convened: February 17, 1998, 2:03 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Tinsman.

Members Absent: Dearden and Iverson (both excused).

Committee Business: Presentation by the National Fatherhood Initiative.

Adjourned: 3:05 p.m.

JUDICIARY

Convened: February 17, 1998, 3:16 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, McKibben, and Tinsman.

Members Absent: King and Redfern (both excused).

Committee Business: Bill assignments. Approved SSB 2010 and SSB 2079.

Adjourned: 3:48 p.m.

TRANSPORTATION

Convened: February 17, 1998, 2:06 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: None.

Committee Business: Passed SF 2109. Approved SSB 2134.

Adjourned: 2:34 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 18, 1998, 8:00 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Consideration of committee appropriations bill.

Adjourned: 9:05 a.m.

COMMITTEE REPORT

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2254 (SSB 2028), a bill for an act relating to charges for room and board by certain prisoners.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Behn, Boettger, Angelo, Bartz, Black, Dearden, Hansen, McKean, Redwine, and Schuerer. Nays, none. Absent or not voting, 3: Fraise, Connolly, and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5042	H.F. 299	Steve King Derryl McLaren
S-5043	H.F. 299	Steve King Derryl McLaren

AFTERNOON SESSION

The Senate reconvened at 1:14 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Vilsack and Kibbie until they arrive, on request of Senator Gronstal.

APPOINTEE PLACED ON INDIVIDUAL
CONFIRMATION CALENDAR

Senator Hammond requested that Walter L. Kautzky be placed on the Individual Confirmation Calendar.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

James M. Lawrence, City Development Board

Kathryn L. Baumann-Reese, Administrator of the Division of Deaf Services

Mary Jean Montgomery, State Board of Education

John C. White, State Board of Education

Peter Hathaway, Board of Educational Examiners

Diane R. Weiland, Engineering and Land Surveying Examining Board

Kathleen E. Kregel, Health Facilities Council

Lynne R. DeKruif, Iowa Law Enforcement Academy Council

Dr. Curtis L. Reynolds, Board of Medical Examiners

Jennifer L. Brownlee, Iowa Telecommunications and Technology Commission

Robert B. Leeman, Commission of Veterans Affairs

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman			

Nays, none.

Absent or Not Voting, 5:

Drake	Kibbie	Lundby	Vilsack
Zieman			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2015.

Senate File 2015

On motion of Senator Freeman, Senate File 2015, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2015), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	

Nays, none.

Absent or Not Voting, 3:

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2085.

Senate File 2085

On motion of Senator Douglas, Senate File 2085, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of

highway weight restrictions, and receipt of plans for city street construction, was taken up for consideration.

Senator Douglas moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2085), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

Lundby Zieman

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2119.

Senate File 2119

On motion of Senator Behn, Senate File 2119, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Cannolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

Lundby Zieman

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

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 15.

House Concurrent Resolution 15

On motion of Senator Redfern, House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula, with report of committee recommending passage, was taken up for consideration.

Senator Redfern offered amendment S-5027 filed by the committee on Education on February 11, 1998, to page 2 of the resolution and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5027 be adopted?" (H.C.R. 15) the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman

Nays, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Palmer	Szymoniak	Vilsack

Absent or Not Voting, 2:

McCoy	Zieman
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Amendment S-5027 was adopted.

Senator Redfern moved the adoption of House Concurrent Resolution 15.

On the question "Shall the resolution be adopted?" (H.C.R. 15) the vote was:

Ayes, 30:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Halvorson	Hedge	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine

Rehberg
Schuerer

Rensink
Tinsman

Rife

Rittmer

Nays, 19:

Black
Dvorsky
Gettings
Harper
Palmer

Connolly
Fink
Gronstal
Horn
Szymoniak

Dearden
Flynn
Hammond
Judge
Vilsack

Deluhery
Fraise
Hansen
McCoy

Absent or Not Voting, 1:

Zieman

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2117.

Senate File 2117

On motion of Senator Rittmer, Senate File 2117, a bill for an act relating to the reissuance of special instruction permits to operate motor vehicles to persons with physical disabilities, 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?" (S.F. 2117), the vote was:

Ayes, 49:

Angelo
Boettger
Deluhery
Fink
Gaskill
Hammond
Horn
Kibbie
Maddox

Bartz
Borlaug
Douglas
Flynn
Gettings
Hansen
Iverson
King
McCoy

Behn
Connolly
Drake
Fraise
Gronstal
Harper
Jensen
Kramer
McKean

Black
Dearden
Dvorsky
Freeman
Halvorson
Hedge
Judge
Lundby
McKibben

McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack			

Nays, none.

Absent or Not Voting, 1:

Zieman

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2184.

Senate File 2184

On motion of Senator Bartz, Senate File 2184, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities, was taken up for consideration.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2184), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Present, 1:

Flynn

Absent or Not Voting, 1:

Zieman

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

Senator Iverson asked and received unanimous consent to take up for consideration House File 2002 and Senate File 2185.

House File 2002

On motion of Senator McKibben, House File 2002, a bill for an act to provide that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon 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. 2002), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	

Nays, none.

Absent or Not Voting, 3:

Lundby

Rife

Zieman

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

Senate File 2185

On motion of Senator Bartz, Senate File 2185, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies, was taken up for consideration.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2185), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

Rife Ziemann

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2015, 2085, 2117, 2119, 2184, and 2185; House File 2002; and House Concurrent Resolution 15** be immediately messaged to the House.

**ADOPTION OF RESOLUTION
(Appropriations Calendar)**

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 102.

Senate Resolution 102

On motion of Senator Tinsman, Senate Resolution 102, a resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 102, which motion prevailed by a voice vote.

**CONSIDERATION OF BILLS
(Regular Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2182, 2183, 2189, and 2192.

Senate File 2182

On motion of Senator Borlaug, Senate File 2182, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction, was taken up for consideration.

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?" (S.F. 2182), the vote was:

Ayes, 48:

Angelo
Boettger
Deluhery

Bartz
Borlaug
Douglas

Behn
Connolly
Drake

Black
Dearden
Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

McCoy Ziemann

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

Senate File 2183

On motion of Senator Szymoniak, Senate File 2183, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes, 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. 2183), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

Halvorson Zieman

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

Senate File 2189

On motion of Senator Jensen, Senate File 2189, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex, was taken up for consideration.

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. 2189), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack

Nays, none.

Absent or Not Voting, 2:

Rife Zieman

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

Senate File 2192

On motion of Senator Jensen, Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements, was taken up for consideration.

Senator Fraise offered amendment S-5040 filed by Senators Fraise, et al., on February 17, 1998, to page 1 of the bill.

Senator Palmer asked and received unanimous consent that action on amendment S-5040 and **Senate File 2192** be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2182, 2183, and 2189** be **immediately messaged** to the House.

The Senate stood at ease at 2:58 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:34 p.m., President Kramer presiding.

UNFINISHED BUSINESS
(Deferred April 25, 1997)**House File 299**

The Senate resumed consideration of House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, and amendment S-3771 filed by Senator King on April 24, 1997, to strike everything after the enacting clause of the bill, deferred April 25, 1997.

Senator King asked and received unanimous consent that action on amendment S-3771 be deferred.

Senator King offered amendment S-3851 filed by him on April 29, 1997, striking everything after the enacting clause and to the title page of the bill.

Senator King asked and received unanimous consent that action on amendment S-3851 be deferred.

Senator Vilsack offered amendment S-5004 filed by Senators Vilsack and Gronstal on January 12, 1998, to page 1 of amendment S-3851 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5004 to amendment S-3851 be adopted?" (H.F. 299), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	

Absent or Not Voting, 1:

Zieman

Amendment S-5004 lost.

Senator King offered amendment S-5043 filed by Senators King and McLaren from the floor, to page 1 of amendment S-3851.

Senator King asked and received unanimous consent that action on amendment S-5043 be deferred.

The Senate stood at ease at 4:49 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:11 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

House File 299

The Senate resumed consideration of House File 299.

Senator King offered amendment S-5044, filed by Senators King and McLaren from the floor to page 1 of amendment S-3851 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5044 to amendment S-3851 be adopted?" (H.F. 299) the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman		

Nays, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Vilsack		

Absent or Not Voting, 2:

Szymoniak Zieman

Amendment S-5044 was adopted.

Senator King moved adoption of amendment S-3851 as amended.

A record roll call was requested.

On the question "Shall amendment S-3851 be adopted?" (H.F. 299) the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman		

Nays, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Vilsack		

Absent or Not Voting, 2:

Szymoniak Zieman

Amendment S-3851 was adopted.

With the adoption of amendment S-3851, the Chair ruled the following amendments out of order:

Amendment S-5043 filed by Senators King and McLaren from the floor to page 1 of amendment S-3851, previously deferred.

Amendment S-3771 filed by Senator King on April 24, 1997, striking everything after the enacting clause of the bill, previously deferred.

Amendment S-3789 filed by Senator King on April 25, 1997, to page 1 of amendment S-3771.

Amendment S-3855 filed by Senator Vilsack on April 29, 1997, to page 1 of amendment S-3771.

Amendment S-3856 filed by Senator Vilsack on April 29, 1997, to page 1 of amendment S-3771.

Amendment S-3857 filed by Senator Vilsack on April 29, 1997, to page 1 of amendment S-3771.

Amendment S-5001 filed by Senators Vilsack and Gronstal on January 12, 1998, to page 1 of amendment S-3771.

Amendment S-5002 filed by Senators Vilsack and Gronstal on January 12, 1998, to page 1 of amendment S-3771.

Amendment S-5003 filed by Senators Vilsack and Gronstal on January 12, 1998, to page 1 of amendment S-3771.

Amendment S-5036 filed by Senator King on February 12, 1998, to page 1 of amendment S-3771.

Amendment S-5035 filed by Senator King on February 12, 1998, striking everything after the enacting clause of the bill.

Amendment S-5037 filed by Senator King on February 16, 1998, to page 1 of amendment S-5035.

Amendment S-5038 filed by Senator King on February 16, 1998, to page 1 of amendment S-5035.

Amendment S-5042 filed by Senators King and McLaren from the floor to page 1 of amendment S-5035.

Amendment S-5045 filed by Senators King and McLaren from the floor to page 1 of amendment S-5035.

Amendment S-5047 filed by Senator Flynn from the floor to page 9 of amendment S-5035.

Amendment S-3349 filed by the committee on Judiciary on April 2, 1997, to pages 2-6, 8, and 10 of the bill.

The following motion to reconsider filed by Senator Iverson on April 25, 1997, was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3772 to amendment S-3771 failed to be adopted by the Senate on April 25, 1997.

Senator King moved that the bill be read the last time now and placed upon 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. 299), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman		

Nays, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Vilsack		

Absent or Not Voting, 2:

Szymoniak	Zieman
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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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2146, a bill for an act establishing Iowa State Flag Day.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on February 18, 1998, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 105, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day.

Read first time and referred to committee on **State Government**.

House Concurrent Resolution 110, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Read first time and referred to committee on **Human Resources**.

INTRODUCTION OF BILLS

Senate File 2254, by committee on Local Government, a bill for an act relating to charges for room and board by certain prisoners.

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

Senate File 2255, by Rehberg, a bill for an act relating to county and state payment responsibilities for services provided to persons with mental retardation including state payment of the nonfederal

share of medical assistance costs for certain services provided to children requiring special education.

Read first time and referred to committee on **Human Resources**.

Senate File 2256, by committee on Natural Resources and Environment, a bill for an act relating to the regulation of the deer population.

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

Senate File 2257, by committee on Transportation, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

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

Senate File 2258, by Neuhauser, Szymoniak, and Hammond, a bill for an act relating to the rights of enrollees under managed care plans.

Read first time and referred to committee on **Commerce**.

Senate File 2259, by committee on Judiciary, a bill for an act relating to search warrant applications.

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

Senate File 2260, by Lundby, a bill for an act requiring county treasurers to include with mobile home, manufactured home, and

modular home tax receipts a statement that the owner may be eligible for a reduced rate of tax and including an effective and applicability date provision.

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

Senate File 2261, by Lundby, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Read first time and referred to committee on **Human Resources**.

Senate File 2262, by Horn, a bill for an act relating to staff development for licensed professional staff at the community colleges and making an appropriation.

Read first time and referred to committee on **Appropriations**.

Senate File 2263, by Horn and Hansen, a bill for an act making an appropriation to pay for salary supplements for nonsupervisory, professional full-time equivalent positions filled by community colleges.

Read first time and referred to committee on **Appropriations**.

Senate File 2264, by committee on State Government, a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council.

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

Senate File 2265, by committee on State Government, a bill for an act relating to radiological detection equipment maintenance services provided by the emergency management division of the department of public defense and authorizing fees to be charged for the services.

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

Senate File 2266, by Redfern, a bill for an act to permit the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

Read first time and referred to committee on **Judiciary**.

Senate File 2267, by committee on State Government, a bill for an act concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

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

Senate File 2268, by committee on Local Government, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

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

Senate File 2269, by committee on State Government, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

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

Senate File 2270, by Harper, a bill for an act relating to the prohibition of sexual acts between employees and agents at juvenile placement facilities and juveniles and providing a penalty.

Read first time and referred to committee on **Judiciary**.

INTRODUCTION OF RESOLUTION

Senate Resolution 103, by Kramer, a resolution commemorating the founding and accomplishments of the federal Civilian Conservation Corps.

Read first time and referred to committee on **State Government.**

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 18, 1998, 12:35 p.m.

Members Present: Tinsman, Chair; Boettger, Vice Chair; Redwine and Szymoniak.

Members Absent: Hammond, Ranking Member.

Committee Business: Approved and submitted proposed appropriations bill to the full Appropriations Committee.

Adjourned: 2:00 p.m.

AGRICULTURE

Convened: February 18, 1998, 8:08 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, and Vilsack.

Members Absent: Black and McLaren (both excused).

Committee Business: Presentation on pseudorabies.

Adjourned: 8:52 a.m.

APPROPRIATIONS

Convened: February 18, 1998, 9:38 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Approved SSB 2135. Rule 40 was suspended.

Recessed: 10:50 a.m.

Reconvened: 11:18 a.m.

Adjourned: 11:46 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 18, 1998, 10:52 a.m.

Members Present: Rife, Chair; Dearden, Ranking Member; Behn, Gettings, Horn, Palmer, and Schuerer.

Members Absent: King, Vice Chair (excused); Freeman (excused), Jensen, and McKean (excused).

Committee Business: Passed HF 58.

Adjourned: 10:55 a.m.

EDUCATION

Convened: February 18, 1998, 10:52 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Dvorsky, Fink, Gaskill, Kibbie, Neuhauser, Redwine, Rensink, and Tinsman.

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

Committee Business: Subcommittee assignments.

Adjourned: 11:00 a.m.

LOCAL GOVERNMENT

Convened: February 18, 1998, 11:45 a.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Connolly, Dearden, Gaskill, Hansen, Redwine, and Schuerer.

Members Absent: Black and McKean (both excused).

Committee Business: Bill assignments and reassignments. Approved SSB 2133.

Adjourned: 11:55 a.m.

STATE GOVERNMENT

Convened: February 18, 1998, 11:48 a.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: McKibben (excused).

Committee Business: Recommended confirmation of governor's appointees. Approved SSBs 2092, 2093, and 2127. Passed SFs 2037, 2038, and 2153.

Adjourned: 12:32 p.m.

PRESENTATION OF VISITORS

The Chair welcomed at the request of Senator Borlaug, twelve seniors from Charles City Community High School, Charles City, Iowa, accompanied by Charles Redenos, who were present in the Senate gallery.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 299 passed the Senate on February 18, 1998.

STEWART IVERSON, Jr.

INTRODUCTION OF BILL

Senate File 2271, by committee on Agriculture, a bill for an act relating to a partial property tax exemption for value added to certain livestock facilities and providing an applicability date.

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

STUDY BILLS RECEIVED

SSB 2147 Human Resources

Relating to the entities responsible for assisting in international adoptions.

SSB 2148 Commerce

Relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

SSB 2149 Human Resources

Relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

SSB 2150 State Government

Relating to professional engineering licensure requirements for applicants with certain educational qualifications.

SSB 2151 Education

Relating to practitioner licensed by the state board of educational examiners and the school districts employing them, making appropriations, and providing for applicability.

SSB 2152 State Government

Establishing a state employee deferred compensation trust fund.

SSB 2153 Ways and Means

Relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

SSB 2154 Judiciary

Relating to the filing of civil litigation by prisoners and providing an effective date.

SSB 2155 Judiciary

To provide for the sharing of certain habilitative and treatment resources with the department of human services.

SSB 2156 Judiciary

To allow distribution of the presentence investigation report under certain circumstances.

SSB 2157 Agriculture

Relating to cooperatives organized under Code chapter 501.

SSB 2158 Local Government

Relating to the powers and duties of county treasurers and including an applicability date provision.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2002**

STATE GOVERNMENT: Rife, Chair; Drake and Halvorson

Senate File 2126

STATE GOVERNMENT: Rittmer, Chair; Halvorson and King

Senate File 2169

HUMAN RESOURCES: Tinsman, Chair; Boettger and Hammond

Senate File 2190

STATE GOVERNMENT: McLaren, Chair; Kibbie and Rife

Senate File 2194

APPROPRIATIONS: Rehberg, Chair; Freeman and Halvorson

Senate File 2196

APPROPRIATIONS: Rehberg, Chair; Behn and Dvorsky

Senate File 2197

STATE GOVERNMENT: King, Chair; McLaren and Szymoniak

Senate File 2199

STATE GOVERNMENT: King, Chair; Deluhery and Rittmer

Senate File 2204

APPROPRIATIONS: Freeman, Chair; Halvorson and McLaren

Senate File 2210

HUMAN RESOURCES: Boettger, Chair; Behn and Dearden

Senate File 2213

HUMAN RESOURCES: Boettger, Chair; Behn and Harper

Senate File 2214

STATE GOVERNMENT: McKibben, Chair; Deluhery and Rittmer

Senate File 2217

APPROPRIATIONS: Rittmer, Chair; Hammond and Kramer

Senate File 2218

TRANSPORTATION: Drake, Chair; Borlaug and Gettings

Senate File 2227

BUSINESS AND LABOR RELATIONS: Gettings, Chair; Freeman and Jensen

Senate File 2228

BUSINESS AND LABOR RELATIONS: Horn, Chair; McKean and Schuerer

Senate File 2229

BUSINESS AND LABOR RELATIONS: Palmer, Chair; Behn and King

Senate File 2230

BUSINESS AND LABOR RELATIONS: Horn, Chair; McKean and Schuerer

Senate File 2231

BUSINESS AND LABOR RELATIONS: Gettings, Chair; Jensen and Schuerer

Senate File 2232

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Jensen and McKean

Senate File 2233

BUSINESS AND LABOR RELATIONS: Rife, Chair; Freeman and Horn

Senate File 2237

WAYS AND MEANS: Douglas, Chair; McKibben and Szymoniak

Senate File 2244

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Behn and King

Senate File 2247

COMMERCE: McCoy, Chair; Lundby and Maddox

Senate File 2252

HUMAN RESOURCES: Redwine, Chair; Boettger and Dvorsky

SSB 2125

HUMAN RESOURCES: Schuerer, Chair; Behn and Harper

SSB 2129

HUMAN RESOURCES: Tinsman, Chair; Boettger and Hammond

SSB 2130

HUMAN RESOURCES: Hammond, Chair; Behn and Boettger

SSB 2150

STATE GOVERNMENT: McKibben, Chair; Deluhery and Rittmer

SSB 2151

EDUCATION: Redfern, Chair; Angelo, Connolly, Neuhauser, and Rensink

SSB 2157

AGRICULTURE: Rensink, Chair; Angelo and Kibbie

SSB 2158

LOCAL GOVERNMENT: Bartz, Chair; Black and Redwine

SSB 2159

APPROPRIATIONS: Hedge, Chair; Black and McLaren

SSB 2160

APPROPRIATIONS: Borlaug, Chair; Harper and McLaren

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: *SENATE FILE 2271 (SSB 2091), a bill for an act relating to a partial property tax exemption for value added to certain livestock facilities and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, and Rife. Nays, none. Absent or not voting, 2: Rehberg and Vilsack.

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 2271, and they were attached to the committee report.

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Rife, Dearden, Behn, Gettings, Horn, Jensen, Palmer, and Schuerer. Nays, none. Absent or not voting, 3: King, Freeman, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: *SENATE FILE 2259 (SSB 2010), a bill for an act relating to search warrant applications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, McKibben, and Tinsman. Nays, none. Absent or not voting, 2: King and Redfern.

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 2259, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2268 (SSB 2133), a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Behn, Boettger, Fraise, Angelo, Bartz, Connolly, Dearden, Gaskill, Hansen, Redwine, and Schuerer. Nays, none. Absent or not voting, 2: Black and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2256 (SSB 2121), a bill for an act relating to the regulation of the deer population.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent and not voting, 2: Borlaug and Iverson.

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 and Environment Committee on Senate File 2256, and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2264 (SSB 2092), a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, Lundby, McLaren, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: King and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2265 (SSB 2127), a bill for an act relating to radiological detection equipment maintenance services provided by the emergency management division of the department of public defense and authorizing fees to be charged for the services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McLaren, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2267 (SSB 2049), a bill for an act concerning the release of information by the department of transportation to investigators in the department of inspections and appeals.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2269 (SSB 2093), a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McLaren, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: *SENATE FILE 2257 (SSB 2134), a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Drake, Borlaug, Connolly, Douglas, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, 2: McCoy and Fraise.

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 2257, and they were attached to the committee report.

AMENDMENTS FILED

S-5044	H.F. 299	Steve King Derryl McLaren
S-5045	H.F. 299	Steve King Derryl McLaren
S-5046	S.F. 355	Larry McKibben
S-5047	H.F. 299	Tom Flynn
S-5048	S.F. 2120	Rod Halvorson

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:34 p.m., until 9:00 a.m., Thursday, February 19, 1998.

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 19, 1998

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

Prayer was offered by the Victory Group, from the Des Moines Christian School, Des Moines, Iowa, who performed the National Anthem and a choral prayer, "Beautiful Savior."

The Journal of Wednesday, February 18, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden for the day, on request of Senator Hammond.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 18, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2073, a bill for an act prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

INTRODUCTION OF BILLS

Senate File 2272, by Kibbie, a bill for an act authorizing a county to make an interfund transfer of county general fund revenues to the

county's mental health, mental retardation, and developmental disabilities services fund under certain circumstances and providing an effective date.

Read first time and referred to committee on **Local Government**.

Senate File 2273, by committee on Agriculture, a bill for an act providing requirements for persons receiving a permit for the construction of a confinement feeding operation by excusing payment of fees for certain persons, providing an amnesty period, transferring provisions, providing for delinquency penalties, and providing an effective date.

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

The Senate stood at ease at 9:12 a.m. until the fall of the gavel.

The Senate resumed session at 9:14 a.m., President Kramer presiding.

DISTINGUISHED GUEST

Senator Iverson presented the Honorable Charles Grassley, U.S. Senator from Iowa, and former member of the Iowa House.

APPENDIX**CERTIFICATE OF RECOGNITION**

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

William Peck, Dubuque – For receiving the Team Award from Iowa State Education Association. Senator Connolly (2-19-98).

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: February 19, 1998, 9:55 a.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Approved SSBs 2047, 2059, 2088, and 2090.

Adjourned: 10:35 a.m.

HUMAN RESOURCES

Convened: February 19, 1998, 1:08 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman.

Members Absent: Bartz and Dearden (both excused).

Committee Business: Passed SF 2161. Approved SSBs 2015, 2111, and 2129, and SCR 105. Recommended confirmation of governor's appointee.

Adjourned: 2:00 p.m.

JUDICIARY

Convened: February 19, 1998, 2:07 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair, Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman.

Members Absent: McKibben (excused).

Committee Business: Bill assignments. Passed HF 2162. Approved SSBs 2008 and 2106.

Adjourned: 3:05 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 19, 1998, 10:40 a.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, and Rehberg.

Members Absent: Dearden, Iverson (both excused).

Committee Business: Passed SF 2004 and approved SSB 2117.

Adjourned: 10:50 a.m.

WAYS AND MEANS

Convened: February 19, 1998, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.

Members Absent: None.

Committee Business: Subcommittees assigned. Passed HF 2119 and HF 721 as amended. Approved SSBs 2073 and 2110.

Adjourned: 12:45 p.m.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on February 18, 1998, when the vote was taken on House File 299. Had I been present, I would have voted "nay."

ELAINE SZYMONIAK

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on February 18, 1998:

STATE GOVERNMENT

Richard J. Haines – Director of the Department of General Services

Ellen T. Larson – Board of Barber Examiners

INTRODUCTION OF BILLS

Senate Joint Resolution 2003, by Gronstal, Neuhauser, and Vilsack, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the right of children to free public education through the secondary level.

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

Senate File 2274, by committee on Judiciary, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

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

Senate File 2275, by McCoy, a bill for an act relating to a prevailing wage requirement for the new jobs and income Act.

Read first time under Rule 28 and referred to committee on **Small Business, Economic Development, and Tourism**.

Senate File 2276, by Dvorsky, Gronstal, Dearden, Deluhery, Fink, Halvorson, Hammond, Flynn, Black, Connolly, Harper, Horn, Judge, Kibbie, Neuhauser, Palmer, McCoy, Szymoniak, Vilsack, Gettings, Fraise, and Hansen, a bill for an act relating to the establishment of a behavioral disorders teacher shortage loan payment program and fund, and alternative education options schools and programs, and making appropriations.

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

Senate File 2277, by Szymoniak, a bill for an act providing that persons who use skateboard parks on public lands assume the risks associated with such activity.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 2278, by Hansen, a bill for an act expanding the criminal code definition of serious injury to include certain injuries to children.

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

STUDY BILLS RECEIVED

SSB 2159 Appropriations

Relating to and making appropriations for agriculture and natural resources.

SSB 2160 Appropriations

Appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

SSB 2161 State Government

Concerning eligible alternative retirement benefit systems for community college employees.

SSB 2162 State Government

Relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing effective date.

SSB 2163 Judiciary

Relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence.

SSB 2164 Human Resources

Relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

SSB 2165 Judiciary

Allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting licensed substance abuse agencies to offer a drinking drivers course, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, and requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations.

SSB 2166 Judiciary

Expanding the compensation available from the crime victim compensation program to victims of crime and their families.

SSB 2167 Transportation

Relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy.

SSB 2168 State Government

Relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

SSB 2169 Commerce

Providing for the regulation of savings banks in a manner similar to state banks and striking provisions relating to the regulation of savings and loan associations, and providing an effective date.

SSB 2170 State Government

Relating to annual reports, audits, and board of directors composition of nonprofit corporations created by or in association with the Iowa finance authority and providing effective dates.

SSB 2171 State Government

Concerning nonsubstantive gender-related provisions in the Code.

SSB 2172 State Government

Concerning equitable treatment relating to historical monuments, jailers, peace officer and city or county assessor job requirements, parents of a child born out of wedlock, and the classification of estate debts and charges.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2216**

EDUCATION: Rensink, Chair; Boettger and Szymoniak

Senate File 2238

EDUCATION: Boettger, Chair; Connolly and Redwine

Senate File 2239

EDUCATION: Angelo, Chair; Kibbie and Rensink

Senate File 2240

EDUCATION: Redwine, Chair; Angelo and Dvorsky

Senate File 2241

JUDICIARY: McKibben, Chair; Neuhauser and Redfern

Senate File 2249

EDUCATION: Rehberg, Chair; Fink and Tinsman

Senate File 2253

NATURAL RESOURCES AND ENVIRONMENT: Dvorsky, Chair; Gaskill and McKibben

Senate File 2260

WAYS AND MEANS: Douglas, Chair; Deluhery and Drake

Senate File 2262

APPROPRIATIONS: Rehberg, Chair; Halvorson and Hedge

Senate File 2263

APPROPRIATIONS: Rehberg, Chair; Halvorson and Hedge

Senate File 2266

JUDICIARY: Redfern, Chair; Drake and Harper

Senate File 2270

JUDICIARY: Maddox, Chair; Harper and King

SCR 106

STATE GOVERNMENT: Lundby, Chair; Szymoniak and Tinsman

SR 103

STATE GOVERNMENT: Lundby, Chair; Borlaug and Fink

SSB 2149

HUMAN RESOURCES: Redwine, Chair; Boettger and Szymoniak

SSB 2152

STATE GOVERNMENT: Deluhery, Chair; King and Lundby

SSB 2153

WAYS AND MEANS: Douglas, Chair; Hedge and Judge

SSB 2154

JUDICIARY: McKean, Chair; Fraise and Maddox

SSB 2155

JUDICIARY: Angelo, Chair; Halvorson and Maddox

SSB 2156

JUDICIARY: Angelo, Chair; Halvorson and Maddox

SSB 2161

STATE GOVERNMENT: Drake, Chair; Kibbie and Lundby

SSB 2162

STATE GOVERNMENT: Rittmer, Chair; Harper and Rife

SSB 2163

JUDICIARY: McKean, Chair; Fraise and Maddox

SSB 2165

JUDICIARY: McKean, Chair; Halvorson and Redfern

SSB 2166

JUDICIARY: Hammond, Chair; Maddox and McKibben

SSB 2167

TRANSPORTATION: McKibben, Chair; Drake and Fraise

SSB 2168

STATE GOVERNMENT: Rife, Chair; Deluhery and Rittmer

SSB 2170

STATE GOVERNMENT: Borlaug, Chair; Harper and King

SSB 2171

STATE GOVERNMENT: Lundby, Chair; Harper and Tinsman

SSB 2172

STATE GOVERNMENT: Lundby, Chair; Harper and Tinsman

House File 2146

STATE GOVERNMENT: Fink, Chair; Harper and Rife

House File 2210

APPROPRIATIONS: Dvorsky, Chair; Behn and Douglas

HCR 105

STATE GOVERNMENT: Fink, Chair; Harper and Rife

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE FILE 2088, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, and Rife. Nays, none. Absent or not voting, 2: Rehberg and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2273 (SSB 2033), a bill for an act providing requirements for persons receiving a permit for the construction of a confinement feeding operation by excusing payment of fees for certain persons, providing an amnesty period, transferring provisions, providing for delinquency penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, and Rife. Nays, none. Absent or not voting, 2: Rehberg and Vilsack.

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 2273, and they were attached to the committee report.

JUDICIARY

Final Bill Action: *SENATE FILE 2274 (SSB 2079), a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, McKibben, and Tinsman. Nays, none. Absent or not voting, 3: Fraise, King, and Redfern.

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 2274, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2162, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5051.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McLaren, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: Lundby and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2109, a bill for an act relating to mobile home dealers.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5049.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2119, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY GOVERNOR

Communications were received announcing that on February 19, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2081 – Regulating implements of husbandry.

SENATE FILE 2082 – Regulating anhydrous ammonia by prohibiting tampering with related equipment and the unauthorized possession and transportation of containers and receptacles used to store anhydrous ammonia, providing enhanced penalties, and providing an effective date.

SENATE FILE 2094 – Relating to the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

AMENDMENTS FILED

S-5049	S.F. 2109	Transportation
S-5050	S.F. 2267	Richard F. Drake
S-5051	S.F. 2037	State Government

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:17 a.m., until 1:00 p.m., Monday, February 23, 1998.

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 23, 1998

The Senate met in regular session at 1:23 p.m., President Kramer presiding.

Prayer was offered by Father Joseph Schneider, of the Catholic Parish, St. Ansgar, Iowa.

The Journal of Thursday, February 19, 1998, was approved.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

S.F. 2156	Transportation
S.F. 2236	Appropriations
S.F. 2265	Ways and Means
S.F. 2271	Ways and Means
H.F. 58	Ways and Means

HOUSE MESSAGES RECEIVED

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 February 19, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2153, a bill for an act providing that member contributions under certain public retirement systems are considered

employer contributions for state income tax purposes, and providing effective and applicability date provisions.

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

House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program.

Read first time and referred to committee on **Small Business, Economic Development and Tourism**.

House File 2246, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners.

Read first time and referred to committee on **Local Government**.

House File 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on February 19, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 102, a concurrent resolution requesting the United States Department of Health and Human Services to revise a proposed rulemaking for implementing welfare reform and requesting the United States Congress to provide oversight.

ALSO: that the House has on February 19, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2121, a bill for an act regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

INTRODUCTION OF BILLS

Senate File 2279, by committee on Commerce, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

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

Senate File 2280, by committee on Appropriations, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

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

Senate File 2281, by committee on Judiciary, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

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

Senate File 2282, by committee on Commerce, a bill for an act establishing an electronic benefits transfer program in the department of human services.

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

Senate File 2283, by committee on Commerce, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

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

Senate File 2284, by committee on Ways and Means, a bill for an act relating to rural improvement zones.

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

Senate File 2285, by committee on Human Resources, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

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

Senate File 2286, by committee on Human Resources, a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

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

Senate File 2287, by committee on Human Resources, a bill for an act relating to the continued operation of the innovation zone board.

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

Senate File 2288, by committee on Ways and Means, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

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

Senate File 2289, by King, Borlaug, Angelo, Dearden, and Behn, a bill for an act relating to the issuance of permits to carry weapons.

Read first time and referred to committee on **State Government**.

Senate File 2290, by Flynn, Halvorson, Harper, Deluhery, Judge, Fraise, and Vilsack, a bill for an act relating to an allocation of moneys appropriated to the department of education for purposes of school-based youth services education programs.

Read first time and referred to committee on **Education**.

Senate File 2291, by King, Borlaug, Rehberg, Angelo, Hedge, McKean, Rensink, Behn, and Schuerer, a bill for an act relating to education standards, family support program guidelines, and the regents' minority and women educators enhancement program.

Read first time and referred to committee on **Education**.

APPENDIX**COMMUNICATION FROM THE GOVERNOR**

The following communication was received from the governor:

February 20, 1998

Mary Pat Gunderson
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Gunderson:

Carol R. Jensen has resigned from the State Soil Conservation Committee due to family commitments. I am, therefore, withdrawing her name for consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

PRESENTATIONS OF VISITORS

The Chair welcomed, at the request of Senator McKibben, Marshalltown High School Teens Against Tobacco Use, who were present in the Senate gallery.

The Chair also welcomed, at the request of Senator Iverson, Eldora New Providence High School students, who were present in the Senate gallery.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee assigned to standing committee for investigation was placed on the En Bloc Calendar with recommendation for confirmation on February 23, 1998:

HUMAN RESOURCES

Janice L. Wilson – Commission on the Deaf

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convended: February 19, 1998, 3:22 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Jensen, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: Kramer, Vice Chair; Horn and Lundby (all excused).

Committee Business: Approved SSB 2159 and SSB 2160.

Adjourned: 4:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE AND CAPITALS

Convened: February 23, 1998, 11:10 a.m.

Members Present: Freeman, Chair; Drake, Vice Chair; Halvorson, Ranking Member; Connolly and Douglas.

Members Absent: None.

Committee Business: Approved and submitted proposed appropriations bill to full Appropriations Committee.

Adjourned: 1:20 p.m.

LOCAL GOVERNMENT

Convened: February 23, 1998, 2:05 p.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Dearden, Gaskill, Hansen, McKean, and Redwine.

Members Absent: Connolly and Schuerer (both excused).

Committee Business: Passed SF 2200.

Adjourned: 2:15 p.m.

PETITION

The following petition was presented and placed on file by:

Senator Bartz, from twenty-five residents of Franklin County, opposing legislation authorizing the hunting of doves.

INTRODUCTION OF BILLS

Senate File 2292, by committee on Judiciary, a bill for an act relating to the sex offender registry and providing for the Act's applicability.

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

Senate File 2293, by committee on Natural Resources and Environment, a bill for an act relating to reporting of the status of environmental violations by the department of natural resources.

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

Senate File 2294, by committee on Natural Resources and Environment, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

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

Senate File 2295, by committee on Appropriations, a bill for an act relating to and making appropriations for agriculture and natural resources.

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

Senate File 2296, by committee on Appropriations, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

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

Senate File 2297, by Palmer, a bill for an act establishing a unified publicly funded child day care assistance program administered by the department of human services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

Senate File 2298, by Fink, a bill for an act providing for the establishment of an enrichment fund by the board of directors of a school district, and providing for a personal income tax credit and corporate income tax deduction for contributions to an enrichment fund.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2299, by Harper, Gronstal, Dearden, Deluhery, Halvorson, Hammond, Flynn, Black, Connolly, Horn, Kibbie, Judge, Neuhauser, Palmer, McCoy, Szymoniak, Vilsack, Gettings, Dvorsky, Fraise, and Hansen, a bill for an act relating to the establishment of an early childhood and elementary education improvement program and making an appropriation.

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

Senate File 2300, by Vilsack, Dearden, Deluhery, Fink, Halvorson, Hammond, Flynn, Black, Harper, Connolly, Kibbie, Horn, Judge, Neuhauser, Palmer, Gronstal, Gettings, Dvorsky, Fraise, and Hansen, a bill for an act relating to the establishment of a retaining our achievers loan program and fund to be administered by the college student aid commission.

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

Senate File 2301, by committee on Commerce, a bill for an act relating to the operation and regulation of banks and making technical corrections.

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

Senate File 2302, by Flynn, Maddox, Bartz, Douglas, and Harper, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 107, by Gettings, Dearden, Horn, Palmer, and Gronstal, a concurrent resolution urging support of legislation to prohibit the hiring of permanent striker replacement workers.

Read first time under Rule 28 and referred to committee on **Business and Labor**.

STUDY BILLS RECEIVED

SSB 2173 Judiciary

Relating to the punishment for the offense of driving while a license is suspended, denied, revoked, or barred for an operating while intoxicated offense, and to the use of ignition interlock devices.

SSB 2174 Judiciary

Concerning the number of supreme court justices and court of appeals judges, providing for support staff, and including a contingent effective date.

SSB 2175 State Government

Relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

SSB 2176 Agriculture

Establishing an agricultural seed masters board and providing for fees.

SSB 2177 Agriculture

Relating to infectious and contagious diseases affecting livestock and providing penalties.

SSB 2178 Local Government

Relating to discarding solid waste and providing a penalty.

SSB 2179 Local Government

Relating to the standard uniforms of sheriffs and deputy sheriffs.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2250**

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Schuerer,
Chair; King and McCoy

Senate File 2251

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Schuerer,
Chair; King and McCoy

Senate File 2255

HUMAN RESOURCES: Tinsman, Chair; Redwine and Szymoniak

Senate File 2258

COMMERCE: Jensen, Chair; Hansen and Lundby

Senate File 2261

HUMAN RESOURCES: Boettger, Chair; Behn and Harper

Senate File 2275

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Schuerer, Chair; King
and McCoy

Senate File 2277

NATURAL RESOURCES AND ENVIRONMENT: Iverson, Chair; Dearden and McKibben

Senate File 2278

JUDICIARY: Maddox, Chair; Hansen and McKean

SSB 2164

HUMAN RESOURCES: Behn, Chair; Hammond and Schuerer

SSB 2169

COMMERCE: Lundby, Chair; Gronstal and Maddox

SSB 2173

JUDICIARY: McKean, Chair; Halvorson and Redfern

SSB 2174

JUDICIARY: Maddox, Chair; McKean and Neuhauser

SSB 2175

STATE GOVERNMENT: Rife, Chair; Kibbie and Rittmer

SSB 2176

AGRICULTURE: Fraise, Chair; Behn and Hedge

SSB 2177

AGRICULTURE: Rensink, Chair; Bartz and Kibbie

SSB 2178

LOCAL GOVERNMENT: Redwine, Chair; Fraise and Gaskill

SSB 2179

LOCAL GOVERNMENT: Gaskill, Chair; Bartz and Black

SSB 2180

TRANSPORTATION: Jensen, Chair; Drake and Gettings

House File 2166

WAYS AND MEANS: Deluhery, Chair; Borlaug and Drake

House Concurrent Resolution 110

HUMAN RESOURCES: Szymoniak, Chair; Boettger and Tinsman

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2280 (SSB 2135), by committee on Appropriations, 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, the department of human rights,

the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. 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 Appropriations Committee on Senate File 2280, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2295 (SSB 2159), a bill for an act relating to and making appropriations for agriculture and natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: McLaren, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Jensen, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none. Absent or not voting, 3: Kramer, Horn, and Lundby.

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 2295, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2296 (SSB 2160), a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McLaren, Behn, Borlaug, Douglas, Freeman, Hedge, Jensen, Maddox, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, 6: Flynn, Black, Dvorsky, Harper, McCoy, and Neuhauser. Pass, 2: Halvorson and Vilsack. Absent or not voting, 4: Kramer, Hammond, Horn, and Lundby.

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 2296, and they were attached to the committee report.

COMMERCE

Final Bill Action: SENATE FILE 367, a bill for an act relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, McCoy, and Redfern. Nays, none. Absent or not voting, 3: Maddox, Palmer, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2279 (SSB 2090), a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. Nays, none. Absent or not voting, 1: King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2282 (SSB 2047), a bill for an act establishing an electronic benefits transfer program in the department of human services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2283 (SSB 2088), a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. Nays, 1: King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2301 (SSB 2059), a bill for an act relating to the operation and regulation of banks and making technical corrections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, and Rife. Nays, none. Absent or not voting, 1: Redfern.

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 Commerce Committee on Senate File 2301, and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2285 (SSB 2111), a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2286 (SSB 2129), a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2287 (SSB 2015), a bill for an act relating to the continued operation of the innovation zone board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dearden.

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 Human Resources Committee on Senate File 2287, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 105, a concurrent resolution relating to the intent of the Iowa General Assembly regarding federal tobacco legislation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Boettger, Redwine, Szymoniak, Behn, Hammond, Harper, Iverson, Schuerer, and Tinsman. Nays, 2: Dvorsky and Rensink. Absent or not voting, 2: Bartz and Dearden.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2281 (SSB 2106), a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2292 (SSB 2008), a bill for an act relating to the sex offender registry and providing for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKean, Angelo, Boettger, Drake, Fraise, Halvorson, Hansen, King, Redfern, and Tinsman. Nays, 4: Maddox, Neuhauser, Hammond, and Harper. Absent or not voting, 1: McKibben.

Fiscal Note: 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 2292, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2200, a bill for an act relating to the expenses, powers, and duties and county agricultural extension councils.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Behn, Boettger, Fraise, Angelo, Bartz, Black, Dearden, Gaskill, Hansen, McKean, and Redwine. Nays, none. Absent or not voting, 2: Connolly and Schuerer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2293 (SF 2004), a bill for an act relating to reporting of the status of environmental violations by the department of natural resources.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent or not voting, 2: Dearden and Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2294 (SSB 2117), a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, and Rehberg. Nays, none. Absent or not voting, 2: Dearden and Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5056.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson Harper, King, Lundby, McLaren, Rife, Szymoniak and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2170, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 106, a concurrent resolution designating March 1998 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, and Szymoniak. Nays, none. Absent or not voting, 3: Deluhery, McLaren, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2218, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2284 (SSB 2110), a bill for an act relating to rural improvement zones.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Douglas, McKibben, Borlaug, Connolly, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack. Nays, 1: Deluhery. Absent or not voting, 1: Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2288 (SSB 2073), a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack. Nays, none.

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 2288, and they were attached to the committee report.

AMENDMENTS FILED

S-5052	H.F. 2162	Andy McKean
S-5053	S.F. 2080	Mary Lou Freeman Bill Fink
S-5054	H.F. 599	O. Gene Maddox
S-5055	S.F. 2292	Jeff Angelo
S-5056	S.F. 2038	State Government

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:36 p.m., until 9:00 a.m., Tuesday, February 24, 1998.

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 24, 1998

The Senate met in regular session at 9:08 a.m., Senator Bartz presiding.

Prayer was offered by the Reverend Jack Gray, pastor of the Calvary Christian Reformed Church, Orange City, Iowa.

The Journal of Monday, February 23, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 February 23, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2211, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

Read first time and referred to the committee on **Local Government**.

ALSO: That the House has on February 23, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2182, a bill for an act relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

President Kramer took the chair at 9:12 a.m.

APPENDIX

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 24th day of February, 1998:

Senate File 2121.

MARY PAT GUNDERSON
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: February 23, 1998, 11:09 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; and Deluhery.

Members Absent: Jensen.

Committee Business: Presentations regarding year 2000 compliance.

Adjourned: 12:24 p.m.

COMMERCE

Convened: February 23, 1998, 4:10 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife.

Members Absent: Bartz and Palmer (both excused).

Committee Business: Approved SSB 50, SSB 2142, and SSB 2148.

Adjourned: 4:40 p.m.

STATE GOVERNMENT

Convened: February 23, 1998, 2:10 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman.

Members Absent: McLaren (excused).

Committee Business: Passed SF 2170. Approved SCR 106, SR 103, SSB 2053, SSB 2126, SSB 2150, SSB 2161, and SSB 2168.

Adjourned: 3:07 p.m.

TRANSPORTATION

Convened: February 23, 1998, 3:12 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: None.

Committee Business: Passed SF 2218. Approved SSB 2167.

Adjourned: 3:24 p.m.

AGRICULTURE

Convened: February 24, 1998, 8:05 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Rife, and Vilsack.

Members Absent: None.

Committee Business: Approved SSB 2132, SSB 2136, SSB 2137, and SSB 2145.

Adjourned: 8:55 a.m.

BUSINESS AND LABOR RELATIONS

Convened: February 24, 1998, 10:45 a.m.

Members Present: Rife, Chair; King, Vice Chair; Behn, Gettings, Horn, Jensen, Palmer and Schuerer.

Members Absent: Dearden, Ranking Member; Freeman and McKean (all excused).

Committee Business: Approved SSB 2139.

Adjourned: 10:48 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 24, 1998, 10:17 a.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, and Rehberg.

Members Absent: Iverson and McKibben (both excused).

Committee Business: Passed SF 2201 and SF 2207. Approved SSB 2113.

Adjourned: 10:50 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: February 24, 1998, 10:12 a.m.

Members Present: Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: Lundby, Chair (excused).

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 10:37 a.m.

INTRODUCTION OF BILLS

Senate File 2303, by King, a bill for an act authorizing the imposition of a local option sales and services tax, income surtax, and property tax for school infrastructure projects and the issuance of bonds, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 2304, by Neuhauser, Connolly, and Hansen, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2305, by McKibben, a bill for an act relating to inmate grooming standards and providing for disciplinary action against inmates who do not comply with those standards.

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

Senate File 2306, by King, a bill for an act concerning the administrative procedure Act relating to administrative law judges, the burden of proof in contested case hearings, the ability to seek judicial review of agency action, and the conduct of judicial review of agency action.

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

Senate File 2307, by committee on Human Resources, a bill for an act relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

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

Senate File 2308, by committee on State Government, a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

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

Senate File 2309, by committee on State Government, a bill for an act relating to local government authority to hold elections and providing an effective date.

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

Senate File 2310, by committee on State Government, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

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

Senate File 2311, by committee on Commerce, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing an effective date.

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

Senate File 2312, by committee on Human Resources, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

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

Senate File 2313, by committee on Human resources, a bill for an act relating to child support, providing penalties, and providing effective dates.

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

Senate File 2314, by Hansen, a bill for an act relating to insurance coverage for motor vehicles in this state and providing penalties.

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

Senate File 2315, by committee on Natural Resources and Environment, a bill for an act eliminating a report of land acquisitions and exchanges by a county conservation board.

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

Senate File 2316, 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 insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

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

Senate File 2317, by committee on Transportation, a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy.

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

Senate File 2318, by Halvorson, a bill for an act making an appropriation from the rebuild Iowa infrastructure fund to the department of corrections for the construction of additional prison bed capacity at the Rockwell City correctional facility.

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

Senate File 2319, by committee on State Government, a bill for an act revising the definition of the practice of land surveying.

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

Senate File 2320, by committee on State Government, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

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

Senate File 2321, by committee on Business and Labor Relations, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

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

Senate File 2322, by Flynn, a bill for an act concerning workers' compensation insurance rates.

Read first time under Rule 28 and referred to committee on **Business and Labor Relations**.

Senate File 2323, by committee on Education, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

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

STUDY BILLS RECEIVED

SSB 2180 Transportation

Relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

SSB 2181 Judiciary

Relating to real estate titles involving bankruptcy.

SSB 2182 Judiciary

Relating to the confinement and treatment of sex offenders.

SSB 2183 Local Government

Relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

SSB 2184 Judiciary

Adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

SSB 2185 Judiciary

Relating to the liability for unpaid rates or charges of a city utility or enterprise service for services.

SSB 2186 State Government

Relating to the operation of the lottery, providing for multi-jurisdictional agreements, and providing a penalty for the theft or redemption of stolen lottery tickets.

SSB 2187 Commerce

Relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, and the elimination of countersigning resident agent provisions.

SSB 2188 Human Resources

Providing for access to confidential information under certain circumstances by a statewide elected official member of the general assembly or a designee.

SSB 2189 Human Resources

Providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

SSB 2190 Human Resources

Relating to requests and hearings for correction and expungement of child abuse information.

SSB 2191 Commerce

Relating to the noncompetition by government and nonprofit entity agents or employees soliciting advertising for publication.

SSB 2192 Appropriations

An Act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the department of agriculture and land stewardship for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the

water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; for colocation of the Des Moines communications center presently located at the STARC armory; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used not necessarily for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building and for design and development of a new judicial building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making

statutory changes relating to appropriations by establishing the blufflands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

SSB 2193 Judiciary

Provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

SSB 2194 Human Resources

Relating to the supervision of licensed physical therapist assistants.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2234

TRANSPORTATION: Drake, Chair; Fraise and Jensen

Senate File 2236

APPROPRIATIONS: Hedge, Chair; Behn and Black

Senate File 2265

WAYS AND MEANS: Maddox, Chair; Freeman and Judge

Senate File 2271

WAYS AND MEANS: Hedge, Chair; McLaren and Szymoniak

Senate File 2276

APPROPRIATIONS: Rehberg, Chair; Dvorsky and Jensen

Senate File 2289

STATE GOVERNMENT: King, Chair; Borlaug and Halvorson

Senate File 2297

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Tinsman

Senate File 2298

WAYS AND MEANS: Redfern, Chair; Borlaug and Palmer

Senate File 2302

COMMERCE: Flynn, Chair; Douglas and Maddox

Senate File 2305

JUDICIARY: McKibben, Chair; Fraise and McKean

Senate File 2306

JUDICIARY: King, Chair; McKibben and Neuhauser

Senate Concurrent Resolution 107

BUSINESS AND LABOR RELATIONS: Gettings, Chair; Behn and King

SSB 2147

HUMAN RESOURCES: Schuerer, Chair; Behn and Harper

SSB 2148

COMMERCE: Flynn, Chair; Lundby and Rife

SSB 2164

HUMAN RESOURCES: Behn, Chair; Hammond and Schuerer

SSB 2180

TRANSPORTATION: Jensen, Chair; Gettings and McKean

SSB 2181

JUDICIARY: McKibben, Chair; Harper and Redfern

SSB 2182

JUDICIARY: Angelo, Chair; Halvorson and King

SSB 2183

LOCAL GOVERNMENT: Redwine, Chair; Boettger and Dearden

SSB 2184

JUDICIARY: McKibben, Chair; Halvorson and McKean

SSB 2185

JUDICIARY: King, Chair; McKibben and Neuhauser

SSB 2186

STATE GOVERNMENT: Lundby, Chair; Fink and Rittmer

SSB 2187

COMERCE: Gronstal, Chair; Douglas and Redfern

SSB 2188

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

SSB 2189

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

SSB 2190

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

SSB 2191

COMMERCE: King, Chair; Flynn and Schuerer

SSB 2193

JUDICIARY: Maddox, Chair; McKibben and Neuhauser

SSB 2194

HUMAN RESOURCES: Rensink, Chair; Boettger and Hammond

House File 58

WAYS AND MEANS: Freeman, Chair; Hedge and Palmer

House File 2153

WAYS AND MEANS: Drake, Chair; Connolly and Maddox

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: HOUSE FILE 2210, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund.

Recommendation: DO PASS.

Final Vote: Ayes, 23: McLaren, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, and Vilsack. Nays, none. Absent or not voting, 2: Kramer and Tinsman

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2321 (SSB 2139), a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rife, King, Behn, Gettings, Horn, Jensen, Palmer, and Schuerer. Nays, none. Absent or not voting, 3: Dearden, Freeman, and McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2311 (SSB 50), a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, and Rife. Nays, none. Absent or not voting, 3: Bartz, Palmer, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2316 (SSB 2148), a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries

unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, and Rife. Nays, none. Absent or not voting, 3: Bartz, Palmer and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Final Bill Action: *SENATE FILE 2323 (SSB 2196), a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Redfern, Rehberg, Angelo, Boettger, Gaskill, Kramer, Redwine, Rensink, and Tinsman. Nays, 5: Connolly, Dvorsky, Fink, Kibbie, and Neuhauser. Absent or not voting, 1: Szymoniak.

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 2323, and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2169, a bill for an act relating to the designation of a state poison center and making an appropriation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Boettger, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Pass, 1: Redwine.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2186, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2261, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2307 (SSB 2130), a bill for an act relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2312 (SF 2155), a bill for an act providing for the number of children receiving care under the child care home pilot projects and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Boettger, Redwine, Behn, Iverson, Rensink, Schuerer, and Tinsman. Nays, 4: Szymoniak, Dearden, Hammond, and Harper. Absent or not voting, 2: Bartz and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2313 (SSB 2096), a bill for an act relating to child support, providing penalties, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

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 Human Resources Committee on Senate File 2313, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: SENATE FILE 2201, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, and Rehberg. Nays, none. Absent or not voting, 2: Iverson and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2315 (SSB 2113), a bill for an act eliminating a report of land acquisitions and exchanges by a county conservation board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, and Rehberg. Nays, none. Absent or not voting, 2: Iverson and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2308 (SSB 2161), a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2309 (SSB 2126), a bill for an act relating to local government authority to hold elections and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, 2: Halvorson and Harper. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2310 (SSB 2150), a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 2: Deluhery and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2319 (SSB 2053), a bill for an act revising the definition of the practice of land surveying.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2320 (SSB 2168), a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 103, a resolution commemorating the founding and accomplishments of the federal Civilian Conservation Corps.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 3: Deluhery, McLaren, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: SENATE FILE 2317 (SSB 2167), a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 721, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5059.

Final Vote: Ayes, 15: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.
Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5057	S.F. 2257	Allen Borlaug
S-5058	S.F. 2274	Jeff Angelo
S-5059	H.F. 721	Ways and Means
S-5060	S.F. 2065	Tom Flynn

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:16 a.m., until 9:00 a.m., Wednesday, February 25, 1998.

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 25, 1998

The Senate met in regular session at 9:13 a.m., President Kramer presiding.

Prayer was offered by Father Peter Cade, pastor of the Saint George Greek Orthodox Church, Des Moines, Iowa.

The Journal of Tuesday, February 24, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 February 24, 1998 adopted the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2004, a joint resolution designating by name an official highest elevation in the State of Iowa.

Read first time and referred to the committee on **State Government**

ALSO: That the House has on February 24, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2075, a bill for an act relating to the creation of a dental hygiene committee within the board of dental examiners.

INTRODUCTION OF BILLS

Senate File 2324, by committee on Agriculture, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Read first time and placed on calendar.

Senate File 2325, by committee on Commerce, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Read first time and placed on calendar.

Senate File 2326, by Deluhery, a bill for an act relating to intrastate pipelines, interstate natural gas pipelines and hazardous liquid pipelines, and agricultural land restoration, making penalties applicable, and providing an effective date.

Read first time and referred to committee on Commerce.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2323** be referred from the Regular Calendar to the committee on **Appropriations**.

MOTION TO RECONSIDER WITHDRAWN

Senator Iverson withdrew the motion to reconsider **House File 299**, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date, filed by him on February 18, 1998, and found on page 352 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 299** be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:24 a.m., until 3:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Brynn Bateman, Sidney – For winning 4th Place Individual Honors and 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/21/98).

John Becker, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (2/24/98).

Eric Behnke, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (2/24/98).

Steven Dibelka, Sidney – For winning 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/24/98).

Erin Fichter, Sidney – For winning 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/24/98).

Nick Glab, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (2/24/98).

Darrin Gregory, Sidney – For winning 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/24/98).

Troy Henke, Winterset – For achieving the rank of Eagle Scout. Senator Douglas (2/24/98).

Randall Meyer, Sidney – For winning 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/24/98).

Jessica Moser, Guttenberg – For winning 1st Place in the 1998 Write Women Back Into History Essay Contest. Senator Ziemann (3/3/98).

Amanda Pierce, Sidney – For winning 1st Place Individual Honors and 2nd Place Team Honors in MATHCOUNTS. Senator McLaren (2/21/98).

Steven A. Reben, Des Moines – For achieving the rank of Eagle Scout. Senator McCoy (2/24/98).

Elmer Vermeer, Sioux Center – For receiving a Volunteer Hall of Fame Award from the Governor's Office on Volunteerism. Senator Rensink (2/24/98).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 24, 1998, 12:16 p.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

Members Absent: None.

Committee Business: Presentation by LFB.

Adjourned: 12:58 p.m.

APPROPRIATIONS

Convened: February 24, 1998, 1:08 p.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, and Vilsack.

Members Absent: Kramer, Vice Chair; and Tinsman (both excused).

Committee Business: Passed HF 2210.

Adjourned: 1:20 p.m.

EDUCATION

Convened: February 24, 1998, 4:13 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Bill assignments. Substituted SSB 2196 for SSB 2151. Approved SSB 2196.

Adjourned: 6:03 p.m.

HUMAN RESOURCES

Convened: February 24, 1998, 3:10 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed SF 2169 and SF 2177. Approved SSB 2125, SSB 2147, and SSB 2149.

Adjourned: 3:58 p.m.

JUDICIARY

Convened: February 24, 1998, 2:05 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Bill assignments. Passed SF 2171 and SF 2241. Approved SSB 2154, SSB 2155, SSB 2156, SSB 2163, and SSB 2166.

Adjourned: 2:45 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2277
(Reassigned)

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dearden and Iverson

Senate File 2303

WAYS AND MEANS: McKibben, Chair; Connolly and Redfern

Senate File 2314

COMMERCE: Jensen, Chair; Hansen and Lundby

Senate File 2318

APPROPRIATIONS: Maddox, Chair; Freeman and Halvorson

Senate File 2322

BUSINESS AND LABOR RELATIONS: Horn, Chair; Behn and Jensen

Senate File 2323

APPROPRIATIONS: Kramer, Chair; Horn and Rehberg

Senate File 2326

COMMERCE: Jensen, Chair; Deluhery and Lundby

SSB 2192

APPROPRIATIONS: Freeman, Chair; Halvorson and McLaren

SSB 2196

EDUCATION: Redfern, Chair; Angelo, Connolly, Neuhauser, and Rensink

SSB 2197

EDUCATION: Rehberg, Chair; Connolly and Gaskill

SSB 2198

JUDICIARY: McKean, Chair; McKibben, and Neuhauser

SSB 2199

HUMAN RESOURCES: Boettger, Chair; Hammond, Redwine, Szymoniak, and Tinsman

SSB 2202

WAYS AND MEANS: Maddox, Chair; McLaren and Palmer

SSB 2203

APPROPRIATIONS: Behn, Chair; Neuhauser and Tinsman

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE FILE 2324 (SSB 2145), a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: SENATE FILE 2325 (SSB 2142), a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife. Nays, none. Absent or not voting, 2: Bartz and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: *SENATE FILE 2328 (SF 2145), a bill for an act specifying that physicians practicing obstetrics and gynecology are to be included as eligible participants in the volunteer health care provider program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none. Absent or not voting, 2: Bartz and Dvorsky.

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 Human Resources Committee on Senate File 2328, and they were attached to the committee report.

AMENDMENT FILED

S-5061

S.F. 2316

Tom Flynn

AFTERNOON SESSION

The Senate reconvened at 3:13 p.m., Senator Hedge presiding.

QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on February 25, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

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

INTRODUCTION OF BILLS

Senate File 2327, by Dvorsky, a bill for an act relating to the scheduled fine for operators of motor vehicles who fail to obey warning signals on school buses.

Read first time and referred to committee on **Judiciary**.

Senate File 2328, by committee on Human Resources, a bill for an act specifying that dentists and physicians practicing obstetrics and gynecology are to be included as eligible participants in the volunteer health care provider program.

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

Senate File 2329, by committee on Judiciary, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families.

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

Senate File 2330, by committee on Judiciary, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

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

Senate File 2331, by committee on Judiciary, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services.

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

Senate File 2332, by committee on Agriculture, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

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

Senate File 2333, by committee on Human Resources, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

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

Senate File 2334, by committee on Agriculture, a bill for an act relating to agriculture by providing programs to assist persons involved in value-added processing.

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

Senate File 2335, by committee on Judiciary, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

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

Senate File 2336, by committee on Judiciary, a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien.

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

Senate File 2337, by committee on Judiciary, a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

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

Senate File 2338, by committee on Human Resources, a bill for an act relating to the entities responsible for assisting in international adoptions.

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

Senate File 2339, by committee on Judiciary , a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

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

President Kramer took the chair at 3:24 p.m.

APPENDIX**GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR**

The following appointee assigned to standing committees for investigation was placed on the En Bloc Calendar with recommendation for confirmation on February 24, 1998:

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Dr. Pamela R. Sessions – Iowa Economic Development Board

REPORTS OF COMMITTEE MEETINGS**HUMAN RESOURCES**

Convened: February 23, 1998, 3:12 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dearden, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman.

Members Absent: Bartz and Dvorsky (excused).

Committee Business: Passed SF 2066, SF 2145, SF 2155, SF 2186, and SF 2261. Approved SSB 2096 and SSB 2130.

Adjourned: 4:00 p.m.

AGRICULTURE

Convened: February 25, 1998, 8:05 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rife, and Vilsack.

Members Absent: Gettings, McLaren, and Rehberg (all excused).

Committee Business: Approved SSB 2157 and SSB 2177.

Adjourned: 8:55 a.m.

EDUCATION

Convened: February 25, 1998, 9:45 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Subcommittee assignments. Passed SF 2039.

Adjourned: 10:25 a.m.

HUMAN RESOURCES

Convened: February 25, 1998, 10:40 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed SF 2210. Approved SSB 2189, SSB 2190, SSB 2194, and SSB 2199.

Adjourned: 11:30 a.m.

STATE GOVERNMENT

Convened: February 25, 1998, 2:25 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Passed SF 2124, SF 2130, and SF 2151. Approved SSB 2103, SSB 2152, and SSB 2175.

Adjourned: 3:10 p.m.

WAYS AND MEANS

Convened: February 25, 1998, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack.

Members Absent: McLaren (excused).

Committee Business: Passed SF 355 and SF 2237. Approved SSB 2081 and SSB 2082.

Adjourned: 12:15 p.m.

INTRODUCTION OF BILLS

Senate File 2340, by committee on Agriculture, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

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

Senate File 2341, by committee on Human Resources, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

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

Senate File 2342, by committee on Human Resources, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

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

Senate File 2343, by committee on Human Resources, a bill for an act relating to the supervision of licensed physical therapist assistants.

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

Senate File 2344, by committee on Natural Resources and Environment, a bill for an act relating to surface water and groundwater monitoring and making an appropriation.

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

Senate File 2345, by committee on Human Resources, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

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

Senate File 2346, by committee on Education, a bill for an act relating to the process by which a school district may terminate a teacher's continuing contract.

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

Senate File 2347, by committee on Education, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

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

Senate File 2348, by committee on Education, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

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

STUDY BILLS RECEIVED

SSB 2195 State Government

Requiring by statute a three-fifths majority vote for passage of legislation increasing sales or use tax or individual or corporate income tax rates.

SSB 2196 Education

Relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and providing for applicability.

SSB 2197 Education

Relating to the locations at which shared public school services may be made available to nonpublic school students.

SSB 2198 Judiciary

Relating to families including domestic relations provisions and parenting obligations.

SSB 2199 Human Resources

Establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

SSB 2200 Education

Establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

SSB 2201 Education

Relating to an allocation of state aid for purposes of school-based youth services programs.

SSB 2202 Ways and Means

Relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

SSB 2203 Appropriations

Relating to filing fees, by providing for fees charged by county recorders, and eliminating a surcharge fee.

SSB 2204 State Government

Relating to annual reports, audits, conflict of interests policies, and board of directors composition of nonprofit corporations created by or in association with the Iowa finance authority, the composition of the board of directors of the Iowa housing corporation, and providing an effective date.

SSB 2205 Judiciary

Relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2272**

LOCAL GOVERNMENT: Behn, Chair; Boettger and Hansen

Senate File 2304

STATE GOVERNMENT: Rife, Chair; McLaren and Szymoniak

SSB 2195

STATE GOVERNMENT: King, Chair; Halvorson and Rittmer

SSB 2200

EDUCATION: Boettger, Chair; Kibbie, Kramer, Neuhauser, Redwine, Szymoniak, and Tinsman

SSB 2201

EDUCATION: Tinsman, Chair; Rehberg and Szymoniak

SSB 2204

STATE GOVERNMENT: Borlaug, Chair; Harper and King

SSB 2205

JUDICIARY: Angelo, Chair; Halvorson and Redfern

House File 2211

LOCAL GOVERNMENT: Bartz, Chair; Behn and Fraise

House File 2246

LOCAL GOVERNMENT: McKean, Chair; Black and Schuerer

House Joint Resolution 2004

STATE GOVERNMENT: Drake, Chair; Fink and King

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: SENATE FILE 2332 (SSB 2137), a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2334 (SSB 2136), a bill for an act relating to agriculture by providing programs to assist persons involved in value-added processing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Rife, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2340 (SSB 2132), a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, McLaren, Rehberg, Rife, and Vilsack. 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 Agriculture Committee on Senate File 2340, and they were attached to the committee report.

EDUCATION

Final Bill Action: SENATE FILE 2346 (SF 2039), a bill for an act relating to the process by which a school district may terminate a teacher's continuing contract.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Rehberg, Angelo, Boettger, Gaskill, Kibbie, Kramer, Redwine, Rensink, Szymoniak, and Tinsman. Nays, 4: Connolly, Dvorsky, Fink, Neuhauser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2347 (SSB 2200), a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, and Tinsman. Nays, none. Absent or not voting, 1: Szymoniak.

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 2347, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2348 (SSB 2197), a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, and Tinsman. Nays, none. Absent or not voting, 1: Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: SENATE FILE 2210, a bill for an act requiring a peace officer to assist an abused person in removing clothing, medical items, and other personal effects for the immediate need of the abused person and any children in that person's care.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2333 (SSB 2149), a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Boettger, Redwine, Szymoniak, Bartz, Behn, Iverson, Rensink, Schuerer, and Tinsman. Nays, 4: Dearden, Dvorsky, Hammond, and Harper.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2338 (SSB 2147), a bill for an act relating to the entities responsible for assisting in international adoptions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2341 (SF 2177), a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. 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 Human Resources Committee on Senate File 2341, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2342 (SSB 2199), a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2343 (SSB 2194), a bill for an act relating to the supervision of licensed physical therapist assistants.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2345 (SSB 2125), a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2329 (SSB 2166), a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2330 (SSB 2154), a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Pass, 1: Hammond.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2331 (SSB 2155), a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, and Tinsman. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2335 (SF 2171), a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2336 (SF 2241), a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKean, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, and McKibben. Nays, none. Absent or not voting, 4: Maddox, Fraise, Redfern, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2337 (SSB 2156), a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, and Tinsman. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2339 (SSB 2163), a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. 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 Judiciary Committee on Senate File 2339, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2344 (SF 2207), a bill for an act relating to surface water and groundwater monitoring and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, and Rehberg. Nays, none. Absent or not voting, 2: Iverson and McKibben.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2344, and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2124, a bill for an act concerning assistive devices by providing for express warranties, replacement of assistive devices, and providing consumer remedies.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2130, a bill for an act authorizing the issuance of revenue bonds by county fairs and the levy of a property tax for repayment security.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2151, a bill for an act relating to political party convention delegates and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, 2: Halvorson and Harper. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2153, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 4: Lundby, McKibben, McLaren, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:26 p.m., until 9:00 a.m., Thursday, February 26, 1998.

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 26, 1998

The Senate met in regular session at 9:06 a.m., President Kramer presiding.

Prayer was offered by the Reverend Larry Wagner, pastor of the Baptist Church, Bonaparte, Iowa.

The Journal of Wednesday, February 25, 1998, was approved.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2334, 2342, 2344 and 2347** be referred from the Regular Calendar to the committee on Appropriations.

INTRODUCTION OF BILLS

Senate File 2349, by Gronstal, a bill for an act concerning reimbursement to counties for costs associated with the confinement of out-of-state offenders.

Read first time and referred to committee on **Judiciary**.

Senate File 2350, by committee on State Government, a bill for an act establishing a state employee deferred compensation trust fund.

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

Senate File 2351, by committee on Commerce, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

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

Senate File 2352, by committee on Commerce, a bill for an act relating to the disposition of certain lost property.

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

Senate File 2353, by committee on Education, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 10:12 a.m., until 1:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: February 25, 1998, 5:40 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Approved SSB 2192.

Adjourned: 7:15 p.m.

COMMERCE

Convened: February 25, 1998, 1:07 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Passed SF 259 and SF 2302. Approved SSB 2058 and SSB 2187.

Adjourned: 2:10 p.m.

EDUCATION

Convened: February 25, 1998, 4:37 p.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, and Tinsman.

Members Absent: Szymoniak (excused).

Committee Business: Approved SSB 2197, SSB 2200, and SSB 2201.

Adjourned: 5:29 p.m.

COMMITTEE REPORTS

COMMERCE

Final Bill Action: SENATE FILE 2351 (SSB 2058), a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, McCoy, Palmer, Redfern, and Rife. Nays, 1: King. Absent or not voting, 2: Lundby and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2352 (SF 259), a bill for an act relating to the disposition of certain lost property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. 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 Commerce Committee on Senate File 2352, and they were attached to the committee report.

EDUCATION

Final Bill Action: Senate File 2353 (SSB 2201), a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Rehberg, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, and Tinsman. Nays, none. Pass, 1: Connolly. Absent or not voting, 1: Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2350 (SSB 2152), a bill for an act establishing a state employee deferred compensation trust fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5062	S.F. 2280	Tom Vilsack
S-5063	S.F. 2267	Richard F. Drake
S-5064	S.F. 2344	Patty Judge
S-5065	S.F. 2257	Robert E. Dvorsky Allen Borlaug
S-5066	S.F. 2280	Tom Flynn
S-5067	S.F. 2280	Tom Flynn
S-5068	S.F. 2280	Tom Flynn

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED

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 February 26, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2169, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator.

Read first time and referred to committee on **Commerce**.

House File 2218, 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.

Read first time and referred to committee on **Appropriations**.

INTRODUCTION OF BILLS

Senate File 2354, by Neuhauser, a bill for an act relating to contribution and expenditure limits for political campaigns, to disclosure requirements for political advertisements and contributions, to time limits for political contributions, and to officeholder expense accounts, and providing penalties.

Read first time and referred to committee on **State Government**.

Senate File 2355, by Kibbie, a bill for an act relating to the Iowa public employees' retirement system and providing effective, implementation, and retroactive applicability dates.

Read first time and referred to committee on **State Government**.

Senate File 2356, by committee on State Government, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

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

Senate File 2357, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

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

Senate File 2358, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to economic development enterprise zones.

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

Senate File 2359, by committee on Human Resources, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

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

Senate File 2360, by committee on Ways and Means, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions.

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

Senate File 2361, by Lundby, a bill for an act relating to motor vehicle financial responsibility by extending the required duration and increasing the required amount of coverage.

Read first time and referred to committee on **Commerce**.

Senate File 2362, by Lundby, a bill for an act relating to the operation and regulation of certain business entities.

Read first time and referred to committee on **Business and Labor Relations**.

Senate File 2363, by committee on Human Resources, a bill for an act relating to requests and hearings for correction and expungement of child abuse information.

Read first time and placed on calendar.

APPENDIX**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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 26th day of February, 1998:

Senate File 2182.

MARY PAT GUNDERSON
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on February 26, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2121 – Regulating veterinary practice and procedures, by providing for the treatment of horses, and providing an effective date.

REPORTS OF COMMITTEE MEETINGS**AGRICULTURE**

Convened: February 26, 1998, 2:15 p.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, and Vilsack.

Members Absent: Gettings, McLaren, and Rife (all excused).

Committee Business: Approved SSB 2120.

Adjourned: 2:35 p.m.

APPROPRIATIONS

Convened: February 26, 1998, 12:40 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Passed SF 2323.

Adjourned: 1:55 p.m.

COMMERCE

Convened: February 26, 1998, 8:08 a.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife.

Members Absent: Palmer (excused).

Committee Business: Approved SSB 2046, SSB 2069, and SSB 2144.

Adjourned: 8:55 a.m.

LOCAL GOVERNMENT

Convened: February 26, 1998, 11:35 a.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer.

Members Absent: None.

Committee Business: Bill assignments. Passed SF 2042 and HF 2211. Approved SSB 2158, SSB 2179, and SSB 2183.

Adjourned: 12:25 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 26, 1998, 10:43 a.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann.

Members Absent: None.

Committee Business: Passed SF 2277. Approved SSB 2123, SSB 2131, and SSB 2140.

Adjourned: 11:35 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: February 26, 1998, 10:50 a.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: Boettger (excused).

Committee Business: Passed SF 2098, SF 2099 and SF 2105.

Adjourned: 11:52 a.m.

PETITION

The following petition was presented and placed on file by:

Senator Schuerer, from twenty-five residents of Vinton, favoring legislation regarding the long-term care ombudsman bill.

SUBCOMMITTEE ASSIGNMENTS

House File 2164

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Redwine, Chair; Palmer and Rittmer

House File 2168

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Rensink, Chair; Douglas and Flynn

House File 2282

WAYS AND MEANS: McKibben, Chair; Redfern and Szymoniak

INTRODUCTION OF BILLS

Senate File 2364, by committee on Ways and Means, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

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

Senate File 2365, by committee on Ways and Means, a bill for an act exempting certain rural water districts from provisions regarding the state tax imposed on sales and services.

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

Senate File 2366, by committee on Appropriations, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

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

CERTIFICATE OF RECOGNITION

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

Andrea Roberts, Williamsburg – For being a winner in the 1998 Write Women Back Into History Essay Contest. Senator Schuerer (2/26/98).

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2366 (SF 2323), a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman and Vilsack. 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 Appropriations Committee on Senate File 2366, and they were attached to the committee report.

HUMAN RESOURCES

Final Bill Action: SENATE FILE *2359 (SSB 2189), a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Boettger, Redwine, Bartz, Behn, Dearden, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, 3: Szymoniak, Dvorsky, and Hammond.

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 Human Resources Committee on Senate File 2359, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2363 (SSB 2190), a bill for an act relating to requests and hearings for correction and expungement of child abuse information.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Boettger, Redwine, Bartz, Behn, Dearden, Harper, Iverson, Rensink, Schuerer, and Tinsman. Nays, 3: Szymoniak, Dvorsky, and Hammond.

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 Human Resources Committee on Senate File 2363, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2211, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Final Bill Action: SENATE FILE 2358 (SSB 2041), a bill for an act relating to economic development enterprise zones.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Lundby, Rittmer, Hansen, Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 2026, a bill for an act relating to the ownership of gambling facilities by, or the issuance of gambling licenses to, political subdivisions of the state.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5071.

Final Vote: Ayes, 9: Rittmer, Borlaug, Kibbie, Drake, King, Lundby, McLaren, Rife, and Tinsman. Nays, 4: Deluhery, Fink, Halvorson, and Harper. Absent or not voting, 2: McKibben and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2068, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5070.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Fink, Halvorson, Harper, King, Lundby, McKibben, and Rife. Nays, none. Absent or not voting, 4: Drake, McLaren, Szymoniak, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2160, a bill for an act establishing a state protocol officer.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, and Tinsman. Nays, none. Absent or not voting, 2: Rife and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2198, a bill for an act relating to the development of protocol to be used for international visitors.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, and Tinsman. Nays, none. Absent or not voting, 2: Rife and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2356 (SSB 2175), a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: SENATE FILE 2357 (SSB 2081), a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak. Nays, 1: Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2360 (SSB 2082), a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, none. Absent or not voting, 1: McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2364 (SF 2237), a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, none. Absent or not voting, 1: McLaren.

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 2364, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2365 (SF 355), a bill for an act exempting certain rural water districts from provisions regarding the state tax imposed on sales and services.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, none. Absent or not voting, 1: McLaren.

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 2365, and they were attached to the committee report.

AMENDMENTS FILED

S-5069	S.F. 2256	Patty Judge
S-5070	S.F. 2068	State Government
S-5071	S.F. 2026	State Government

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:06 p.m., until 1:00 p.m., Monday, March 2, 1998.

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 2, 1998

The Senate met in regular session at 1:07 p.m., President Kramer presiding.

Prayer was offered by the Reverend Joseph Green, pastor of the First Assembly of God, Council Bluffs, Iowa.

The Journal of Thursday, February 26, 1998, was approved.

INTRODUCTION OF BILLS

Senate File 2367, by committee on Local Government, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

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

Senate File 2368, by committee on Commerce, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date.

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

Senate File 2369, by committee on Judiciary, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

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

Senate File 2370, by committee on Judiciary, a bill for an act relating to the punishment for the offense of driving while a license is suspended, denied, revoked, or barred for an operating while intoxicated offense, and to the use of ignition interlock devices.

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

Senate File 2371, by committee on Agriculture, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

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

Senate File 2372, by committee on Local Government, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

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

Senate File 2373, by committee on Judiciary, a bill for an act to permit the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

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

Senate File 2374, by committee on Judiciary, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties.

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

Senate File 2375, by committee on Agriculture, a bill for an act relating to agricultural production by providing for the regulation of animal feeding operations.

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

Senate File 2376, by committee on State Government, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements.

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

Senate File 2377, by committee on Judiciary, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

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

Senate File 2378, by committee on Judiciary, a bill for an act relating to real estate titles involving bankruptcy.

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

Senate File 2379, by committee on State Government, a bill for an act requiring by statute a three-fifths majority vote for passage of legislation increasing sales or use tax or individual or corporate income tax rates.

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

Senate File 2380, by committee on Commerce, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

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

Senate File 2381, by committee on Appropriations, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the department of agriculture and land stewardship for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the

creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used not necessarily for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building and for design and development of a new judicial building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by

eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

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

Senate File 2382, by committee on Judiciary, a bill for an act providing for the seizure of firearms as part of the requirements of a protective order against domestic abuse.

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

Senate File 2383, by committee on State Government, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

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

Senate File 2384, by committee on Judiciary, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

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

Senate File 2385, by committee on Judiciary, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

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

Senate File 2386, by committee on State Government, a bill for an act relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date.

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

Senate File 2387, by committee on Judiciary, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

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

Senate File 2388, by committee on Judiciary, a bill for an act relating to inmate grooming standards.

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

Senate File 2389, by committee on Local Government, a bill for an act relating to condemnation of agricultural land for economic development purposes, providing for the Act's applicability, and providing an effective date.

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

Senate File 2390, by committee on Natural Resources and Environment, a bill for an act relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date.

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

Senate File 2391, by committee on Judiciary, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting licensed substance abuse agencies to offer a drinking drivers course, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

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

Senate File 2392, by committee on Judiciary, a bill for an act relating to community service and inmate work programs.

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

Senate File 2393, by committee on Judiciary, a bill for an act relating to families including domestic relations provisions, parenting obligations, and providing an effective date.

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

Senate File 2394, by committee on State Government, a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

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

Senate File 2395, by committee on Commerce, a bill for an act relating to the authorized uses and users of the Iowa communications network, requiring the Iowa telecommunications and technology commission to adopt rules relating to remote dial-up access to the Iowa communications network and internet access through the network by authorized users, and providing an effective date.

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

Senate File 2396, by committee on Commerce, a bill for an act relating to the exclusion of certain expenses under coverage provided by the Iowa comprehensive health insurance association.

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

Senate File 2397, by committee on Commerce, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, and the elimination of countersigning resident agent provisions.

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

Senate File 2398, by committee on Judiciary, a bill for an act relating to the confinement and treatment of sex offenders.

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

Senate File 2399, by committee on Judiciary, a bill for an act providing for the merger of a limited partnership with other business entities.

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

Senate File 2400, by committee on Local Government, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

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

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McKean until his arrival, on request of Senator Iverson; Senators McCoy and Vilsack until their arrival, on request of Senator Judge; Senators Dvorsky and Kibbie until their arrival, on request of Senator Black.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Ellen T. Larson, Board of Barber Examiners
 Janice L. Wilson, Commission on the Deaf
 Richard J. Haines, Director of the Department of General Services
 Dr. Pamela R. Sessions, Iowa Economic Development Board
 Paula S. Dierenfeld, Utilities Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn

Iverson	Jensen	Judge	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or Not Voting, 4:

Dvorsky	Kibbie	McCoy	Vilsack
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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 Iverson called up the appointment of Walter L. Kautzky as the Director of the Department of Corrections, placed on the Individual Confirmation Calendar on February 18, 1998, and found on page 327 of the Senate Journal.

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

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

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or Not Voting, 4:

Kibbie	McCoy	Rife	Vilsack
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Grace G. Copley as a member of the Board of Parole, placed on the Individual Confirmation Calendar on February 12, 1998, and found on page 281 of the Senate Journal.

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

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

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

Kibbie	McCoy	Rife
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 106.

Senate Concurrent Resolution 106

On motion of Senator Lundby, Senate Concurrent Resolution 106, a concurrent resolution designating March 1998 as Iowa Women's

History Month, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Concurrent Resolution 106, which motion prevailed by a voice vote.

Senator Hedge took the chair at 1:29 p.m.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2366.

Senate File 2366

On motion of Senator Kramer, Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, was taken up for consideration.

The Senate stood at ease at 1:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:15 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2366

The Senate resumed consideration of Senate File 2366.

Senator Iverson asked and received unanimous consent that action on Senate File 2366 be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2109.

Senate File 2109

On motion of Senator Borlaug, Senate File 2109, a bill for an act relating to mobile home dealers, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Borlaug offered amendment S-5049 filed by the committee on Transportation on February 19, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5049 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?" (S.F. 2109), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2225.

Senate File 2225

On motion of Senator Tinsman, Senate File 2225, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates, was taken up for consideration.

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. 2225), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2226 and 2235.

Senate File 2226

On motion of Senator Maddox, Senate File 2226, a bill for an act to extend the jurisdiction of the juvenile court to include adoption and termination of parental rights proceedings, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2226), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

Senate File 2235

On motion of Senator McKibben, Senate File 2235, a bill for an act concerning judicial administration, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2109, 2225, 2226, and 2235** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2267.

Senate File 2267

On motion of Senator Drake, Senate File 2267, a bill for an act concerning the release of information by the department of transportation to investigators in the department of inspections and appeals, was taken up for consideration.

Senator Drake offered amendment S-5050 filed by him on February 19, 1998, to page 1 and the title page of the bill.

Senator Drake offered amendment S-5063 filed by him on February 19, 1998, to page 1 of amendment S-5050 and moved its adoption.

Amendment S-5063 was adopted.

Senator Drake moved adoption of amendment S-5050 as amended, which motion prevailed by a voice vote.

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. 2267), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

McCoy Rife

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2037.

Senate File 2037

On motion of Senator McLaren, Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board, with report of committee recommending passage, was taken up for consideration.

Senator McLaren offered amendment S-5051 filed by committee on State Government on February 19, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5051 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on Senate File 2037 be **deferred**.

BUSINESS PENDING**Senate File 2366**

The Senate resumed consideration of Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, previously deferred.

Senator Connolly offered amendment S-5081 filed by Senators Connolly and Szymoniak from the floor to pages 1-3 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-5081 be deferred.

Senator Redfern offered amendment S-5074 filed by him from the floor to pages 4, 14, and 19 of the bill.

Senator Redfern asked and received unanimous consent that action on amendment S-5074 be deferred.

Senator Harper offered amendment S-5083 filed by her from the floor to page 4 of the bill and moved its adoption.

Amendment S-5083 lost by a voice vote.

Senator Neuhauser offered amendment S-5075 filed by her from the floor to pages 5 and 6 of the bill.

Senator Neuhauser asked and received unanimous consent that action on amendment S-5075 be deferred.

Senator Kibbie offered amendment S-5077 filed by Senators Kibbie, et al., from the floor to pages 13 and 14 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5077 be adopted?" (S.F. 2366) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Tinsman	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Zieman	

Absent or Not Voting, 1:

McCoy

Amendment S-5077 lost.

Senator Judge offered amendment S-5078 filed by Senators Judge, et al., from the floor to page 13 of the bill.

Senator Judge asked and received unanimous consent that action on amendment S-5078 be deferred.

Senator Neuhauser offered amendment S-5079 filed by her from the floor to page 14 of the bill and moved its adoption.

Amendment S-5079 lost by a voice vote.

Senator Fink offered amendment S-5080 filed by him from the floor to pages 16 and 17 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5080 be adopted?" (S.F. 2366), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Halvorson	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 2:

Bartz	McCoy
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Amendment S-5080 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKean until his arrival, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2366

The Senate resumed consideration of Senate File 2366 and amendments S-5074, S-5081, and S-5078, previously deferred.

Senator Fink offered amendment S-5085 filed by him from the floor to page 16 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5085 be adopted?" (S.F. 2366), the vote was:

Ayes, 17:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Horn	Judge	Kibbie	Palmer
Szymoniak			

Nays, 31:

Angelo	Behn	Black	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Harper	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Absent or Not Voting, 2:

Bartz	McCoy
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Amendment S-5085 lost.

Senator Connolly offered amendment S-5092 filed by Senators Connolly, Dvorsky, and Fink from the floor to pages 17, 18, and 26 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5092 be adopted?" (S.F. 2366), the vote was:

Ayes, 24:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Rittmer	Szymoniak	Tinsman	Vilsack

Nays, 24:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Zieman

Absent or Not Voting, 2:

Bartz	McCoy
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Amendment S-5092 lost.

Senator Hammond offered amendment S-5084 filed by Senators Hammond, et al., from the floor to page 17 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5084 be adopted?" (S.F. 2366), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Rittmer	Szymoniak	Vilsack	

Nays, 24:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben

McLaren	Redfern	Redwine	Rehberg
Rensink	Schuerer	Tinsman	Zieman

Absent or Not Voting, 3:

Bartz	McCoy	Rife
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Amendment S-5084 lost.

Senator Vilsack offered amendment S-5082 filed by Senators Vilsack, et al., from the floor to page 20 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5082 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

Bartz	McCoy
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Amendment S-5082 lost.

Senator Harper offered amendment S-5097 filed by Senators Harper, Fink, and Connolly from the floor to pages 23-25 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5097 be adopted?" (S.F. 2366), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 2:

Bartz	McCoy
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Amendment S-5097 lost.

Senator Connolly offered amendment S-5076 filed by Senators Connolly, Dvorsky, and Fink from the floor to pages 23-25 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5076 be adopted?" (S.F. 2366), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 3:

Bartz McCoy Rife

Amendment S-5076 lost.

Senator Hansen offered amendment S-5098 filed by Senators Hansen, et al., from the floor to page 25 of the bill.

Senator Redfern raised the point of order that amendment S-5098 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5098 in order.

Senator Hansen moved the adoption of amendment S-5098 and requested a record roll call.

On the question "Shall amendment S-5098 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

Bartz McCoy

Amendment S-5098 lost.

The Senate resumed consideration of amendment S-5081, filed by Senators Connolly and Szymoniak from the floor to pages 1-3 of the bill, previously deferred.

Senator Connolly moved the adoption of S-5081. A record roll call was requested.

On the question, "Shall amendment S-5081 be adopted?" (S.F. 2366), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Lundby
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Gettings	Hedge	Iverson
Jensen	Kibbie	King	Kramer
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5081 lost.

Senator Fink offered amendment S-5093 filed by him from the floor to pages 1 and 10-12 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5093 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge

Kibbie Vilsack	Neuhauser	Palmer	Szymoniak
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Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

Lundby	McCoy
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Amendment S-5093 lost.

Senator Vilsack offered amendment S-5086 filed by Senators Vilsack, et al., from the floor to pages 1, 14, 20, and 23 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5086 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5086 lost.

Senator Connolly offered amendment S-5087 filed by Senators Connolly, Dvorsky, and Judge from the floor to page 1 of the bill.

A record roll call was requested.

On the question, "Shall amendment S-5087 be adopted?" (S.F. 2366), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Rittmer
Szymoniak	Tinsman	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Zieman			

Absent or Not Voting, 2:

Lundby McCoy

Amendment S-5087 lost.

Senator Vilsack offered amendment S-5088 filed by Senators Vilsack, Kibbie, and Deluhery from the floor to pages 1 and 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5088 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 1:

McCoy

Amendment S-5088 lost.

Senator Connolly offered amendment S-5095 filed by Senators Connolly and Deluhery from the floor to pages 1 and 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5095 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox

McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5095 lost.

The Senate resumed consideration of amendment S-5074, filed by Senator Redfern from the floor to pages 4, 14, and 19, previously deferred.

Senator Redfern moved adoption of amendment S-5074, which motion prevailed by a voice vote.

Senator Bartz took the chair at 7:08 p.m.

Senator Neuhauser offered amendment S-5075 filed by her from the floor to pages 5 and 6 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5075 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5075 lost.

Senator Hammond offered amendment S-5094 filed by Senators Hammond, et al., from the floor, to pages 6, 13, 14, and 26 of the bill, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5094 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5094 lost.

President Kramer took the chair at 7:21 p.m.

Senator Dvorsky offered amendment S-5090 filed by Senators Dvorsky, et al., from the floor to page 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5090 be adopted?" (S.F. 2366), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5090 lost.

Senator Judge asked and received unanimous consent to withdraw amendment S-5078 filed by Senators Judge, et al., from the floor to page 13 of the bill.

Senator Vilsack offered amendment S-5089 filed by Senators Vilsack, et al., from the floor to pages 13, 25, and 26 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5089 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman

Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 1:

McCoy

Amendment S-5089 lost.

Senator Dvorsky offered amendment S-5091 filed by Senators Dvorsky and Neuhauser from the floor, to pages 13 and 26 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5091 be adopted?" (S.F. 2366), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 1:

McCoy

Amendment S-5091 lost.

Senator Judge offered amendment S-5096 filed by her from the floor to page 13 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5096 be adopted?" (S.F. 2366), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 2:

McCoy	Rife
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Amendment S-5096 lost.

Senator Redfern offered amendment S-5099 filed by him from the floor to page 16 of the bill and moved its adoption.

Amendment S-5099 was adopted by a voice vote.

The Senate stood at ease at 8:03 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 8:36 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2366

The Senate resumed consideration of Senate File 2366.

Senator Freeman asked and received unanimous consent to withdraw amendment S-5105, filed by her from the floor to pages 4-6, 18, and 19 of the bill.

With the withdrawal of amendment S-5105, the Chair ruled amendment S-5108, filed by Senator Gronstal from the floor to page 1 of amendment S-5105, out of order.

Senator Freeman offered amendment S-5109 filed by her from the floor to pages 4-6, 18, and 19 of the bill.

Senator Gronstal offered amendment S-5110 filed by Senators Gronstal and Freeman from the floor to page 1 of amendment S-5109 and moved its adoption.

Amendment S-5110 was adopted by a voice vote.

Senator Freeman moved adoption of amendment S-5109 as amended and requested a record roll call.

On the question, "Shall amendment S-5109 be adopted?" (S.F. 2366), the vote was:

Ayes, 24:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McLaren	Neuhauser
Palmer	Rife	Szymoniak	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	Redfern	Redwine	Rehberg

Rensink
Zieman

Rittmer

Schuerer

Tinsman

Absent or Not Voting, 1:

McCoy

Amendment S-5109 lost.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, 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, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Nays, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Absent or Not Voting, 1:

McCoy

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

Senator Iverson asked and received unanimous consent that **Senate File 2366** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 March 2, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 530, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

Read first time and passed on file.

House File 2392, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

Read first time and referred to committee on **Transportation**.

House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

Read first time and referred to committee on **Appropriations**.

COMPANION BILL RECEIVED

On March 2, 1998, **House File 2331** was received and attached to companion **Senate File 2246** on the Senate calendar.

INTRODUCTION OF BILLS

Senate File 2401, by committee on Natural Resources and Environment, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

Read first time and placed on calendar.

Senate File 2402, by committee on Natural Resources and Environment, a bill for an act regulating the sale of dogs and cats by pet dealers, and providing penalties.

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

Senate File 2403, by Kibbie, a bill for an act relating to public retirement systems, concerning the public safety peace officers' retirement, accident, and disability system, the statewide fire and police retirement system, and the judicial retirement system, and providing an effective date.

Read first time and referred to committee on **State Government**.

Senate File 2404, by committee on Agriculture, a bill for an act relating to cooperatives organized under Code chapter 501.

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

Senate File 2405, by committee on State Government, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

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

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 108, by Connolly and Drake, a concurrent resolution expressing support of conservation efforts in the Mississippi Blufflands.

Read first time and referred to committee on **Natural Resources and Environment**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 106** be **immediately messaged** to the House.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 2nd day of March, 1998:

Senate Files 2073 and 2075.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 27, 1998, the Governor approved and transmitted to the Secretary of State the following bill:

H.F. 2002 - Providing that persons convicted of attempted murder serve at least eighty-five percent of the sentence imposed and providing an effective date.

Also:

That on March 2, 1998, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2182 - Relating to the state fire marshal, including the installation of automatic fire extinguishing systems in new construction.

PETITIONS

The following petitions were presented and placed on file by:

Senator Bartz, from forty-four residents of Iowa, favoring legislation to protect rivers and streams from hog waste pollution.

Senator Bartz, from forty-eight residents of Iowa, favoring legislation supporting the Resource Enhancement and Protection program.

Senator Bartz, from sixty-four residents of Worth County, favoring legislation to increase state excise tax on tobacco products.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 25, 1998, 7:18 a.m.

Members Present: Rehberg, Chair; Redfern, Vice Chair; Horn, Ranking Member; Kibbie and McLaren.

Members Absent: None.

Committee Business: Passed LSB3176JA.

Recessed: 8:44 a.m.

Reconvened: 8:07 p.m.

Adjourned: 9:30 p.m.

JUDICIARY

Convened: February 26, 1998, 2:13 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Bill assignments. Passed SF 2266. Approved SSBs 2107, 2108, 2109, 2165, 2173, 2181, 2182, 2184, 2193, 2198, and 2205.

Adjourned: 4:25 p.m.

STATE GOVERNMENT

Convened: February 26, 1998, 11:45 a.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, and Tinsman.

Members Absent: Szymoniak (excused).

Committee Business: Passed SFs 43, 486, 498, 2026, 2086, 2160, 2198, and 2304. Approved SSBs 2095, 2103, 2162, 2186, and 2195.

Recessed: 12:32 p.m.

Reconvened: 4:40 p.m.

Adjourned: 5:58 p.m.

APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS

Convened: March 2, 1998, 11:10 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; and Jensen.

Members Absent: Deluhery (excused).

Committee Business: Approved and submitted proposed appropriations bill to full Appropriations Committee.

Adjourned: 12:34 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2334

APPROPRIATIONS: McLaren, Chair; Black and Rife

Senate File 2342

APPROPRIATIONS: Kramer, Chair; Harper and Rehberg

Senate File 2344

APPROPRIATIONS: Hedge, Chair; Behn and Dvorsky

Senate File 2347

APPROPRIATIONS: Kramer, Chair; Harper and Rehberg

Senate File 2354

STATE GOVERNMENT: Lundby, Chair; Deluhery and King

Senate File 2355

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

Senate File 2362

BUSINESS AND LABOR RELATIONS: Jensen, Chair; Freeman and Palmer

COMMITTEE REPORTS

APPROPRIATIONS (CORRECTED)

Final Bill Action: *SENATE FILE 2366 (S.F. 2323), a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McLaren, Kramer, Behn, Borlaug, Douglas, Freeman, Hedge, Jensen, Maddox, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, 11: Flynn, Black, Dvorsky, Halvorson, Hammond, Harper, Horn, Lundby, McCoy, Neuhauser, and Vilsack.

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 2366, and they were attached to the committee report.

AGRICULTURE

Final Bill Action: *SENATE FILE 2371 (SSB 2177), a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Hedge, Kibbie, Rife, and Vilsack. Nays, none. Absent or not voting, 4: Fraise, Gettings, McLaren, and Rehberg.

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 2371, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2375 (SSB 2120), a bill for an act relating to agricultural production by providing for the regulation of animal feeding operations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, and Vilsack. Nays, none. Absent or not voting, 3: Gettings, McLaren, and 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 Agriculture Committee on Senate File 2375, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2404 (SSB 2157), a bill for an act relating to cooperatives organized under Code chapter 501.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rensink, Gaskill, Angelo, Bartz, Behn, Black, Hedge, and Rife. Nays, none. Absent or not voting, 7: Judge, Fraise, Gettings, Kibbie, McLaren, Rehberg, and Vilsack.

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 2404, and they were attached to the committee report.

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2381 (SSB 2192), a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the department of agriculture and land stewardship for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used not necessarily for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the

cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building and for design and development of a new judicial building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. 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 Appropriations Committee on Senate File 2381, and they were attached to the committee report.

COMMERCE

Final Bill Action: *SENATE FILE 2368 (SSB 2144), a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing and effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 9: Jensen, Schuerer, Bartz, Douglas, Gronstal, Hansen, King, Maddox, and Rife. Nays, 5: Deluhery, Flynn, Lundby, McCoy, and Redfern. Absent or not voting, 1: Palmer.

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 Commerce Committee on Senate File 2368, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, McCoy, Palmer, Redfern, and Rife. Nays, none. Absent or not voting, 1: Maddox.

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 Commerce Committee on Senate File 2380, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2395 (SSB 2069), a bill for an act relating to the authorized uses and users of the Iowa communications network, requiring the Iowa telecommunications and technology commission to adopt rules relating to remote dial-up access to the Iowa communications network and internet access through the network by authorized users, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Jensen, Schuerer, Bartz, Douglas, King, Lundby, Maddox, and Rife. Nays, 6: Deluhery, Flynn, Gronstal, Hansen, McCoy, and Redfern. Absent or not voting, 1: Palmer.

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 Commerce Committee on Senate File 2395, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2396 (SSB 2046), a bill for an act relating to the exclusion of certain expenses under coverage provided by the Iowa comprehensive health insurance association.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Hansen, King, Lundby, Maddox, McCoy, and Redfern. Nays, 2: Gronstal and Rife. Absent or not voting, 1: Palmer.

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 Commerce Committee on Senate File 2396, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2397 (SSB 2187), a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, and the elimination of countersigning resident agent provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Jensen, Schuerer, Deluhery, Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife. 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 Commerce Committee on Senate File 2397, and they were attached to the committee report.

JUDICIARY

Final Bill Action: SENATE FILE 2369 (SSB 2184), a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2370 (SSB 2173), a bill for an act relating to the punishment for the offense of driving while a license is suspended, denied, revoked, or barred for an operating while intoxicated offense, and to the use of ignition interlock devices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2373 (SF 2266), a bill for an act to permit the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2374 (SSB 2107), a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification or private security agents and investigators, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2377 (SF 2168), a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2378 (SSB 2181), a bill for an act relating to real estate titles involving bankruptcy.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Angelo, Boettger, Halvorson, Hammond, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 3: Drake, Fraise, and Hansen.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill-Action: SENATE FILE 2382 (SF 2211), a bill for an act providing for the seizure of firearms as part of the requirements of a protective order against domestic abuse.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, McKibben, Redfern, and Tinsman. Nays, 2: Angelo and King. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2384 (SSB 2193), a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKean, Maddox, Neuhauser, Boettger, Halvorson, Hammond, Harper, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 5: Angelo, Drake, Fraise, Hansen, and King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2385 (SSB 2205), a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2387 (SSB 2108), a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, 1: Halvorson. Absent or not voting, 1: Fraise.

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 2387, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2388 (SF 2305), a bill for an act relating to inmate grooming standards and providing for disciplinary action against inmates who do not comply with those standards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: McKean, Neuhauser, Angelo, Drake, Hansen, King, McKibben, Redfern, and Tinsman. Nays, 4: Maddox, Fraise, Hammond, and Harper. Absent or not voting, 2: Boettger and Halvorson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2391 (SSB 2165), a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting licensed substance abuse agencies to offer a drinking drivers course, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. 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 Judiciary Committee on Senate File 2391, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2392 (SF 2008), a bill for an act relating to criminal defendant community service and inmate work programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Boettger and Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2393 (SSB 2198), a bill for an act relating to families including domestic relations provisions and parenting obligations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. 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 Judiciary Committee on Senate File 2393, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2398 (SSB 2182), a bill for an act relating to the confinement and treatment of sex offenders.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Drake.

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 2398, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2399 (SSB 2109), a bill for an act providing for the merger of a limited partnership with other business entities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Fraise.

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 2399, and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: SENATE FILE 2367 (SSB 2183), a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Behn, Boettger, Fraise, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer. Nays, none. Absent or not voting, 3: Angelo, Bartz, and Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2372 (SSB 2179), a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Boettger, Fraise, Angelo, Bartz, Black, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer. Nays, none. Absent or not voting, 1: Connolly.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2389 (SF 2042), a bill for an act relating to condemnation of agricultural land for economic development purposes, providing for the Act's applicability, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Behn, Boettger, Fraise, Bartz, Black, Gaskill, McKean, Redwine, and Schuerer. Nays, 4: Angelo, Connolly, Dearden, and Hansen.

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 2389, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2400 (SSB 2158), a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Schuerer. 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 2400, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE FILE 2277, a bill for an act providing that persons who use skateboard parks on public lands assume the risks associated with such activity.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 8: Bartz, Angelo, Fink, Dearden, Dvorsky, Freeman, Gaskill, and Judge. Nays, 5: Black, Borlaug, Deluhery, Hedge, and Rehberg. Absent or not voting, 2: Iverson and McKibben.

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 and Environment Committee on Senate File 2277, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2390 (SSB 2131), a bill for an act relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman. 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 and Environment Committee on Senate File 2390, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2401 (SSB 2140), a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman. 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 and Environment Committee on Senate File 2401, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2402 (SSB 2123), a bill for an act regulating the sale of dogs and cats by pet dealers, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Bartz, Angelo, Fink, Black, Dearden, Deluhery, Dvorsky, Freeman, Gaskill, Judge, and Rehberg. Nays, 2: Borlaug and Hedge. Pass, 1: Zieman. Absent or not voting, 1: McKibben.

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 and Environment Committee on Senate File 2402, and they were attached to the committee report.

STATE GOVERNMENT

Final Bill Action: SENATE FILE 43, a bill for an act setting the time for the closing of precinct polling places.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Rittmer, Borlaug, Kibbie, Drake, King, McKibben, McLaren, Rife, and Tinsman. Nays, 4: Deluhery, Fink, Halvorson, and Harper. Absent or not voting, 2: Lundby and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 486, a bill for an act concerning the manufacture of beer for family or personal use.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, and Tinsman. Nays, none. Absent or not voting, 4: Lundby, McLaren, Rife, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 498, a bill for an act relating to the disclosure of violations and final findings following inspections of health care facilities.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 3: Lundby, McLaren, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2376 (SSB 2186), a bill for an act relating to the operation of the lottery, providing for multi-jurisdictional agreements, and providing a penalty for the theft or redemption of stolen lottery tickets.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Fink, Halvorson, Harper, King, Lundby, McKibben, and Rife. Nays, none. Absent or not voting, 4: Drake, McLaren, Szymoniak, 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 State Government Committee on Senate File 2376, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2379 (SSB 2195), a bill for an act requiring by statute a three-fifths majority vote for passage of legislation increasing sales or use tax or individual or corporate income tax rates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rittmer, Borlaug, Drake, King, McKibben, McLaren, Rife, and Tinsman. Nays, 5: Kibbie, Deluhery, Fink, Halvorson, and Harper. Absent or not voting, 2: Lundby and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2383 (SSB 2103), a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 2: McLaren and Szymoniak.

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 2383, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2386 (SSB 2162), a bill for an act relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, Rife, and Tinsman. Nays, none. Absent or not voting, 3: Lundby, McLaren, and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2394 (SSB 2095), a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, McLaren, Rife, and Tinsman. Nays, none. Absent or not voting, 2: Lundby and Szymoniak.

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 2394, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE FILE 2405 (SF 2304), a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, McKibben, McLaren, Rife, and Tinsman. Nays, none. Absent or not voting, 2: Lundby and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5072	S.F. 2257	Rod Halvorson
S-5073	S.F. 2259	Larry McKibben-
S-5074	S.F. 2366	Donald B. Redfern
S-5075	S.F. 2366	Mary Neuhauser
S-5076	S.F. 2366	Mike Connolly
		Robert E. Dvorsky
		Bill Fink
S-5077	S.F. 2366	John P. Kibbie
		Dennis H. Black
		Rod Halvorson
		Tom Flynn
		Patty Judge
		Patricia Harper
		Elaine Szymoniak
		Mary Neuhauser
		Robert E. Dvorsky
		Dick L. Dearden
		Wally E. Horn
		Eugene S. Fraise
		Bill Fink

S-5078	S.F. 2366	Patricia Harper Patty Judge Dennis H. Black Tom Flynn Steven D. Hansen Wally E. Horn William D. Palmer Bill Fink Mary Neuhauser Rod Halvorson John P. Kibbie Elaine Szymoniak Eugene S. Fraise Robert E. Dvorsky
S-5079	S.F. 2366	Mary Neuhauser
S-5080	S.F. 2366	Bill Fink
S-5081	S.F. 2366	Mike Connolly Elaine Szymoniak
S-5082	S.F. 2366	Tom Vilsack Rod Halvorson Robert E. Dvorsky Patty Judge Patrick J. Deluhery Bill Fink Patricia Harper Michael E. Gronstal Mike Connolly
S-5083	S.F. 2366	Patricia Harper
S-5084	S.F. 2366	Johnie Hammond Robert E. Dvorsky Mary Neuhauser Bill Fink
S-5085	S.F. 2366	Bill Fink
S-5086	S.F. 2366	Tom Vilsack John P. Kibbie Robert E. Dvorsky Patty Judge Bill Fink Patrick J. Deluhery Michael E. Gronstal Patricia Harper

S-5087	S.F. 2366	Mike Connolly Robert E. Dvorsky Patty Judge
S-5088	S.F. 2366	Tom Vilsack John P. Kibbie Patrick J. Deluhery
S-5089	S.F. 2366	Tom Vilsack Dennis H. Black Bill Fink Robert E. Dvorsky Mike Connolly Tom Flynn Rod Halvorson Patrick J. Deluhery Patty Judge Mary Neuhauser Eugene S. Fraise Johnie Hammond Michael E. Gronstal Patricia Harper
S-5090	S.F. 2366	Robert E. Dvorsky Dennis H. Black Rod Halvorson Patrick J. Deluhery Mike Connolly Wally E. Horn Don Gettings William D. Palmer Steven D. Hansen Elaine Szymoniak Patrick J. Deluhery Patty Judge Mary Neuhauser Eugene S. Fraise Johnie Hammond Bill Fink Patricia Harper Michael E. Gronstal
S-5091	S.F. 2366	Robert E. Dvorsky Mary Neuhauser

S-5092	S.F. 2366	Mike Connolly Robert E. Dvorsky Bill Fink
S-5093	S.F. 2366	Bill Fink
S-5094	S.F. 2366	Johnie Hammond Dennis H. Black Patrick J. Deluhery Rod Halvorson John P. Kibbie Robert E. Dvorsky Mary Neuhauser Patty Judge
S-5095	S.F. 2366	Mike Connolly Patrick J. Deluhery
S-5096	S.F. 2366	Patty Judge
S-5097	S.F. 2366	Patricia Harper Bill Fink Mike Connolly
S-5098	S.F. 2366	Steven D. Hansen Rod Halvorson Johnie Hammond Tom Flynn Robert E. Dvorsky Bill Fink Elaine Szymoniak Mike Connolly Michael E. Gronstal Eugene S. Fraise Patrick J. Deluhery Patty Judge Mary Neuhauser Dennis H. Black Wally E. Horn Patricia Harper
S-5099	S.F. 2366	Donald B. Redfern
S-5100	S.F. 2257	Allen Borlaug
S-5101	S.F. 2221	Nancy Boettger Steve King Rod Halvorson
S-5102	S.F. 2296	Allen Borlaug Derryl McLaren

S-5103	S.F. 2243	Neal Schuerer
S-5104	S.F. 2188	Tom Flynn
S-5105	S.F. 2366	Mary Lou Freeman
S-5106	S.F. 2277	Natural Resources and Environment
S-5107	S.F. 2295	Derryl McLaren
		H. Kay Hedge
		Dennis H. Black
S-5108	S.F. 2366	Michael E. Gronstal
S-5109	S.F. 2366	Mary Lou Freeman
S-5110	S.F. 2366	Michael E. Gronstal
		Mary Lou Freeman
S-5111	S.F. 2042	Rod Halvorson
S-5112	S.F. 2256	Merlin E. Bartz
		Robert E. Dvorsky
S-5113	S.F. 2257	Richard F. Drake

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:14 p.m., until 9:00 a.m., Tuesday, March 3, 1998.

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 3, 1998

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

Prayer was offered by Father Mike McLaughlin of Holy Trinity Roman Catholic Church, Des Moines, Iowa.

The Journal of Monday, March 2, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until his arrival, on request of Senator Dearden.

QUORUM CALL

Senator Iverson 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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2259, 347, 2310, and 2338.

Senate File 2259

On motion of Senator McKibben, Senate File 2259, a bill for an act relating to search warrant applications, was taken up for consideration.

Senator McKibben offered amendment S-5073 filed by him on March 2, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5073 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2259), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, 4:

Drake	Gettings	Lundby	McCoy
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 347

On motion of Senator Angelo, Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Angelo offered amendment S-5034 filed by the committee on Natural Resources and Environment on February 12, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5034 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 347), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

Senate File 2310

On motion of Senator McKibben, Senate File 2310, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2310), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

Senate File 2338

On motion of Senator Schuerer, Senate File 2338, a bill for an act relating to the entities responsible for assisting in international adoptions, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, 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, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink

Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

Senator Iverson asked and received unanimous consent that Senate Files 2259, 347, 2310, and 2338 be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:40 a.m., until 10:45 a.m.

RECONVENED

The Senate reconvened at 11:11 a.m., President Kramer presiding.

SPECIAL GUESTS

Senator Harper announced the following winners of the "Write Women Back Into History" essay contest.

6-7 Grade: First Place – Jessica Moser, Guttenberg
 Second Place – Sarah Maahs, Ames
 Third Place – Andrea Roberts, Parnell

8-9 Grade: First Place – Elizabeth Reicks, Turkey Valley
 Second Place – Stephanie Gallegos, Irwin
 Third Place – Amanda Jo Miller, Red Oak

Why Not Women? Award on the Best Essay on a Woman in a Nontraditional Career:

Heidi Hanel, Marion

Best Essays on Women in Science and Engineering:

First Place – Melinda Padley, Marion

Second Place – Meghan Minner, Roland-Story

Edith Rose Murphy Sackett Award on the Best Essay on a Woman

Volunteer: Craig Winger, Dubuque

BILL REFERRED TO COMMITTEE

President Kramer announced that **House File 530** has been referred to the committee on **Human Resources**.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:17 a.m., until 1:00 p.m.

APPENDIX

SUBCOMMITTEE ASSIGNMENTS

Senate File 2361

COMMERCE: Jensen, Chair; Hansen and Lundby

House File 2218

APPROPRIATIONS: Tinsman, Chair; McLaren and Neuhauser

House File 2169

COMMERCE: Maddox, Chair; Deluhery and Redfern

COMMITTEE REPORTS

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Final Bill Action: SENATE FILE 2099, a bill for an act relating to eligibility under the rural small business transfer linked investment loan program.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Lundby, Rittmer, Hansen, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE FILE 2105, a bill for an act requiring the department of economic development to report on the status of international trade development in this state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Lundby, Rittmer, Hansen, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5114	S.F. 2274	Jeff Angelo
S-5115	S.F. 2295	Tom Vilsack
S-5116	S.F. 2295	Tom Vilsack

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dvorsky and Flynn until their arrival, on request of Senator Gronstal; Senator Rittmer until his arrival, on request of Senator Tinsman.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2341 and 2257.

Senate File 2341

On motion of Senator Schuerer, Senate File 2341, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date, was taken up for consideration.

Senator Redwine offered amendment S-5118 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S-5118 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, 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, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King

Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, 4:

Dvorsky	Flynn	McCoy	Rittmer
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2257

On motion of Senator Borlaug, Senate File 2257, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings, with report of committee recommending passage, was taken up for consideration.

Senator Halvorson offered amendment S-5072 filed by him on March 2, 1998, to pages 9 and 11 of the bill.

Senator Jensen 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.

Senator Borlaug offered amendment S-5057 filed by him on February 24, 1998, to page 10 of the bill and moved its adoption.

Amendment S-5057 was adopted by a voice vote.

Senator Drake offered amendment S-5113 filed by him on March 2, 1998, to page 9 of the bill and moved its adoption.

Amendment S-5113 was adopted by a voice vote.

Senator Borlaug offered amendment S-5100 filed by him on March 2, 1998, to page 10 of the bill and moved its adoption.

Amendment S-5100 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5065 filed by Senators Dvorsky and Borlaug on February 26, 1998, to page 11 of the bill and moved its adoption.

Amendment S-5065 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?" (S.F. 2257), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Maddox McCoy

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:

Senators McLaren and Kibbie until their arrival, on request of Senator Iverson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2153, 2188, and 2221.

Senate File 2153

On motion of Senator Rittmer, Senate File 2153, a bill for an act relating to affidavits of candidacy filed by candidates for public office, 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?" (S.F. 2153), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Cannolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	King
Kramer	Lundby	Maddox	McKean
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, 4:

Drake	Kibbie	McCoy	McLaren
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2188

On motion of Senator Flynn, Senate File 2188, a bill for an act relating to debt collection by excluding a financial institution and its employees from the definition of debt collector, was taken up for consideration.

Senator Flynn offered amendment S-5104 filed by him on March 2, 1998, striking everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S-5104 was adopted by a voice vote.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2188), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

Senate File 2221

On motion of Senator Boettger, Senate File 2221, a bill for an act relating to the payment of costs relating to a contempt of court action for nonpayment of child support, was taken up for consideration.

Senator Boettger offered amendment S-5101 filed by Senators Boettger, King, and Halvorson on March 2, 1998, to page 1 and the title page of the bill.

Senator Hammond raised the point of order that amendment S-5101 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5101 in order.

Senator Boettger moved adoption of amendment S-5101.

Amendment S-5101 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or Not Voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2341, 2257, 2153, 2188, and 2221 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2331 and 2285.

Senate File 2331

On motion of Senator Angelo, Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services, was taken up for consideration.

Senator Angelo asked and received unanimous consent that action on Senate File 2331 be **deferred**.

Senate File 2285

On motion of Senator Tinsman, Senate File 2285, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report, was taken up for consideration.

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. 2285), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

Senator Iverson asked and received unanimous consent that **Senate File 2285** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2295.

Senate File 2295

On motion of Senator Hedge, Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources, with report of committee recommending passage, was taken up for consideration.

Senator McLaren offered amendment S-5124 filed by Senators McLaren and Hedge from the floor to pages 3, 4, 8, 12, 15, 17, and the title page of the bill.

Senator Judge called for a division of amendment S-5124: Lines 13 and 14 as division S-5124A; lines 2-12 and 15-46 as division S-5124B.

Senator McLaren asked and received unanimous consent that action on division S-5124A be deferred.

Senator McLaren moved adoption of division S-5124B.

Division S-5124B was adopted by a voice vote.

Senator Judge offered amendment S-5128 filed by her from the floor to page 4 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5128 be adopted?" (S.F. 2295), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or Not Voting, 1:

McCoy

Amendment S-5128 lost.

Senator Judge offered amendment S-5120 filed by her from the floor to page 4 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5120 be adopted?" (S.F. 2295), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensson	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 1:

McCoy

Amendment S-5120 lost.

Senator Vilsack offered amendment S-5126 filed by him from the floor to page 7 of the bill and moved its adoption.

Amendment S-5126 was adopted by a voice vote.

With the adoption of amendment S-5126, the Chair ruled amendment S-5115 filed by Senator Vilsack from the floor to page 7 of the bill, out of order.

Senator Fink offered amendment S-5123 filed by Senators Fink, et al., from the floor to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5123 be adopted?" (S.F. 2295), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or Not Voting, 1:

McCoy

Amendment S-5123 lost.

Senator Kibbie offered amendment S-5125 filed by Senators Kibbie and Judge from the floor to page 13 of the bill and moved its adoption.

Adoption S-5125 lost by a voice vote.

Senator Judge offered amendment S-5127 filed by Senators Judge and Kibbie from the floor to pages 13 and 16 of the bill.

Senator McLaren raised the point of order that amendment S-5127 was not germane to the bill.

The chair ruled the point well taken and amendment S-5127 out of order.

Senator Judge asked and received unanimous consent that action on Senate File 2295 be deferred. (Division S-5124A pending.)

President pro tempore Redfern took the chair at 3:44 p.m.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2288.

Senate File 2288

On motion of Senator McKibben, Senate File 2288, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2287.

Senate File 2287

On motion of Senator Szymoniak, Senate File 2287, a bill for an act relating to the continued operation of the innovation zone board, 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. 2287), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 103.

Senate Resolution 103

On motion of Senator Lundby, Senate Resolution 103, a resolution commemorating the founding and accomplishments of the federal Civilian Conservation Corps, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2294 and 2336.

Senate File 2294

On motion of Senator Fink, Senate File 2294, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren

Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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 McKibben, Senate File 2336, a bill for an act requiring that the clerk of the district court confirm that notice has been given to required parties prior to the filing of a nonstatutory lien, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Dvorsky McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2288, 2287, 2294, and 2336 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2261, 2337, and 2301.

Senate File 2261

On motion of Senator Boettger, Senate File 2261, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2261), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

Senate File 2337

On motion of Senator Angelo, Senate File 2337, a bill for an act to allow distribution of the presentence investigation report under certain circumstances, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2337), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Lundby McCoy

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 Palmer, Senate File 2301, a bill for an act relating to the operation and regulation of banks and making technical corrections, 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?" (S.F. 2301), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2261, 2337, and 2301 be immediately messaged to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2319, 2218, and 2350.

Senate File 2319

On motion of Senator McKibben, Senate File 2319, a bill for an act revising the definition of the practice of land surveying, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2319), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

Senate File 2218

On motion of Senator Drake, Senate File 2218, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee, 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. 2218), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

Senate File 2350

On motion of Senator Deluhery, Senate File 2350, a bill for an act establishing a state employee deferred compensation trust fund, 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?" (S.F. 2350), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Jensen McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2319, 2218, and 2350** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate Files 2308, 2170, 2378, and 2279.**

Senate File 2308

On motion of Senator Drake, Senate File 2308, a bill for an act concerning eligible alternative retirement benefit systems for community college employees, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on Senate File 2308 be deferred.

Senate File 2170

On motion of Senator Tinsman, Senate File 2170, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission, with report of committee recommending passage, was taken up for consideration.

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. 2170), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Dearden McCoy

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

Senate File 2378

On motion of Senator McKibben, Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy, was taken up for consideration.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2378), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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 Gronstal, Senate File 2279, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations, was taken up for consideration.

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. 2279), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

McCoy

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2170, 2378, and 2279** be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 March 3, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2336, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

Read first time and referred to committee on **Judiciary**.

House File 2340, a bill for an act relating to the inclusion of dentists and certain other medical specialists in the volunteer health care provider program.

Read first time and passed on file.

House File 2374, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

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

House File 2444, a bill for an act relating to annual reports, audits, and board of director composition of nonprofit corporations created by or in association with the Iowa finance authority and providing effective dates.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 3, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 106, a concurrent resolution designating March 1998 as Iowa Women's History Month.

SIMILAR BILL RECEIVED

On March 3, 1998, **House File 2340** was received and attached to similar **Senate File 2328** on the Senate calendar.

INTRODUCTION OF BILL

Senate File 2406, by committee on Appropriations, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa

empowerment board, making an appropriation, and providing an effective date.

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

APPENDIX**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: March 3, 1998, 11:26 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: McCoy (excused).

Committee Business: Passed SF 2347.

Adjourned: 12:22 p.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 3, 1998, when the vote was taken Senate File 2341. Had I been present, I would have voted "aye."

TOM FLYNN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 3, 1998, when the votes were taken Senate Files 2153, 2188, 2221, 2285, and 2341. Had I been present, I would have voted "aye."

JOHN P. KIBBIE

CERTIFICATES OF RECOGNITION

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

Irvin and Vera Bergman, Lake Park - For celebrating their 65th wedding anniversary. Senator Kibbie (3/3/98).

Cory Meehan, Dubuque - For achieving the rank of Eagle Scout. Senator Flynn (3/3/98).

Elizabeth Reicks, Lawler - For winning 1st Place (8th - 9th Grade Category) 1998 Write Women Back Into History Essay Contest. Senator Borlaug (3/3/98).

Craig Winger, Dubuque - For winning the Edith Rose Murphy Sackett Award on the Best Essay on a Woman Volunteer in the 1998 Write Women Back Into History Essay Contest. Senator Connolly (3/3/98).

GUESTS

The Chair welcomed at the request of Senator Vilsack, sixth grade students from Waco Elementary School, Wayland and Crawfordsville, Iowa, accompanied by Bert Miller, who were present in the balcony.

STUDY BILLS RECEIVED

SSB 2206 Ways and Means

Requiring deposit and transfer to a special conservation fund of proceeds of excise taxes on the sale of motor fuel for use in all-terrain vehicles and snowmobiles.

SSB 2207 Ways and Means

Relating to school district bond issuance elections and authorizing a school district to impose a debt service income surtax to partially fund the issuance of certain bonds.

SUBCOMMITTEE ASSIGNMENT

SSB 2206

WAYS AND MEANS: Drake, Chair; Douglas and Judge

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2406 (SF 2347), a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, Neuhauser, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, none. Absent or not voting, 2: McCoy and Vilsack.

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 2406, and they were attached to the committee report.

AMENDMENTS FILED

S-5117	S.F. 2401	Mary Lou Freeman
S-5118	S.F. 2341	John Redwine
S-5119	S.F. 2374	Gene Maddox
S-5120	S.F. 2295	Patty Judge
S-5121	S.F. 2397	Michael E. Gronstal
S-5122	S.F. 2295	Patty Judge
S-5123	S.F. 2295	Bill Fink
		Robert E. Dvorsky
		Rod Halvorson
		Mike Connolly
		Tom Flynn
		Patty Judge
S-5124	S.F. 2295	Derryl McLaren
		H. Kay Hedge
S-5125	S.F. 2295	John P. Kibbie
		Patty Judge
S-5126	S.F. 2295	Tom Vilsack
S-5127	S.F. 2295	Patty Judge
		John P. Kibbie
S-5128	S.F. 2295	Patty Judge
S-5129	S.F. 2224	Nancy Boettger
S-5130	S.F. 2398	Jeff Angelo
		Eugene S. Fraise
S-5131	S.F. 2274	Jeff Angelo
S-5132	S.C.R. 105	Johnie Hammond
S-5133	S.F. 2328	Maggie Tinsman

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:01 p.m., until 9:00 a.m., Wednesday, March 4, 1998.

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 4, 1998

The Senate met in regular session at 9:01 a.m., President pro tempore Redfern presiding.

Prayer was offered by Pastor John Palmer of the First Assembly of God Church, Des Moines, Iowa.

The Journal of Tuesday, March 3, 1998, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

Read first time and referred to committee on **Natural Resources and Environment**.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel.

The Senate resumed session at 9:09 a.m., President pro tempore Redfern presiding.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2321 and 2220.

Senate File 2321

On motion of Senator Jensen, Senate File 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner, was taken up for consideration.

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. 2321), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

Freeman

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

Senate File 2220

On motion of Senator Boettger, Senate File 2220, a bill for an act relating to the definition of a chronic runaway, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2220), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or Not Voting, 2:

Freeman Kramer

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2286 and 2037.

Senate File 2286

On motion of Senator Tinsman, Senate File 2286, a bill for an act relating to cigarettes and tobacco products by restricting smoking of tobacco products in licensed child day care centers and registered group day care homes, by restricting advertising, and providing a penalty, was taken up for consideration.

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. 2286), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or Not Voting, 1:

Kramer

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

UNFINISHED BUSINESS (Deferred March 2, 1998)

Senate File 2037

The Senate resumed consideration of Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board, deferred March 2, 1998.

Senator Iverson asked and received unanimous consent that action on Senate File 2037 be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Files 2151 and 2066.

Senate File 2151

On motion of Senator Lundby, Senate File 2151, a bill for an act relating to political party county convention delegates and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2151), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Halvorson

Absent or Not Voting, 1:

Kramer

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

Senate File 2066

On motion of Senator Behn, Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2066), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Palmer

Absent or Not Voting, 1:

Kramer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2321, 2220, 2286, 2151, and 2066 be immediately messaged to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2210 and 2186.

Senate File 2210

On motion of Senator Boettger, Senate File 2210, a bill for an act requiring a peace officer to assist an abused person in removing clothing, medical items, and other personal effects for the immediate need of the abused person and any children in that person's care, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman asked and received unanimous consent that action on Senate File 2210 be **deferred**.

Senate File 2186

On motion of Senator Behn, Senate File 2186, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine

Rehberg
Schuerer
Zieman

Rensink
Szymoniak

Rife
Tinsman

Rittmer
Vilsack

Nays, none.

Absent or Not Voting, 1:

Kramer

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

Senator Iverson asked and received unanimous consent that **Senate File 2186** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer until her arrival, on request of Senator Iverson.

UNFINISHED BUSINESS (Deferred March 3, 1998)

Senate File 2295

The Senate resumed consideration of Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources, and Division A of amendment S-5124, deferred March 3, 1998.

Senator Vilsack offered amendment S-5116 filed by him on March 3, 1998, to pages 15 and 16 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5116 be adopted?" (S.F. 2295), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	McKean
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 25:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Lundby	Maddox	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or Not Voting, 1:

Kramer

Amendment S-5116 lost.

Senator Judge offered amendment S-5122 filed by her on March 3, 1998, to pages 15 and 16 of the bill, moved its adoption, and requested a record roll call.

On the question, "Shall amendment S-5122 be adopted?" (S.F. 2295), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or Not Voting, 1:

Kramer

Amendment S-5122 lost.

President Kramer took the chair at 10:38 a.m.

Senator Judge offered amendment S-5135 filed by Senators Judge, Kibbie, and Vilsack from the floor to pages 2 and 3 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows: <

Senator Gronstal until his arrival, on request of Senator Fink.

BUSINESS PENDING

Senate File 2295

The Senate resumed consideration of Senate File 2295 and amendment S-5135.

Senator Judge moved adoption of amendment S-5135 and requested a record roll call.

On the question, "Shall amendment S-5135 be adopted?" (S.F. 2295), the vote was:

Ayes, 21:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Redfern

Redwine
Rittmer

Rehberg
Schuerer

Rensink
Tinsman

Rife
Zieman

Absent or Not Voting, 1:

Gronstal

Amendment S-5135 lost.

With the adoption of division S-5124B on March 3, 1998, the Chair ruled amendment S-5107 filed by Senators McLaren, Hedge, and Black on March 2, 1998, to pages 3, 4, and 12 of the bill, out of order.

Senator McLaren moved the adoption of amendment S-5124 division A, filed by Senators McLaren and Hedge on March 3, 1998, previously deferred.

Amendment S-5124 division A was adopted by a voice vote.

Senator McLaren offered amendment S-5134 filed by Senators McLaren and Hedge from the floor to page 3 of the bill and moved its adoption.

Amendment S-5134 was adopted by a voice vote.

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?" (S.F. 2295), the vote was:

Ayes, 48:

Angelo
Boettger
Douglas
Flynn
Gettings
Harper
Jensen
Kramer
McKean
Palmer
Rensink
Szymoniak

Bartz
Borlaug
Drake
Fraise
Halvorson
Hedge
Judge
Lundby
McKibben
Redfern
Rife
Tinsman

Behn
Dearden
Dvorsky
Freeman
Hammond
Horn
Kibbie
Maddox
McLaren
Redwine
Rittmer
Vilsack

Black
Deluhery
Fink
Gaskill
Hansen
Iverson
King
McCoy
Neuhauser
Rehberg
Schuerer
Zieman

Nays, 1:

Connolly

Absent or Not Voting, 1:

Gronstal

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

Senator Iverson asked and received unanimous consent that Senate File 2295 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 March 4, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2120, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

Read first time and referred to committee on **Human Resources**.

House File 2135, a bill for an act relating to a mid-America port commission agreement and providing an effective date.

Read first time and referred to committee on **Commerce**.

House File 2269, a bill for an act relating to permissible physical contact between school employees and students.

Read first time and referred to committee on **Education**.

House File 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

Read first time and referred to committee on Education.

ALSO: That the House has on March 4, 1998, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 113, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal.

Read first time and referred to committee on State Government.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:13 p.m., until 2:00 p.m.

APPENDIX**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 4, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2073 – Prohibiting the performance of partial-birth abortions relative to a human fetus, establishing a cause of action for violation of the prohibition, and providing penalties.

S.F. 2075 – Relating to the creation of a dental hygiene committee within the board of dental examiners.

REPORT OF COMMITTEE MEETING**WAYS AND MEANS**

Convened: March 4, 1998, 12:15 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak.

Members Absent: Palmer, Ranking Member; McLaren and Vilsack (all excused).

Committee Business: Subcommittee assignments. Passed HF 58. Approved SSB 2153.

Adjourned: 12:25 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2403**

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

Senate Concurrent Resolution 108

NATURAL RESOURCES AND ENVIRONMENT: Rehberg, Chair; Deluhery and Zieman

SSB 2207

WAYS AND MEANS: McKibben, Chair; Connolly and Redfern

House File 2374

WAYS AND MEANS: Hedge, Chair; Borlaug and Szymoniak

House File 2392

TRANSPORTATION: Freeman, Chair; Drake and Fraise

COMMITTEE REPORTS**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

Final Bill Action: SENATE FILE 2098, a bill for an act relating to limitations of the focused small business linked investments program.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Lundby, Rittmer, Hansen, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none. Absent or not voting, 1: Boettger.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Douglas, McKibben, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak. Nays, none. Absent or not voting, 3: Palmer, McLaren, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5134	S.F. 2295	Derryl McLaren H. Kay Hedge
S-5135	S.F. 2295	Patty Judge John P. Kibbie Tom Vilsack
S-5136	S.F. 2331	Jeff Angelo Tom Vilsack
S-5137	S.F. 2210	Mike Connolly
S-5138	S.F. 2391	John P. Kibbie Mary Lou Freeman
S-5139	S.F. 2396	Elaine Szymoniak

AFTERNOON SESSION

The Senate reconvened at 2:07 p.m., President Kramer presiding.

QUORUM CALL

Senator King 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)

Senator Maddox asked and received unanimous consent to take up for consideration Senate Files 2254, 2307, and 2339.

Senate File 2254

On motion of Senator Schuerer, Senate File 2254, a bill for an act relating to charges for room and board by certain prisoners, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymaniak	Tinsman	Vilsack
Zieman			

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 2307

On motion of Senator Hammond, Senate File 2307, a bill for an act relating to the continuation, administration, use, and performance of the community grant fund for juvenile crime prevention programs, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon its passage, 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, 48:

Angelo	Bartz	Behn	Black.
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Dvorsky

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.

Senate File 2339

On motion of Senator McKean, Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon its passage, 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, none.

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

UNFINISHED BUSINESS

(Deferred March 3, 1998)

Senate File 2331

The Senate resumed consideration of Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services, deferred March 3, 1998.

Senator Angelo offered amendment S-5136 filed by Senators Angelo and Vilsack from the floor to page 1 of the bill and moved its adoption.

Amendment S-5136 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2254, 2307, 2339, and 2331 be immediately messaged to the House.

The Senate stood at ease at 2:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:10 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2037

The Senate resumed consideration of Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board, previously deferred.

Senator Connolly offered amendment S-5141 filed by him from the floor to pages 1, 2, and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5141 be adopted?" (S.F. 2037), the vote was:

Ayes, 7:

Connolly	Flynn	Gronstal	Hammond
Harper	Horn	Neuhauser	

Nays, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Halvorson	Hansen	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Absent or Not Voting, none.

Amendment S-5141 lost.

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. 2037), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, none.

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

President pro tempore Redfern took the chair at 4:53 p.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2406.

Senate File 2406

On motion of Senator Kramer, Senate File 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date, was taken up for consideration.

President Kramer took the chair at 4:58 p.m.

Senator Boettger offered amendment S-5143 filed by Senators Boettger, et al., from the floor to pages 2 and 7 of the bill and moved its adoption.

Amendment S-5143 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2406), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or Not Voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2037 and 2406 be immediately messaged to the House.

INTRODUCTION OF BILL

Senate File 2407, by committee on Ways and Means, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

Read first time and placed on Ways and Means calendar.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 109, by Dearden, Dvorsky, Maddox, Fraise, Horn, McKean, and Angelo, a concurrent resolution to honor the memory of Jim Hancock.

Read first time and referred to committee on **Judiciary**.

Senate Concurrent Resolution 110, by Tinsman, Deluhery, Rife, and Rittmer, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal.

Read first time and referred to committee on **State Government**.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Barbara Grohe, Iowa City – For being named National Superintendent of the Year. Senator Dvorsky (3/4/98).

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 4, 1998, 1:08 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Deluhery, Freeman, Gaskill, Hedge, Judge, Rehberg, and Ziemann.

Members Absent: Dearden, Dvorsky, and McKibben (all excused).

Committee Business: Presentations by Iowa Underground Storage Fund Program and Environmental Professionals of Iowa.

Adjourned: 2:01 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: March 4, 1998, 1:10 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 1:25 p.m.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: SENATE FILE 2407 (SSB 2153), a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Douglas, McKibben, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak. Nays, none. Absent or not voting, 3: Palmer, McLaren, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5140	S.F. 2284	H. Kay Hedge
S-5141	S.F. 2037	Mike Connolly
S-5142	S.F. 2383	Mary A. Lundby
S-5143	S.F. 2406	Nancy Boettger Johnie Hammond Maggie Tinsman Jeff Angelo
S-5144	S.F. 2281	O. Gene Maddox
S-5145	S.F. 2398	Robert E. Dvorsky
S-5146	S.F. 2346	Elaine Szymoniak Mary Neuhauser
S-5147	S.F. 2398	Robert E. Dvorsky

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:29 p.m., until 9:00 a.m., Thursday, March 5, 1998.

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 5, 1998

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by Pastor Duane Queen of Lakeside Presbyterian Church, Storm Lake, Iowa.

The Journal of Wednesday, March 4, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Bartz and Judge until their arrival, on request of Senator Iverson; Senator Deluhery until his arrival, on request of Senator Gronstal; and Senator Rittmer until his arrival, on request of Senator Tinsman.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2160, 2397, 2088, 2198, and 2372.

Senate File 2160

On motion of Senator Borlaug, Senate File 2160, a bill for an act establishing a state protocol officer, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 2160), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Kibbie	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Bartz	Judge	King	Lundby
Rittmer			

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

Senate File 2397

On motion of Senator Gronstal, Senate File 2397, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, and the elimination of countersigning resident agent provisions, was taken up for consideration.

Senator Gronstal offered amendment S-5121 filed by him on March 3, 1998, to pages 4, 5, and the title page of the bill and moved its adoption.

Amendment S-5121 was adopted by a voice vote.

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. 2397), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Kibbie	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Bartz	Judge	King	Lundby
Rittmer			

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

Senate File 2088

On motion of Senator Black, Senate File 2088, a bill for an act supporting drainage districts, by extending the period when certain contracts must be let, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2088), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn

Iverson	Jensen	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Bartz Judge

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

Senate File 2198

On motion of Senator Borlaug, Senate File 2198, a bill for an act relating to the development of protocol to be used for international visitors, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 2198), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Bartz Judge

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

Senate File 2372

On motion of Senator Gaskill, Senate File 2372, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs, was taken up for consideration.

Senator Boettger offered amendment S-5150 filed by her from the floor, to page 1 of the bill.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5150.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 48:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Bartz Judge

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2160, 2397, 2088, 2198 and 2372 be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:31 a.m., until 1:00 p.m.

APPENDIX**REPORT OF COMMITTEE MEETING****JUDICIARY**

Convened: March 5, 1998, 10:33 a.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Bill assignments.

Adjourned: 10:34 a.m.

PRESENTATION OF VISITORS

Senators Black and Schuerer welcomed the following visitors who were present in the Senate gallery:

4-H members from Benton, Iowa, Poweshiek, and Tama Counties.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 5, 1998, when the votes were taken on Senate Files 2160 and 2397. Had I been present, I would have voted "aye."

SHELDON RITTMER

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 109**

JUDICIARY: Maddox, Chair; McKean and Neuhauser

House File 530

HUMAN RESOURCES: Redwine, Chair; Boettger and Szymoniak

House File 2262

JUDICIARY: King, Chair; Hansen and Maddox

House File 2336

JUDICIARY: Angelo, Chair; Drake and Fraise

COMMITTEE REPORT

STATE GOVERNMENT

Final Bill Action: SENATE CONCURRENT RESOLUTION 110, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5148	S.F. 2398	Jeff Angelo
S-5149	S.F. 2398	Jeff Angelo
S-5150	S.F. 2372	Nancy Boettger
S-5151	S.F. 2330	Andy McKean

AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

The vote revealed 36 present, 14 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until his arrival, on request of Senator Halvorson.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 110.

Senate Concurrent Resolution 110

On motion of Senator Tinsman, Senate Concurrent Resolution 110, a concurrent resolution relating to the increased utilization of the Rock Island Arsenal, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of the resolution, which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED

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 March 5, 1998, passed the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2003, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate public defender.

Read first time and referred to committee on **Judiciary**.

ALSO: That the House has on March 5, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2189, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

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

House File 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code.

Read first time and referred to committee on **State Government**.

House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2292, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2403, a bill for an act relating to public retirement systems, concerning the public safety peace officers' retirement, accident, and disability system, the statewide fire and police retirement system, and the judicial retirement system, and providing an effective date.

Read first time and referred to committee on **Judiciary**.

House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

Read first time and referred to committee on **Commerce**.

House File 2468, a bill for an act establishing an electronic benefits transfer program in the department of human services.

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

House File 2469, a bill for an act relating to a reinsurer's liability.

Read first time and referred to committee on **Commerce**.

House File 2471, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date.

Read first time and referred to committee on **Judiciary**.

House File 2476, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center.

Read first time and referred to committee on **Commerce**.

House File 2488, a bill for an act providing for cochairpersons of the administrative rules review committee.

Read first time and referred to committee on **State Government**.

House File 2493, a bill for an act concerning nonsubstantive gender-related provisions in the Code.

Read first time and referred to committee on **State Government**.

ALSO: That the House has on March 4, 1998, **concurred** in the **Senate amendment** and passed the following bill in which the concurrence of the **House** was asked:

House File 299, a bill for an act concerning drug and alcohol testing of private sector employees and prospective employees and providing remedies and an effective date.

SIMILAR BILLS RECEIVED

On March 5, 1998, **House File 2189** was received and attached to similar **Senate File 2242** on the Senate calendar and **House File 2468** was received and attached to similar **Senate File 2282** on the Senate calendar.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Hedge asked and received unanimous consent to take up for consideration Senate File 2324.

Senate File 2324

On motion of Senator Black, Senate File 2324, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices, was taken up for consideration.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2324), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Judge

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2398.

Senate File 2398

On motion of Senator Angelo, Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders, was taken up for consideration.

Senator Dvorsky offered amendment S-5147, filed by him from the floor on March 4, 1998, to page 1 of the bill, moved its adoption, and requested a record roll call.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, none.

Amendment S-5147 lost.

Senator Angelo offered amendment S-5130, filed by him on March 3, 1998, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5130 was adopted by a voice vote.

Senator Angelo offered amendment S-5149, filed by him from the floor, to pages 2-4 of the bill and moved its adoption.

Amendment S-5149 was adopted by a voice vote.

Senator Angelo offered amendment S-5148 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S-5148 was adopted by a voice vote.

Senator Angelo offered amendment S-5154 filed by Senators Angelo and McKean from the floor to page 4 of the bill and moved its adoption.

Amendment S-5154 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5145 filed by him on March 4, 1998, to page 4 of the bill and moved its adoption.

Amendment S-5145 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2398), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern

Redwine
Rittmer
Vilsack

Rehberg
Schuerer
Zieman

Rensink
Szymoniak

Rife
Tinsman

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2324 and 2398 be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2292.

Senate File 2292

On motion of Senator Angelo, Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability, was taken up for consideration.

Senator Angelo offered amendment S-5055, filed by him on February 23, 1998, to pages 8 and 9 of the bill, and moved its adoption.

Amendment S-5055 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2292), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dvorsky

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 Dvorsky for the remainder of the day, on request of Senator Black.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2292** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2315 and 2340.

Senate File 2315

On motion of Senator Gaskill, Senate File 2315, a bill for an act eliminating a report of land acquisitions and exchanges by a county conservation board, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dvorsky

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

Senate File 2340

On motion of Senator Angelo, Senate File 2340, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2340), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery

Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Dearden McCoy

Absent or not voting, 1:

Dvorsky

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2315 and 2340 be immediately messaged to the House.

The Senate stood at ease at 3:12 p.m. for the purpose of party caucuses.

The Senate resumed session at 4:14 p.m., Senator Lundby presiding.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: March 5, 1998, 11:30 a.m.

Members Present: McLaren, Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Freeman, Hammond, Harper, Hedge, Horn, Jensen, Lundby, McCoy, Neuhauser, Rehberg, Rife, Rittmer, and Tinsman.

Members Absent: Kramer, Vice Chair; Dvorsky, Halvorson, Maddox, Rensink, and Vilsack (all excused).

Committee Business: Passed HF 2218.

Adjourned: 11:34 a.m.

HUMAN RESOURCES

Convened: March 5, 1998, 8:05 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Ziemann.

Members Absent: Bartz (excused).

Committee Business: Bill assignment. Discussion of SF 2333.

Adjourned: 9:00 a.m.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 5, 1998, when the vote was taken Senate Files 2088, 2160, 2198, 2324, 2372, and 2397. Had I been present, I would have voted "aye."

PATTY JUDGE

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 5, 1998, when the vote was taken Senate Files 2088, 2160, 2198, 2372, and 2397. Had I been present, I would have voted "aye."

MERLIN E. BARTZ

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 2, 1998. Had I been present, I would have voted as follows on amendments to Senate File 2366:

"Nay" on amendments S-5076, S-5082, S-5085, S-5092, S-5093, and S-5097.

"Aye" on amendments S-5084 and S-5098.

MERLIN E. BARTZ

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 110

STATE GOVERNMENT: Tinsman, Chair; Deluhery, Rife, and Rittmer

House Concurrent Resolution 113

STATE GOVERNMENT: Tinsman, Chair; Deluhery, Rife, and Rittmer

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2218, 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.

Recommendation: DO PASS.

Final Vote: Ayes, 19: McLaren, Flynn, Behn, Black, Borlaug, Douglas, Freeman, Hammond, Harper, Hedge, Horn, Jensen, Lundby, McCoy, Neuhauser, Rehberg, Rife, Rittmer, and Tinsman. Nays, none. Absent or not voting, 6: Kramer, Dvorsky, Halvorson, Maddox, Rensink, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5152	H.F. 2340	Mary A. Lundby
S-5153	S.F. 2333	Steven D. Hansen
S-5154	S.F. 2398	Jeff Angelo
		Andy McKean
S-5155	S.F. 2201	Kitty Rehberg

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:15 p.m., until 1:00 p.m., Monday, March 9, 1998.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 9, 1998

The Senate met in regular session at 1:11 p.m., Senator Iverson presiding.

The Journal of Thursday, March 5, 1998, was approved.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:12 p.m., until 9:00 a.m., Tuesday, March 10, 1998.

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 10, 1998

The Senate met in regular session at 9:20 a.m., President Kramer presiding.

Prayer was offered by the Honorable H. Kay Hedge, member of the Senate from Mahaska County, Fremont, Iowa.

QUORUM CALL

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

The vote revealed 28 present, 22 absent, and a quorum present.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 5, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2499, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:32 a.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:12 p.m., Senator Hedge presiding.

QUORUM CALL

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

President Kramer took the chair at 1:17 p.m.

The vote revealed 36 present, 14 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Vilsack for the day and Senator Neuhauser until her arrival, on request of Senator Gronstal; Senators McLaren, Rife, Angelo, Redfern, and Lundby until their arrival, on request of Senator Iverson.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2316, 2330, 2242, and 2256.

Senate File 2316

On motion of Senator Flynn, Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties, was taken up for consideration.

Senator Flynn offered amendment S-5061, filed by him on February 25, 1998, to page 2 of the bill, and moved its adoption.

Amendment S-5061 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer until his arrival, on request of Senator Tinsman.

BUSINESS PENDING

Senate File 2316

The Senate resumed consideration of Senate File 2316.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, 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, 42:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	Palmer	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Nays, none.

Absent or not voting, 8:

Angelo	Lundby	McLaren	Neuhauser
Redfern	Rife	Szymoniak	Vilsack

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

Senate File 2330

On motion of Senator McKean, Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date, was taken up for consideration.

Senator McKean offered amendment S-5151 filed by him on March 5, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5151 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until her arrival, on request of Senator Judge.

BUSINESS PENDING**Senate File 2330**

The Senate resumed consideration of Senate File 2330.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330), the vote was:

Ayes, 43:

Bartz	Behn	Black	Boettger
Borlaug	Cannolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	Neuhausser	Palmer
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Angelo	Lundby	McLaren	Redfern
Rife	Szymoniak	Vilsack	

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

Senate File 2242

On motion of Senator Schuerer, Senate File 2242, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

Senator Schuerer asked and received unanimous consent that House File 2189 be **substituted** for Senate File 2242.

House File 2189

On motion of Senator Schuerer, House File 2189, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

Senator Schuerer moved that the bill be read the last time now and placed upon 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. 2189), the vote was:

Ayes, 43:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	Neuhauser	Palmer
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Angelo
Rife

Lundby
Szymoniak

McLaren
Vilsack

Redfern

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 Bartz, Senate File 2256, a bill for an act relating to the regulation of the deer population, was taken up for consideration.

Senator Bartz offered amendment S-5112, filed by Senators Bartz and Dvorsky on March 2, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5112 was adopted by a voice vote.

Senator Judge offered amendment S-5069, filed by her on February 26, 1998, to page 2 of the bill.

Senator Black offered amendment S-5167 filed by him from the floor to page 1 of amendment S-5069, and moved its adoption.

Amendment S-5167 was adopted by a voice vote.

Senator Judge moved adoption of amendment S-5069, as amended.

Amendment S-5069 was adopted by a voice vote.

Senator Borlaug asked and received unanimous consent that action on **Senate File 2256** be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2316, 2330, and House File 2189** be immediately messaged to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2264, 2367, 2282, and 2284.

Senate File 2264

On motion of Senator Tinsman, Senate File 2264, a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council, was taken up for consideration.

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. 2264), the vote was:

Ayes, 44:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Nays, none.

Absent or not voting, 6:

Angelo	Lundby	McLaren	Rife
Szymoniak	Vilsack		

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

Senate File 2367

On motion of Senator Redwine, Senate File 2367, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations, was taken up for consideration.

Senator Redwine asked and received unanimous consent that action on **Senate File 2367** be **deferred**.

Senate File 2282

On motion of Senator Schuerer, Senate File 2282, a bill for an act establishing an electronic benefits transfer program in the department of human services, was taken up for consideration.

Senator Schuerer offered amendment S-5159 filed by him from the floor, to page 1 of the bill, and moved its adoption.

Amendment S-5159 was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that House File 2468 be **substituted** for Senate File 2282.

House File 2468

On motion of Senator Schuerer, House File 2468, a bill for an act establishing an electronic benefits transfer program in the department of human services, was taken up for consideration.

Senator Schuerer asked and received unanimous consent that action on **House File 2468** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senate File 2284

On motion of Senator Maddox, Senate File 2284, a bill for an act relating to rural improvement zones, was taken up for consideration.

Senator Hedge offered amendment S-5140, filed by him on March 4, 1998, to page 1 of the bill.

Senator Rehberg asked and received unanimous consent that action on amendment S-5140 and Senate File 2284 be deferred.

BUSINESS PENDING

Senate File 2367

The Senate resumed consideration of Senate File 2367, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations, previously deferred.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, 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, 45:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, none.

Absent or not voting, 5:

Angelo	Lundby	McLaren	Rife
Vilsack			

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

BUSINESS PENDING

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, and amendment S-5140, previously deferred.

Senator Hedge moved the adoption of amendment S-5140.

A record roll call was requested.

On the question, "Shall amendment S-5140 be adopted?" (S.F. 2284) the vote was:

Ayes, 14:

Behn	Connolly	Deluhery	Freeman
Gaskill	Halvorson	Hansen	Hedge
Iverson	Maddox	Redfern	Rife
Schuerer	Zieman		

Nays, 32:

Bartz	Black	Boettger	Borlaug
Dearden	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Hammond	Harper	Horn
Jensen	Judge	Kibbie	King
Kramer	McCoy	McKean	McKibben
Neuhauser	Palmer	Redwine	Rehberg
Rensink	Rittmer	Szymoniak	Tinsman

Absent or not voting, 4:

Angelo	Lundby	McLaren	Vilsack
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Amendment S-5140 lost.

Senator Bartz asked and received unanimous consent that action on Senate File 2284 be deferred.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 367.

Senate File 367

On motion of Senator Bartz, Senate File 367, a bill for an act relating to transfers of real property by providing that certain disclosures regarding psychologically impacted property are not required and by amending the definition of transfer, with report of committee recommending passage, was taken up for consideration.

Senator Bartz moved that the bill be read the last time now and placed upon 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. 367), the vote was:

Ayes, 38:

Bartz	Behn	Black	Boettger
Borlaug	Deluhery	Douglas	Drake
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Horn	Iverson
Jensen	Judge	King	Kramer
Lundby	Maddox	McCoy	McKibben
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 9:

Connolly	Dearden	Dvorsky	Harper
Hedge	Kibbie	McKean	Neuhausser
Palmer			

Absent or not voting, 3:

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

BUSINESS PENDING

Senate File 2256

The Senate resumed consideration of Senate File 2256, a bill for an act relating to the regulation of the deer population, previously deferred.

Senator Borlaug offered amendment S-5173 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-5173 be adopted?" (S.F. 2256), the vote was:

Ayes, 38:

Bartz	Behn	Boettger	Borlaug
Connolly	Deluhery	Douglas	Drake
Flynn	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Iverson	Jensen
Judge	Kibbie	King	Kramer
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 9:

Black	Dearden	Dvorsky	Fink
Fraise	Horn	Lundby	Maddox
McCoy			

Absent or not voting, 3:

Angelo	McLaren	Vilsack
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Amendment S-5173 was adopted.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, 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, 47:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Angelo McLaren Vilsack

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2367** and **Senate File 367** be **immediately messaged** to the House.

WITHDRAWN

Senator Schuerer asked and received unanimous consent that **Senate File 2242** be **withdrawn** from further consideration of the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2312, 2313 and 2329.

Senate File 2312

On motion of Senator Behn, Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date, was taken up for consideration.

Senator Flynn offered amendment S-5157 filed by Senators Flynn and Rehberg from the floor to page 1 of the bill and called for a division: lines 17-22 as division S-5157A; and lines 2-16 as division S-5157B.

Senator Flynn asked and received unanimous consent to withdraw division S-5157A.

Senator Flynn moved adoption of division S-5157B, which motion prevailed by a voice vote.

Senator Behn moved that the bill be read the last time now and placed upon its passage, 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, 41:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 4:

Dvorsky	Hammond	Harper	Neuhauser
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Absent or not voting, 5:

Angelo	McLaren	Palmer	Rife
Vilsack			

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

Senate File 2313

On motion of Senator Boettger, Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates, was taken up for consideration.

Senator Boettger offered amendment S-5164 filed by her from the floor to page 17 of the bill and moved its adoption.

Amendment S-5164 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2313), the vote was:

Ayes, 46:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Angelo	McLaren	Palmer	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2329

On motion of Senator Hammond, Senate File 2329, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families, was taken up for consideration.

Senator Hammond offered amendment S-5156 filed by her 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-5156 be adopted?" (S.F. 2329) the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	King	McCoy
Neuhauser	Szymoniak		

Nays, 23:

Bartz	Behn	Boettger	Borlaug
Douglas	Drake	Gaskill	Hedge
Iverson	Jensen	Kramer	Lundby
Maddox	McKean	McKibben	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 5:

Angelo	McLaren	Palmer	Rife
Vilsack			

Amendment S-5156 lost.

Senator Hammond moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 46:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Angelo	McLaren	Palmer	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS (Deferred March 4, 1998)

Senate File 2210

The Senate resumed consideration of Senate File 2210, a bill for an act requiring a peace officer to assist an abused person in removing clothing, medical items, and other personal effects for the immediate need of the abused person and any children in that person's care, previously deferred.

Senator Connolly offered amendment S-5137 filed by him on March 4, 1998, to the title page of the bill and moved its adoption.

Amendment S-5137 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2210), the vote was:

Ayes, 46:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Angelo	McLaren	Palmer	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2312, 2313, 2329 and 2210** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred February 18, 1998)

Senate File 2192

The Senate resumed consideration of Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements, and amendment S-5040 filed by Senators Fraise, et al., on February 17, 1998, to page 1 of the bill, deferred February 18, 1998.

Senator Connolly asked and received unanimous consent that action on **Senate File 2192** and amendment S-5040 be **deferred**.

BUSINESS PENDING

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, previously deferred.

Senator Iverson asked and received unanimous consent that action on **Senate File 2284** be **deferred**.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 111, by Neuhauser, a resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year.

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

HOUSE MESSAGES RECEIVED

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 March 10, 1998, passed the following bills in which the **concurrence** of the House was asked:

Senate File 2279, a bill for an act relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

Senate File 2285, a bill for an act relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

ALSO: That the House has on March 10, 1998, passed the following bills in which the **concurrence** of the Senate is asked:

House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Read first time and referred to committee on **Judiciary**.

House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements:

Read first time and referred to committee on **Agriculture**.

House File 2251, a bill for an act relating to public health by providing for the regulation of body piercing and providing a penalty.

Read first time and referred to committee on **State Government**.

House File 2317, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

Read first time and referred to committee on **Agriculture**.

House File 2324, a bill for an act relating to the statutory elements of certain forms of assault.

Read first time and referred to committee on **Judiciary**.

House File 2350, a bill for an act relating to the voluntary admission and release of persons suffering from dementia or a dementia-related illness to inpatient psychiatric treatment.

Read first time and referred to committee on **Human Resources**.

House File 2353, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles.

Read first time and referred to committee on **Transportation**.

House File 2370, a bill for an act relating to regulatory duties under the purview of the Iowa department of public health concerning substance abuse treatment facilities, brain and spinal cord injuries and the advisory committee on brain injuries, the technical advisory committee for operators of radiation machines and users of radioactive materials, applicant requirements for funeral director licensure, cosmetology salon licenses, the council on chemically

exposed infants and children, advertising prohibitions on licensed chiropractors, and county claims for payment of certain autopsy costs.

Read first time and referred to committee on **State Government**.

House File 2410, a bill for an act relating to the removing, sale, or purchase of war relics from a cemetery and providing penalties.

Read first time and referred to committee on **Judiciary**.

House File 2429, a bill for an act relating to the regulation of physical exercise clubs.

Read first time and referred to committee on **Commerce**.

House File 2443, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

Read first time and referred to committee on **Business and Labor Relations**.

House File 2455, a bill for an act relating to involvement of federal military installations with child abuse assessments.

Read first time and referred to committee on **Human Resources**.

House File 2465, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

Read first time and referred to committee on **Business and Labor Relations**.

House File 2473, a bill for an act providing for mediation in disputes involving agricultural producers.

Read first time and referred to committee on **Judiciary**.

House File 2492, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements.

Read first time and referred to committee on **Agriculture**.

House File 2527, a bill for an act providing for victim rights, providing for penalties, and an effective date.

Read first time and referred to committee on **Judiciary**.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2169** and **2332** on the Senate Calendar be referred to the committee on **Appropriations**.

APPENDIX**COMMITTEE REPORT****RULES AND ADMINISTRATION**

Final Bill Action: SENATE CONCURRENT RESOLUTION 111, a resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 10, 1998, when the votes were taken on Senate Files 2316, 2330, 2264, 2367, and House File 2189. Had I been present, I would have voted "aye."

JEFF ANGELO

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2256 passed the Senate on March 10, 1998.

DENNIS H. BLACK

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2264 passed the Senate on March 10, 1998.

MAGGIE TINSMAN

SUBCOMMITTEE ASSIGNMENTS**House File 681**

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Fink and McKibben

House File 2135

COMMERCE: King, Chair; Bartz and Flynn

House File 2269

EDUCATION: Boettger, Chair; Gaskill and Kibbie

House File 2272

EDUCATION: Redwine, Chair; Rehberg and Szymoniak

House File 2290

NATURAL RESOURCES AND ENVIRONMENT: Angelo, Chair; Black and Rehberg

House File 2292

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dearden and Freeman

House File 2444

STATE GOVERNMENT: Rife, Chair; Kibbie and King

House File 2454

COMMERCE: Douglas, Chair; Hansen and King

House File 2469

COMMERCE: Schuerer, Chair; Deluhery and Lundby

House File 2476

COMMERCE: Rife, Chair; Flynn and Jensen

House File 2488

STATE GOVERNMENT: Rittmer, Chair; Drake and Kibbie

House File 2493

STATE GOVERNMENT: Lundby, Chair; Harper and Tinsman

AMENDMENTS FILED

S-5156	S.F. 2329	Johnie Hammond
S-5157	S.F. 2312	Tom Flynn
		Kitty Rehberg
S-5158	S.F. 2192	Eugene S. Fraise
S-5159	S.F. 2282	Neal Schuerer
S-5160	S.F. 2381	Robert E. Dvorsky
S-5161	S.F. 2381	Robert E. Dvorsky
S-5162	S.F. 2400	Eugene S. Fraise
S-5163	S.F. 2283	O. Gene Maddox
S-5164	S.F. 2313	Nancy Boettger

S-5165	S.F. 2381	John P. Kibbie
S-5166	S.F. 2381	Tom Flynn Mike Connolly
S-5167	S.F. 2256	Dennis H. Black
S-5168	S.F. 2365	Larry McKibben
S-5169	S.F. 2371	Wilmer Rensink
S-5170	S.F. 2309	Rod Halvorson
S-5171	S.F. 2381	Patty Judge
S-5172	S.F. 2360	O. Gene Maddox
S-5173	S.F. 2256	Allen Borlaug
S-5174	S.F. 2358	Eugene S. Fraise Tom Flynn Don Gettings
S-5175	S.F. 2333	Tom Flynn Mike Connolly Dick L. Dearden Robert E. Dvorsky Patricia Harper Johnie Hammond
S-5176	S.F. 2369	Larry McKibben

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:12 p.m., until 9:00 a.m., Wednesday, March 11, 1998.

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 11, 1998

The Senate met in regular session at 9:18 a.m., President Kramer presiding.

Prayer was offered by the Reverend Mark Sherwood, pastor of the Berean Baptist Church, Perry, Iowa.

The Journals of Monday, March 9, 1998, and Tuesday, March 10, 1998, were approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Vilsack until his arrival, and Senator Flynn for the remainder of the week, on request of Senator Gronstal.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2468** be referred from the Regular Calendar to the committee on **Appropriations**.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2335, 2348, 2359, and 2246.

Senate File 2335

On motion of Senator King, Senate File 2335, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty, was taken up for consideration.

Senator Maddox offered amendment S-5181, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5181 was adopted by a voice vote.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2335), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2348

On motion of Senator Rehberg, Senate File 2348, a bill for an act relating to the locations at which shared public school services may

be made available to nonpublic school students, was taken up for consideration.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2359

On motion of Senator King, Senate File 2359, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date, was taken up for consideration.

Senator King moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2359), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2246

On motion of Senator Deluhery, Senate File 2246, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that **House File 2331** be substituted for **Senate File 2246**.

House File 2331

On motion of Senator Deluhery, House File 2331, a bill for an act relating to utility cost reviews associated with a rate-regulated public utility's procurement of natural gas or fuel for use in generating electricity, 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. 2331), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 1:

Dvorsky

Absent or not voting, 2:

Flynn Vilsack

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

WITHDRAWN

Senator Deluhery asked and received unanimous consent that **Senate File 2246** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2335, 2348, 2359, and House File 2331** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **House File 2162** and **Senate File 2224**.

House File 2162

On motion of Senator Neuhauser, House File 2162, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision, was taken up for consideration.

Senator McKean offered amendment S-5052 filed by him on February 23, 1998, to page 29 of the bill and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Neuhauser moved that the bill be read the last time now and placed upon 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. 2162), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Vilsack

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

Senate File 2224

On motion of Senator Boettger, Senate File 2224, a bill for an act requiring a court to order a person convicted of domestic abuse assault to complete a batterers' treatment program, and to hold such

person in contempt for failure to report for or complete treatment, and requiring related reporting of the status of treatment by the judicial district department of correctional services, was taken up for consideration.

Senator Boettger offered amendment S-5129 filed by her on March 3, 1998, to page 1 and the title page of the bill and moved its adoption.

Amendment S-5129 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2224), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Vilsack

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 Iverson asked and received unanimous consent that **Senate File 2224** and **House File 2162** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2391, 2080, and 2201.

Senate File 2391

On motion of Senator McKean, Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting licensed substance abuse agencies to offer a drinking drivers course, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S-5138 filed by Senators Kibbie and Freeman on March 4, 1998, to pages 1-3 and the title page of the bill, and moved its adoption.

Amendment S-5138 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2391), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	McLaren
Neuhauser	Palmer	Redfern	Redwine

Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

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

Senate File 2080

On motion of Senator Freeman, Senate File 2080, a bill for an act relating to disposal, collection, and recycling of waste oil filters and providing an insurance premium discount, was taken up for consideration.

Senator Freeman asked and received unanimous consent to withdraw amendment S-5053, filed by Senators Freeman and Fink on February 23, 1998, to page 1 of the bill.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2080), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Vilsack

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 Rehberg, Senate File 2201, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg asked and received unanimous consent to withdraw amendment S-5155, filed by her on March 5, 1998, striking everything after the enacting clause, and to the title page of the bill.

Senator Rehberg moved that the bill be read the last time now and placed upon its passage, 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2391, 2080, and 2201 be immediately messaged to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2400, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

Read first time and referred to committee on **Judiciary**.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:13 a.m., until 1:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****RULES AND ADMINISTRATION**

Convened: March 10, 1998, 3:02 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg.

Members Absent: Lundby (excused).

Committee Business: Passed SCR 111.

Adjourned: 3:04 p.m.

HUMAN RESOURCES

Convened: March 11, 1998, 11:20 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, and Zieman.

Members Absent: Bartz and Tinsman (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:25 a.m.

STATE GOVERNMENT

Convened: March 11, 1998, 12:05 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Harper, King, Rife, Szymoniak, and Tinsman.

Members Absent: Halvorson, Lundby, McKibben, and McLaren (all excused).

Committee Business: Passed HF 2146, HCR 105, and HJR 2004.

Adjourned: 12:15 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2169**

APPROPRIATIONS: Maddox, Chair; Neuhauser and Rehberg

Senate File 2332

APPROPRIATIONS: Rensink, Chair; Black and Hedge

Senate Concurrent Resolution 111

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Kramer

SSB 2208

APPROPRIATIONS: Tinsman, Chair; Hammond and McLaren

SSB 2209

APPROPRIATIONS: Rife, Chair; McLaren and Neuhauser

House File 2120

HUMAN RESOURCES: Boettger, Chair; Dvorsky and Redwine

House File 2269

EDUCATION: Rensink, Chair; Gaskill and Kibbie

House File 2271

STATE GOVERNMENT: Kibbie, Chair; Borlaug and Lundby

House File 2350

HUMAN RESOURCES: Behn, Chair; Hammond and Schuerer

House File 2395

APPROPRIATIONS: Rife, Chair; Flynn and McLaren

House File 2443

BUSINESS AND LABOR RELATIONS: Horn, Chair; Freeman and Schuerer

House File 2455

HUMAN RESOURCES: Behn, Chair; Hammond and Schuerer

House File 2465

BUSINESS AND LABOR RELATIONS: Dearden, Chair; Jensen and Zieman

House File 2499

APPROPRIATIONS: Freeman, Chair; Halvorson and McLaren

AMENDMENTS FILED

S-5177	S.F. 2280	Nancy Boettger
S-5178	S.F. 2404	H. Kay Hedge John P. Kibbie
S-5179	S.F. 2381	Dennis H. Black
S-5180	S.F. 2381	Dennis H. Black
S-5181	S.F. 2335	O. Gene Maddox
S-5182	S.F. 2384	O. Gene Maddox
S-5183	S.F. 2363	Mary Neuhauser
S-5184	S.F. 2363	Mary Neuhauser
S-5185	S.F. 2363	Johnie Hammond
S-5186	S.F. 2363	Johnie Hammond
S-5187	S.F. 2360	O. Gene Maddox
S-5188	S.F. 2383	Mary A. Lundby
S-5189	S.F. 2358	Rod Halvorson
S-5190	S.F. 2363	Elaine Szymoniak
S-5191	S.F. 2381	Robert E. Dvorsky
S-5192	S.F. 2192	Mike Connolly

AFTERNOON SESSION

The Senate reconvened at 1:13 p.m., Senator Boettger presiding.

QUORUM CALL

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

The vote revealed 36 present, 14 absent, and a quorum present.

President Kramer took the chair at 1:22 p.m.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Concurrent Resolution 111.

Senate Concurrent Resolution 111

On motion of Senator Neuhauser, Senate Concurrent Resolution 111, a concurrent resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year, with report of committee recommending passage, was taken up for consideration.

Senator Neuhauser moved the adoption of Senate Concurrent Resolution 111, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Neuhauser presented National Superintendent of the Year Barbara Grohe, who addressed the Senate with brief remarks.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 111 be immediately messaged to the House.**

UNFINISHED BUSINESS
(Deferred March 10, 1998)

Senate File 2192

The Senate resumed consideration of Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements, and amendment S-5040 filed by Senators Fraise, et al., on February 17, 1998, to page 1 of the bill, deferred March 10, 1998.

Senator Connolly offered amendment S-5192 filed by him from the floor to pages 1 and 2 of the bill.

Senator Hedge took the chair at 1:37 p.m.

President Kramer took the chair at 1:43 p.m.

Senator Connolly moved adoption of amendment S-5192.

A record roll call was requested.

On the question "Shall amendment S-5192 be adopted?" (S.F. 2192), the vote was:

Ayes, 16:

Connolly	Dearden	Deluhery	Dvorsky
Fraise	Gettings	Hammond	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 30:

Angelo	Bartz	Behn	Black
Borlaug	Douglas	Drake	Fink
Freeman	Gaskill	Gronstal	Halvorson
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Boettger	Flynn	Redfern	Rife
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Amendment S-5192 lost.

Senator Fraise asked and received unanimous consent to withdraw amendment S-5040, filed by Senators Fraise, et al., on February 17, 1998, to page 1 of the bill, previously deferred.

Senator Fraise offered amendment S-5158, filed by him on March 10, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5158 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. 2192), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 5:

Connolly	Hammond	Harper	McCoy
Neuhauser			

Absent or not voting, 1:

Flynn

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

UNFINISHED BUSINESS
(Deferred March 3, 1998)

Senate File 2308

The Senate resumed consideration of Senate File 2308, a bill for an act concerning eligible alternative retirement benefit systems for community college employees, deferred March 3, 1998.

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. 2308), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Drake	Fraise	Freeman	Gaskill
Gettings	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 7:

Connolly	Dearden	Dvorsky	Fink
Halvorson	Kibbie	McCoy	

Absent or not voting, 1:

Flynn

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2371 and 2356.

Senate File 2371

On motion of Senator Rensink, Senate File 2371, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties, was taken up for consideration.

Senator Rensink offered amendment S-5169, filed by him on March 10, 1998, to pages 1-5 of the bill, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

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?" (S.F. 2371), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

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

Senate File 2356

On motion of Senator Rife, Senate File 2356, a bill for an act relating to revolving funds to be administered by the department of

general services and providing for funding for the revolving funds, was taken up for consideration.

Senator Neuhauser asked and received unanimous consent that action on **Senate File 2356** be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2192, 2308, and 2371** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2374, 2383, and 2385.

Senate File 2374

On motion of Senator Maddox, Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties, was taken up for consideration.

Senator Maddox offered amendment S-5119, filed by him on March 3, 1998, to pages 2 and 8 of the bill and moved its adoption.

Amendment S-5119 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2374), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

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

Senate File 2383

On motion of Senator Lundby, Senate File 2383, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date, was taken up for consideration.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5142, filed by her on March 4, 1998, to pages 1 and 4 of the bill.

Senator Lundby offered amendment S-5188, filed by her from the floor, to pages 1 and 4 of the bill, and moved its adoption.

Amendment S-5188 was adopted by a voice vote.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2383), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deardner
Deluhery	Douglas	Drake	Dvorsky

Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Palmer

Absent or not voting, 2:

Flynn

McLaren

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

Senate File 2385

On motion of Senator Angelo, Senate File 2385, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2385), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Flynn

Halvorson

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2374, 2383, and 2385** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2386, 2387, and 2392.

Senate File 2386

On motion of Senator Rittmer, Senate File 2386, a bill for an act relating to financial assistance to local governments for eligible disaster-related expenses, serious needs, and hazard mitigation and providing an effective date, 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?" (S.F. 2386), the vote was:

Ayes, 48:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser

Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

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

Senate File 2387

On motion of Senator Maddox, Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2387), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Flynn

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

President pro tempore Redfern took the chair at 2:57 p.m.

Senate File 2392

On motion of Senator Tinsman, Senate File 2392, a bill for an act relating to community service and inmate work programs, was taken up for consideration.

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. 2392), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Flynn Rittmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2386, 2387, and 2392 be immediately messaged to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2296.

Senate File 2296

On motion of Senator Borlaug, Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, was taken up for consideration.

The Senate stood at ease at 3:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:35 p.m., President Kramer presiding.

Senator Harper asked unanimous consent to defer on Senate File 2296.

Senator Harper withdrew her motion.

The Senate stood at ease at 4:44 p.m.

The Senate resumed session at 4:46 p.m., President Kramer presiding.

Senator Fink offered amendment S-5197, filed by him from the floor to pages 2 and 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5197 be adopted?" (S.F. 2296), the vote was:

Ayes, 17:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Harper

Horn	Judge	Kibbie	Palmer
Vilsack			

Nays, 30:

Angelo	Bartz	Behn	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Boettger	Flynn	Szymoniak
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Amendment S-5197 lost.

Senator Harper offered amendment S-5204, filed by her from the floor to pages 3 and 13 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 21, nays 26.

Amendment S-5204 lost.

Senator Harper offered amendment S-5205, filed by Senators Harper, et al., from the floor to pages 3 and 12 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5205 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Redfern	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hansen	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Flynn

Amendment S-5205 lost.

Senator Harper offered amendment S-5206, filed by Senators Harper and McCoy from the floor to pages 3 and 13 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 21, nays 28.

Amendment S-5206 lost.

Senator Harper offered amendment S-5207, filed by Senators Harper, et al., from the floor to pages 3 and 13 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5207 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Flynn

Amendment S-5207 lost.

Senator Harper offered amendment S-5208, filed by Senators Harper, et al., from the floor to pages 3 and 13 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5208 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Flynn	Lundby	Rife
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Amendment S-5208 lost.

Senator Vilsack offered amendment S-5216, 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-5216 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Behn	Boettger	Borlaug
Douglas	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Bartz	Drake	Flynn
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Amendment S-5216 lost.

Senator Neuhauser offered amendment S-5212 filed by her from the floor to pages 8 and 9 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5212 be adopted?" (S.F. 2296), the vote was:

Ayes, 19:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Fraise	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	

Nays, 30:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Vilsack	Zieman		

Absent or not voting, 1:

Flynn

Amendment S-5212 lost.

Senator Harper offered amendment S-5209 filed by Senators Harper, McCoy, and Deluhery from the floor to pages 16, 19, and the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5209 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Flynn

Amendment S-5209 lost.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5198 filed by Senators Borlaug and McLaren from the floor to page 17 of the bill.

Senator Borlaug offered amendment S-5210, filed by Senators Borlaug and McLaren from the floor to page 17 of the bill and moved its adoption.

Amendment S-5210 was adopted by a voice vote.

Senator Borlaug offered amendment S-5102 filed by Senators Borlaug and McLaren on March 2, 1998, to page 18 of the bill and moved its adoption.

Amendment S-5102 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?" (S.F. 2296), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fraise	Freeman	Gaskill	Gettings
Halvorson	Hansen	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 5:

Fink	Gronstal	Hammond	Harper
Neuhauser			

Absent or not voting, 1:

Flynn

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

Senator Iverson asked and received unanimous consent that **Senate File 2296** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate File 2381**.

Senate File 2381

On motion of Senator Freeman, **Senate File 2381**, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the department of agriculture and land stewardship for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used not necessarily for capital expenditures to local governmental units for

boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building and for design and development of a new judicial building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection program and revolving fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, was taken up for consideration.

Senator McLaren offered amendment S-5211, filed by him from the floor to page 2 of the title of the bill and moved its adoption.

Amendment S-5211 was adopted by a voice vote.

Senator Hedge took the chair at 7:15 p.m.

Senator McLaren offered amendment S-5213 filed by Senators McLaren and Black from the floor to page 1 of the title of the bill and moved its adoption.

Amendment S-5213 was adopted by a voice vote.

Senator Connolly offered amendment S-5166, filed by Senators Flynn and Connolly on March 10, 1998, to pages 1, 8, 11-13, and pages 1 and 2 of the title of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-5166 be deferred.

Senator McLaren filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5213 to S.F. 2381 was adopted by the Senate on March 11, 1998.

The motion prevailed and amendment S-5213 was taken up for reconsideration.

Senator McLaren asked and received unanimous consent that action on amendment S-5213 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381.

Senator Hansen offered amendment S-5223 filed by Senators Hansen, et al., from the floor to pages 1-10 and pages 1-3 of the title of the bill.

President Kramer took the chair at 7:37 p.m.

Senator Hansen moved the adoption of amendment S-5223 and requested a record roll call.

On the question "Shall amendment S-5223 be adopted?" (S.F. 2381), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Flynn	Gettings
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Amendment S-5223 lost.

Senator McLaren moved the adoption of amendment S-5213 by Senators McLaren and Black, to page 1 of the bill and page 1 of the title of the bill, previously deferred.

Amendment S-5213 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5166 by Senators Flynn and Connolly to pages 1, 8, 11-13, and pages 1 and 2 of the title of the bill.

Senator Connolly offered amendment S-5202 filed by him from the floor to pages 1 and 5 and page 1 of the title of the bill.

QUORUM CALL

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

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

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381 and amendment S-5202.

Senator Connolly moved the adoption of amendment S-5202 and requested a record roll call.

On the question "Shall amendment S-5202 be adopted?" (S.F. 2381), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 3:

Flynn	Gettings	Rife
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Amendment S-5202 lost.

Senator Palmer offered amendment S-5219, filed by him from the floor to page 2 of the bill and page 1 of the title of the bill.

The Senate stood at ease at 8:05 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 8:43 p.m., President Kramer presiding.

Senator Palmer moved the adoption of amendment S-5219.

Amendment S-5219 lost by a voice vote.

Senator Judge offered amendment S-5171, filed by her on March 10, 1998, to page 2 of the bill.

Senator Judge asked and received unanimous consent to withdraw amendment S-5171.

Senator Dvorsky offered amendment S-5160, filed by him on March 10, 1998, to page 2 of the bill and moved its adoption.

Amendment S-5160 lost by a voice vote.

Senator Harper offered amendment S-5221, filed by her from the floor to page 2 of the bill and moved its adoption.

Amendment S-5221 lost by a voice vote.

Senator Black offered amendment S-5179, filed by him from the floor to page 3 of the bill.

Senator Black asked and received unanimous consent to withdraw amendment S-5179.

Senator Kibbie offered amendment S-5165, filed by him on March 10, 1998, to pages 4 and 5 of the bill, and requested a division: line 1 and lines 5-9 as division S-5165A; and lines 2-4 as division S-5165B.

Senator Kibbie asked and received unanimous consent to withdraw division S-5165B.

Senator Kibbie moved the adoption of division S-5165A and requested a record roll call.

On the question "Shall amendment S-5165 division A be adopted?" (S.F. 2381), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 24:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Freeman	Gaskill
Iverson	Jensen	King	Kramer
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 4:

Flynn	Gettings	Hedge	Rife
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Amendment S-5165 division A lost.

Senator Kibbie offered amendment S-5214, filed by Senators Kibbie and McLaren from the floor to page 4 of the bill and moved its adoption.

Amendment S-5214 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5161 filed by him on March 10, 1998, to page 4 of the bill.

Senator Jensen offered amendment S-5203, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5203 was adopted by a voice vote.

Senator Halvorson offered amendment S-5229, filed by him from the floor to pages 5, 6, and 10 of the bill.

Senator Judge asked and received unanimous consent that action on amendment S-5229 be deferred.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5191, filed by him from the floor to page 8 of the bill.

Senator McLaren offered amendment S-5222, filed by Senators McLaren and Lundby from the floor, to pages 8, 10, 11, 13, and to page 2 of the title of the bill, and moved its adoption.

Amendment S-5222 was adopted by a voice vote.

Senator Black offered amendment S-5180, filed by him from the floor to page 8 of the bill.

Senator Black asked and received unanimous consent to withdraw amendment S-5180.

Senator Rehberg offered amendment S-5220 filed by her from the floor to page 8 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5220 be adopted?" (S.F. 2381), the vote was:

Ayes, 13:

Bartz	Borlaug	Deluhery	Jensen
Judge	Lundby	McCoy	McKean
Redfern	Rehberg	Rittmer	Szymoniak
Vilsack			

Nays, 35:

Angelo	Behn	Black	Boettger
Connolly	Dearden	Douglas	Drake
Dvorsky	Fink	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Kibbie	King	Kramer
Maddox	McKibben	McLaren	Neuhauser
Palmer	Redwine	Rensink	Rife
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Flynn	Gettings
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Amendment S-5220 lost.

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

The Senate resumed session at 10:55 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer for the remainder of the day, on request of Senator Fraise.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5227, filed by him from the floor to page 9 of the bill.

Senator Borlaug offered amendment S-5228, filed by him from the floor to page 9 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 18, nays 26.

Amendment S-5228 lost.

Senator Halvorson offered amendment S-5200, filed by him from the floor to page 13 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5200 be adopted?" (S.F. 2381), the vote was:

Ayes, 19:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Szymoniak	Vilsack	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 5:

Flynn	Gettings	Lundby	Palmer
Rife			

Amendment S-5200 lost.

The Senate resumed consideration of amendment S-5229 by Senator Halvorson to pages 5, 6, and 10 of the bill, previously deferred.

Senator Judge offered amendment S-5230 filed by her from the floor to pages 1 and 2 of amendment S-5229 and moved its adoption.

Amendment S-5230 lost by a voice vote.

President pro tempore Redfern took the chair at 11:36 p.m.

Senator Halvorson moved the adoption of amendment S-5229.

A non-record roll call was requested.

The ayes were 20, nays 25.

Amendment S-5229 lost.

Senator Hedge withdrew the following motion to reconsider, filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5228 to S.F. 2381 failed to be adopted by the Senate on March 11, 1998.

President Kramer took the chair at 11:39 p.m.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2381), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

Senator Iverson asked and received unanimous consent that **Senate File 2381** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 March 10, 1998, passed the following bill in which the **concurrence** of the **Senate** is asked:

House File 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

Read first time and referred to committee on **Local Government**.

ALSO: That the House has on March 11, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 382, a bill for an act relating to the validity of certain marriages.

Read first time and referred to committee on **Judiciary**.

House File 2339, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2394, a bill for an act providing for an immediate suspension of a driver's license of a person charged with homicide by vehicle.

Read first time and referred to committee on **Transportation**.

House File 2402, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

Read first time and referred to committee on **Judiciary**.

House File 2412, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

Read first time and referred to committee on **Transportation**.

House File 2474, a bill for an act relating to electronic commerce security, and providing penalties.

Read first time and referred to committee on **Commerce**.

House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date.

Read first time and referred to committee on **Judiciary**.

House File 2490, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2517, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children.

Read first time and referred to committee on **Human Resources**.

ALSO: That the House has on March 11, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 111, a concurrent resolution honoring Ms. Barbara Grohe for being named the 1998 National Superintendent of the Year.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Cedar Rapids Prairie Hawks Wrestling Team – For winning Class 3A State Dual Championship. Senator Dvorsky (3/7/98).

Centro, Inc., North Liberty – For achieving Excellence Supplier of the Year 1997. Senator Dvorsky (3/11/98).

Ken Esveld, Eldora-New Providence Schools – For receiving the “Western Elementary Art Educator of the Year Award.” Senator Iverson (3/11/98).

Chuck Van Hecke, Muscatine – For being named “Iowa Athletic Director and National Athletic Director of the Year.” Senator Drake (3/11/98).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 11, 1998, 11:30 a.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer, and Ziemann.

Members Absent: None.

Committee Business: Subcommittee assignments.

Adjourned: 11:31 a.m.

COMMERCE

Convened: March 11, 1998, 11:35 a.m.

Members Present: Jensen, Chair; Douglas, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife.

Members Absent: Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Flynn, McCoy, and Palmer (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 11:40 a.m.

EDUCATION

Convened: March 11, 1998, 11:32 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Neuhauser (excused).

Committee Business: Subcommittee assignments. Passed SCR 101.

Adjourned: 11:45 a.m.

TRANSPORTATION

Convened: March 11, 1998, 11:15 a.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer.

Members Absent: McKean.

Committee Business: Passed HF 2392.

Adjourned: 11:26 a.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 10, 1998, when the votes were taken on Senate Files 367, 2210, 2256, 2264, 2312, 2313, 2316, 2329, 2330, 2367, and House File 2189. Had I been present, I would have voted "aye." Also, on March 11, 1998, when the votes were taken on Senate Files 2080, 2201, 2224, 2335, 2348, 2359, 2391, and House Files 2162 and 2331. Had I been present, I would have voted "aye."

TOM VILSACK

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 11, 1998, when the vote was taken on Senate File 2392. Had I been present, I would have voted "aye."

SHELDON RITTMER

STUDY BILLS RECEIVED

SSB 2208 Appropriations

Relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates.

SSB 2209 Appropriations

Relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, and providing effective dates.

SSB 2210 Judiciary

An Act to legalize the transfer of certain property by the joint county system of Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

SSB 2210

JUDICIARY: Boettger, Chair; Drake and Halvorson

House File 667

JUDICIARY: Neuhauser, Chair; Drake and King

House File 2136

AGRICULTURE: Gaskill, Chair; Angelo and Fraise

House File 2317

AGRICULTURE: Gaskill, Chair; Black and Rehberg

House File 2324

JUDICIARY: Tinsman, Chair; Hammond and McKibben

House File 2403

JUDICIARY: Redfern, Chair; Hammond and McKibben

House File 2410

JUDICIARY: McKean, Chair; Drake and Halvorson

House File 2429

COMMERCE: Hansen, Chair; Jensen and Lundby

House File 2468

APPROPRIATIONS: Rehberg, Chair; McCoy and Rensink

House File 2471

JUDICIARY: Maddox, Chair; Neuhauser and Redfern

House File 2473

JUDICIARY: Boettger, Chair; McKibben and Neuhauser

House File 2492

AGRICULTURE: Kibbie, Chair; Behn and Zieman

House File 2527

JUDICIARY: McKibben, Chair; Angelo and Fraise

House Joint Resolution 2003

JUDICIARY: Maddox, Chair; Halvorson and Tinsman

COMMITTEE REPORTS

EDUCATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 101, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Redwine, Rensink, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 1: Neuhauser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2146, a bill for an act establishing Iowa State Flag Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Harper, King, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 4: Halvorson, Lundby, McKibben, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 2004, a joint resolution designating by name an official highest elevation in the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Harper, King, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 4: Halvorson, Lundby, McKibben, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 105, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Harper, King, Rife, Szymoniak, and Tinsman. Nays, none. Absent or not voting, 4: Halvorson, Lundby, McKibben, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2392, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5140 to Senate File 2284 failed to be adopted by the Senate on March 10, 1998.

JOANN DOUGLAS

AMENDMENTS FILED

S-5193	S.F. 2280	Andy McKean Nancy Boettger
S-5194	S.F. 2280	Andy McKean Johnie Hammond Rod Halvorson Nancy Boettger
S-5195	S.F. 2320	Andy McKean
S-5196	S.F. 2353	Maggie Tinsman
S-5197	S.F. 2296	Bill Fink
S-5198	S.F. 2296	Allen Borlaug Derryl McLaren
S-5199	S.F. 2368	Neal Schuerer Steve King Michael E. Gronstal
S-5200	S.F. 2381	Rod Halvorson
S-5201	S.F. 2373	Michael E. Gronstal
S-5202	S.F. 2381	Mike Connolly
S-5203	S.F. 2381	John W. Jensen
S-5204	S.F. 2296	Patricia Harper
S-5205	S.F. 2296	Patricia Harper Bill Fink Patty Judge Patrick J. Deluhery
S-5206	S.F. 2296	Patricia Harper Matt McCoy
S-5207	S.F. 2296	Patricia Harper Dick L. Dearden Patrick J. Deluhery Matt McCoy
S-5208	S.F. 2296	Patricia Harper Dick L. Dearden Matt McCoy Patrick J. Deluhery

S-5209	S.F. 2296	Patricia Harper Matt McCoy Patrick J. Deluhery
S-5210	S.F. 2296	Allen Borlaug Derryl McLaren
S-5211	S.F. 2381	Derryl McLaren
S-5212	S.F. 2296	Mary Neuhauser
S-5213	S.F. 2381	Derryl McLaren Dennis H. Black
S-5214	S.F. 2381	John P. Kibbie Derryl McLaren
S-5215	S.F. 2356	Mary Neuhauser
S-5216	S.F. 2296	Tom Vilsack
S-5217	S.F. 2280	Patricia Harper
S-5218	S.F. 2144	Jeff Angelo
S-5219	S.F. 2381	William D. Palmer
S-5220	S.F. 2381	Kitty Rehberg
S-5221	S.F. 2381	Patricia Harper
S-5222	S.F. 2381	Derryl McLaren Mary A. Lundby
S-5223	S.F. 2381	Steven D. Hansen Rod Halvorson John P. Kibbie Michael E. Gronstal Mike Connolly Elaine Szymoniak Dick L. Dearden Johnie Hammond Matt McCoy Patty Judge Tom Vilsack Robert E. Dvorsky Mary Neuhauser Eugene S. Fraise Patricia Harper Don Gettings Bill Fink Patrick J. Deluhery
S-5224	S.F. 2311	O. Gene Maddox
S-5225	S.F. 2281	O. Gene Maddox
S-5226	S.F. 2283	O. Gene Maddox

S-5227	S.F. 2381	Allen Borlaug
S-5228	S.F. 2381	Allen Borlaug
S-5229	S.F. 2381	Rod Halvorson
S-5230	S.F. 2381	Patty Judge

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:52 p.m., until 9:00 a.m., Thursday, March 12, 1998.

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 12, 1998

The Senate met in regular session at 9:13 a.m., President Kramer presiding.

Prayer was offered by the Slade Family Singing Group of Dubuque, Iowa.

The Journal of Wednesday, March 11, 1998, was approved.

QUORUM CALL

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

The vote revealed 33 present, 17 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Deluhery for the day, on request of Senator Hansen; Senator McCoy until his arrival, on request of Senator Dearden; Senator Szymoniak until her arrival, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2377, 2384, and 2068.

Senate File 2377

On motion of Senator Neuhauser, Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions, was taken up for consideration.

Senator Neuhauser moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2377), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Douglas
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 6:

Borlaug	Deluhery	Flynn	Judge
McCoy	Szymoniak		

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

Senate File 2384

On motion of Senator Maddox, Senate File 2384, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date, was taken up for consideration.

Senator Maddox offered amendment S-5182, offered by him on March 11, 1998, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5182 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2384), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2068

On motion of Senator Lundby, Senate File 2068, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lundby offered amendment S-5070, filed by the committee on State Government on February 26, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5070 was adopted by a voice vote.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2068), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery	Flynn	Redfern	Szymoniak
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2377, 2384, and 2068** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2369 and 2320.

Senate File 2369

On motion of Senator McKibben, Senate File 2369, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes, was taken up for consideration.

Senator McKibben asked and received unanimous consent that action on **Senate File 2369** be deferred.

Senate File 2320

On motion of Senator Rife, Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, was taken up for consideration.

Senator Hedge took the chair at 9:54 a.m.

Senator McKean offered amendment S-5195, filed by him on March 11, 1998, to pages 1-3 of the bill.

President Kramer took the chair at 10:02 a.m.

President pro tempore Redfern took the chair at 10:17 a.m.

Senator McKean moved the adoption of amendment S-5195.

A record roll call was requested.

On the question "Shall amendment S-5195 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, 27:

Bartz	Behn	Black	Boettger
Douglas	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Jensen	King	McKean
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Vilsack	Zieman	

Nays, 21:

Angelo	Borlaug	Connolly	Dearden
Drake	Horn	Iverson	Judge
Kibbie	Kramer	Lundby	Maddox
McCoy	McLaren	Palmer	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman			

Absent or not voting, 2:

Deluhery	Flynn
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Amendment S-5195 was adopted.

Senator Rife asked and received unanimous consent that action on **Senate File 2320** be deferred.

President Kramer took the chair at 10:33 a.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate File 2353**.

Senate File 2353

On motion of Senator Tinsman, **Senate File 2353**, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs, was taken up for consideration.

Senator Tinsman offered amendment S-5196 filed by her on March 11, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5196 was adopted by a voice vote.

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. 2353), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden.	Douglas
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Present, 1:

Connolly

Absent or not voting, 2:

Deluhery Flynn

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

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2376.

Senate File 2376

On motion of Senator Lundby, Senate File 2376, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements, was taken up for consideration.

Senator Hansen asked and received unanimous consent that action on **Senate File 2376** be deferred.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:43 a.m., until 2:00 p.m.

APPENDIX**SUBCOMMITTEE ASSIGNMENTS****House File 2339**

NATURAL RESOURCES AND ENVIRONMENT: Borlaug, Chair; Angelo and Fink

House File 2490

NATURAL RESOURCES AND ENVIRONMENT: Borlaug, Chair; Angelo and Fink

AMENDMENTS FILED

S-5231	S.F. 2320	Rod Halvorson
S-5232	S.F. 2320	Rod Halvorson
S-5233	S.F. 2320	Andy McKean
S-5234	S.F. 2281	O. Gene Maddox
S-5235	S.F. 2369	Tom Vilsack
S-5236	S.F. 2345	Neal Schuerer

AFTERNOON SESSION

The Senate reconvened at 2:01 p.m., Senator Hedge presiding.

QUORUM CALL

Senator Iverson 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)

Senator Iverson asked and received unanimous consent to take up for immediate consideration House Joint Resolution 2004.

House Joint Resolution 2004

On motion of Senator Drake, House Joint Resolution 2004, a joint resolution designating by name an official highest elevation in the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Drake moved that the joint resolution be read the last time now and 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 be adopted?" (H.J.R. 2004), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Lundby	McCoy	McKean	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Rife

Absent or not voting, 7:

Deluhery
McKibben

Flynn
McLaren

Kramer
Rittmer

Maddox

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2345 and 2268.

Senate File 2345

On motion of Senator Schuerer, Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations, was taken up for consideration.

Senator Schuerer offered amendment S-5236, filed by him from the floor to pages 1, 2, 4, 5, and 7 of the bill, and moved its adoption.

Amendment S-5236 was adopted by a voice vote.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, 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, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King

Lundby	McCoy	McKean	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 6:

Deluhery	Flynn	Kramer	Maddox
McKibben	McLaren		

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

Senate File 2268

On motion of Senator Angelo, Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2268), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Lundby	Maddox	McCoy	McKean
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 6:

Deluhery
McLaren

Flynn
Szymoniak

Kramer

McKibben

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Joint Resolution 2004** and **Senate Files 2345** and **2268** be **immediately messaged** to the House.

BUSINESS PENDING

Senate File 2376

The Senate resumed consideration of Senate File 2376, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements, previously deferred.

Senator Hansen offered amendment S-5237, filed by him from the floor to page 1 of the bill.

Senator Vilsack asked and received unanimous consent that action on amendment S-5237 and **Senate File 2376** be **deferred**.

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

The Senate resumed session at 2:55 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from

allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, previously deferred.

Senator Gronstal filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5195 to S.F.2320 was adopted by the Senate on March 12, 1998.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5195 be adopted?" (S.F. 2320), the vote was:

Ayes, 31:

Angelo	Behn	Borlaug	Connolly
Dearden	Fink	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hansen
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	McLaren
Palmer	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	

Nays, 15:

Bartz	Black	Boettger	Drake
Dvorsky	Halvorson	Hammond	Harper
Hedge	McKean	Neuhauser	Redfern
Redwine	Szymoniak	Zieman	

Absent or not voting, 4:

Deluhery	Douglas	Flynn	Vilsack
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The motion prevailed and amendment S-5195, by Senator McKean to pages 1-3 of the bill, was taken up for reconsideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until his arrival, on request of Senator Hansen.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320 and amendment S-5195.

Senator McKean moved the adoption of amendment S-5195 and requested a record roll call.

On the question "Shall amendment S-5195 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, 17:

Bartz	Black	Boettger	Dvorsky
Freeman	Halvorson	Hammond	Hansen
Harper	Hedge	King	McKean
Neuhauser	Redfern	Redwine	Szymoniak
Zieman			

Nays, 29:

Angelo	Behn	Borlaug	Connolly
Dearden	Drake	Fink	Fraise
Gaskill	Gettings	Gronstal	Horn
Iverson	Jensen	Judge	Kibbie
Kramer	Lundby	Maddox	McCoy
McKibben	McLaren	Palmer	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman			

Absent or not voting, 4:

Deluhery	Douglas	Flynn	Vilsack
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Amendment S-5195 lost.

Senator Halvorson offered amendment S-5232, filed by him from the floor to pages 1, 2, and the title page of the bill.

Senator Rife raised the point of order that amendment S-5232 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5232 out of order.

Senator McKean offered amendment S-5233, filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

Senator Rife raised the point of order that amendment S-5233 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5233 out of order.

Senator Halvorson offered amendment S-5231 filed by him from the floor to page 2 and the title page of the bill.

Senator Rife 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 Rife moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Drake	Dvorsky	Fink	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery

Douglas

Flynn

Vilsack

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2368.

Senate File 2368

On motion of Senator Schuerer, Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5199, filed by Senators Schuerer, King, and Gronstal on March 11, 1998, striking everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5199 was adopted by a voice vote.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deardner
Douglas	Drake	Dvorsky	Fink
Fraise	Freeman	Gaskill	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer

Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Deluhery	Flynn	Gettings	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2368 and 2353 be immediately messaged to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dvorsky, Fraise, and Gettings for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2405 and 2281.

Senate File 2405

On motion of Senator Rife, Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district, was taken up for consideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby for the remainder of the day, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2405

The Senate resumed consideration of Senate File 2405.

Senator Rife moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2405), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Fink	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Lundby	Vilsack	

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2281.

Senate File 2281

On motion of Senator Maddox, Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in

criminal, appellate, and certain civil cases, was taken up for consideration.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5225 filed by him on March 11, 1998, to pages 1-3, 5, 6, and 9-13 of the bill.

Senator Maddox offered amendment S-5234 filed by him from the floor to pages 1-3, 5, 6, and 9-13 of the bill and moved its adoption.

Amendment S-5234 was adopted by a voice vote.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5144 filed by him on March 4, 1998, to pages 2, 3, 6, and 9-11 of the bill.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2281), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Fink	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Lundby	Vilsack	

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2405 and 2281 be immediately messaged to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2269, 2394, and 2112.

Senate File 2269

On motion of Senator Tinsman, Senate File 2269, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards, was taken up for consideration.

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. 2269), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Fink	Freeman
Gaskill	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 1:

Palmer

Absent or not voting, 8:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Gronstal	Lundby	Vilsack

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

Senate File 2394

On motion of Senator Drake, Senate File 2394, a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date, 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. 2394), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Gronstal	Hedge	Horn
Iverson	Jensen	King	Kramer
Maddox	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 15:

Black	Connolly	Dearden	Fink
Halvorson	Hammond	Hansen	Harper
Judge	Kibbie	McCoy	Neuhauser
Palmer	Rife	Szymoniak	

Absent or not voting, 8:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Lundby	McKean	Vilsack

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

Senate File 2112

On motion of Senator Behn, Senate File 2112, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon its passage, 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, 33:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Douglas
Drake	Fink	Freeman	Gaskill
Harper	Hedge	Horn	Iverson
Jensen	Judge	King	Kramer
Maddox	McCoy	McKean	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Szymoniak	Tinsman
Zieman			

Nays, 9:

Borlaug	Gronstal	Halvorson	Hammond
Hansen	Kibbie	Neuhauser	Palmer
Schuerer			

Absent or not voting, 8:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Lundby	McKibben	Vilsack

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 2320

Senator Bartz withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which S.F.2320 passed the Senate on March 12, 1998.

Senator Rife withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which S.F.2320 passed the Senate on March 12, 1998.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2320 and 2112** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate File 2404**.

Senate File 2404

On motion of Senator Rensink, **Senate File 2404**, a bill for an act relating to cooperatives organized under Code chapter 501, was taken up for consideration.

Senator Hedge offered amendment S-5178, filed by Senators Hedge and Kibbie on March 11, 1998, to page 4 of the bill and moved its adoption.

Amendment S-5178 was adopted by a voice vote.

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?" (S.F. 2404), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Fink	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Deluhery	Dvorsky	Flynn	Fraise
Gettings	Lundby	Vilsack	

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 Connolly for the remainder of the day, on request of Senator Gronstal.

UNFINISHED BUSINESS (Deferred March 11, 1998)

Senate File 2356

The Senate resumed consideration of Senate File 2356, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds, deferred March 11, 1998.

Senator Neuhauser offered amendment S-5215 filed by her on March 11, 1998, to pages 1 and 2 of the bill and moved its adoption.

Amendment S-5215 was adopted by a voice vote.

Senator Neuhauser moved that the bill be read the last time now and placed upon its passage, 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, 41:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Fink	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbe	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 1:

Judge

Absent or not voting, 8:

Connolly	Deluhery	Dvorsky	Flynn
Fraise	Gettings	Lundby	Vilsack

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 Hammond for the remainder of the day, on request of Senator Fink.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2356 and 2404 be immediately messaged to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2399.

Senate File 2399

On motion of Senator Redfern, Senate File 2399, a bill for an act providing for the merger of a limited partnership with other business entities, was taken up for consideration.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2399), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Fink	Freeman	Gaskill
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 8:

Connolly	Deluhery	Dvorsky	Flynn
Fraise	Gettings	Hammond	Lundby

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2399 and 2269 be immediately messaged to the House.

BUSINESS PENDING

Senate File 2369

The Senate resumed consideration of Senate File 236, a bill for an act adding an offense for operating while intoxicated for persons driving a motor vehicle after taking certain controlled substances, making penalties applicable, and making related changes, previously deferred.

Senator McKibben offered amendment S-5176, filed by him on March 10, 1998, to pages 1-5 of the bill and moved its adoption.

Amendment S-5176 was adopted by a voice vote.

Senator Vilsack offered amendment S-5235, filed by him from the floor to page 9 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5235 be adopted?" (S.F. 2369), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 15:

Black	Dearden	Fink	Gronstal
Halvorson	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rehsink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 8:

Connolly	Deluhery	Dvorsky	Flynn
Fraise	Gettings	Hammond	Lundby

Amendment S-5235 lost.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2369), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Fink	Freeman	Gaskill
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 8:

Connolly	Deluhery	Dvorsky	Flynn
Fraise	Gettings	Hammond	Lundby

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

Senator Iverson asked and received unanimous consent that **Senate File 2369** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 March 12, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2275, a bill for an act relating to health care providers including the application of records checks to additional providers

and the recording and availability of the records of the facility inspections and providing for a repeal.

Read first time and referred to committee on **Human Resources**.

House File 2502, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

Read first time and referred to committee on **Commerce**.

House File 2512, a bill for an act to provide a penalty for the theft or redemption of stolen lottery tickets.

Read first time and referred to committee on **Judiciary**.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: March 12, 1998, 10:46 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Angelo, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman.

Members Absent: Judge, Ranking Member; and Bartz (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 10:50 a.m.

APPROPRIATIONS

Convened: March 12, 1998, 11:10 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: Flynn, Ranking Member (excused).

Committee Business: Passed SF 2332, HF 2468, and HF 2499.

Adjourned: 12:16 p.m.

JUDICIARY

Convened: March 12, 1998, 1:35 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman.

Members Absent: Boettger, McKibben, and Redfern (all excused).

Committee Business: Subcommittee assignments. Passed SCR 109, HF 2262, and HF 2336.

Adjourned: 1:54 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 12, 1998, 12:32 p.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, Rehberg, and Ziemann.

Members Absent: Borlaug, Deluhery, and McKibben (all excused).

Committee Business: Passed HF 2290.

Adjourned: 12:38 p.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: March 12, 1998, 1:14 p.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Douglas, King, McCoy, Palmer, Redwine, and Schuerer.

Members Absent: Boettger, Flynn, Hammond, and Rensink (all excused).

Committee Business: Passed HF 2164.

Adjourned: 1:20 p.m.

PETITION

The following petition was presented and placed on file by:

Senator Bartz, from ninety-nine residents of five counties, favoring legislation to place tobacco products behind a counter.

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 1998, when the vote was taken on Senate File 2377. Had I been present, I would have voted "aye."

PATTY JUDGE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 1998, when the votes were taken on House Joint Resolution 2004, Senate Files 2345 and 2268. Had I been present, I would have voted "aye."

LARRY MCKIBBEN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 1998, when the vote was taken on House Joint Resolution 2004. Had I been present, I would have voted "aye."

SHELDON RITTMER

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate File 2281 and amendment S-5234 to Senate File 2281, the following correction was made:

1. Page 5, line 19, of amendment S-5234, "paragraph "e"" was corrected to "paragraph "c,"".

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate File 2353 and amendment S-5196 to Senate File 2353, the following correction was made:

1. Page 1, line 4, of amendment S-5196, "1997," was corrected to "1997".

MARY PAT GUNDERSON
SECRETARY OF THE SENATE

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2394 passed the Senate on March 12, 1998.

RICHARD F. DRAKE

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2394 passed the Senate on March 12, 1998.

MICHAEL E. GRONSTAL

SUBCOMMITTEE ASSIGNMENTS

House File 382

JUDICIARY: McKibben, Chair; Angelo and Hammond

House File 2251

STATE GOVERNMENT: King, Chair; Borlaug and Halvorson

House File 2370

STATE GOVERNMENT: Lundby, Chair; McLaren and Szymoniak

House File 2394

TRANSPORTATION: McKean, Chair; Halvorson and McKibben

House File 2400

JUDICIARY: King, Chair; Neuhauser and Redfern

House File 2402

JUDICIARY: Halvorson, Chair; Maddox and McKibben

House File 2412

TRANSPORTATION: Fraise, Chair; Douglas and Freeman

House File 2424

LOCAL GOVERNMENT: Boettger, Chair; Angelo and Dearden

House File 2474

COMMERCE: King, Chair; Deluhery and Douglas

House File 2487

JUDICIARY: Angelo, Chair; Hansen and King

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: SENATE FILE 2332 (SSB 2137), a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 24: McLaren, Kramer, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2468, a bill for an act establishing an electronic benefits transfer program in the department of human services.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McLaren, Kramer, Behn, Black, Borlaug, Douglas, Freeman, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Rehberg, Rensink, Rittmer, and Vilsack. Nays, 5: Dvorsky, Halvorson, Hammond, Neuhauser, and Tinsman. Absent or not voting, 3: Flynn, Lundby, and Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2499, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 23: McLaren, Kramer, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, 1: Maddox. Absent or not voting, 1: Flynn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE CONCURRENT RESOLUTION 109, a concurrent resolution to honor the memory of Jim Hancock.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Angelo, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 3: Boettger, McKibben, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities.

Recommendation: DO PASS.

Final Vote: Ayes, 10: McKean, Maddox, Neuhauser, Angelo, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 5: Boettger, Drake, Fraise, McKibben, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2336, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McKean, Maddox, Neuhauser, Angelo, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 3: Boettger, McKibben, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Bartz, Angelo, Fink, Black, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, Rehberg, and Ziemann. Nays, none. Absent or not voting, 3: Borlaug, Deluhery, and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Final Bill Action: HOUSE FILE 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Lundby, Rittmer, Hansen, Douglas, King, McCoy, Palmer, Redwine, and Schuerer. Nays, none. Absent or not voting, 4: Boettger, Flynn, Hammond, and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5237	S.F. 2376	Steven D. Hansen
S-5238	S.F. 2332	Don Gettings
		Patty Judge
		Wilmer Rensink
S-5239	S.F. 2311	O. Gene Maddox
S-5240	S.F. 2363	Steve King
S-5241	S.F. 2360	Robert E. Dvorsky
		O. Gene Maddox
S-5242	S.F. 2280	Nancy Boettger
		Mary Neuhauser
S-5243	S.F. 2382	Steve King

S-5244

S.F. 2376

Tom Vilsack

S-5245

S.F. 2382

Steve King

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:00 p.m., until 1:00 p.m., Monday, March 16, 1998.

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 16, 1998

The Senate met in regular session at 1:14 p.m., President pro tempore Redfern presiding.

Prayer was offered by Rabbi Fink of the Synagogue Temple B'Nai Jeshurun, Des Moines, Iowa.

The Journal of Thursday, March 12, 1998, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 12, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Read first time and referred to committee on **Agriculture**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby until her arrival, on request of Senator Angelo; Senator Rittmer for today and Tuesday, March 17, 1998, on request of Senator Iverson.

PRESENTATION OF VISITORS

The Chair welcomed at the request of Senator Palmer, fifty 5th grade students from Centennial Elementary School, Altoona, Iowa, accompanied by Chris Hennigan and Jami Aldrich, who were present in the balcony.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Szymoniak and Fraise until they arrive, on request of Senator Gronstal.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2144, 2317, and 2274.

Senate File 2144

On motion of Senator Angelo, Senate File 2144, a bill for an act relating to elections to change the boundaries of director districts after dissolution of a school district, was taken up for consideration.

Senator Angelo offered amendment S-5218, filed by him on March 11, 1998, striking everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5218 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2144), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Freeman	Gaskill

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

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

President Kramer took the chair at 1:34 p.m.

Senate File 2317

On motion of Senator McKibben, Senate File 2317, a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy, was taken up for consideration.

Senator Vilsack asked and received unanimous consent that action on **Senate File 2317** be deferred.

Senate File 2274

On motion of Senator Angelo, Senate File 2274, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers, was taken up for consideration.

Senator Angelo offered amendment S-5131, filed by him on March 3, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5131 was adopted by a voice vote.

Senator Angelo offered amendment S-5114, filed by him on March 3, 1998, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5114 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent to withdraw amendment S-5058, filed by him on February 24, 1998, to page 3 of the bill.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, 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, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Lundby	Rittmer	Szymoniak
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2400, 2325, and 2332.

Senate File 2400

On motion of Senator Bartz, Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision, was taken up for consideration.

Senator Fraise offered amendment S-5162 filed by him on March 10, 1998, to pages 6 and 8 of the bill, and moved its adoption.

Amendment S-5162 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2400), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Tinsman
Vilsack	Zieman		

Nays, 1:

Fink

Absent or not voting, 3:

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

Senate File 2325

On motion of Senator Deluhery, Senate File 2325, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties, 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?" (S.F. 2325), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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

Senate File 2332

On motion of Senator Gettings, Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Gettings offered amendment S-5238, filed by Senators Gettings, Judge, and Rensink on March 12, 1998, to pages 1-4, 6-10, and 12-14 of the bill, and moved its adoption.

Amendment S-5238 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. 2332), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2274, 2400, 2325, and 2332 be immediately messaged to the House.

BUSINESS PENDING

Senate File 2317

The Senate resumed consideration of Senate File 2317, a bill for an act relating to compensation by manufacturers or distributors for warranty work on vessels and providing a remedy, previously deferred.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2317), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2311, 2200, and 2284.

Senate File 2311

On motion of Senator Maddox, Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing an effective date, was taken up for consideration.

Senator Maddox offered amendment S-5224, filed by him on March 11, 1998, to pages 2, 16, 23, 24, 27, 28, 31, 43-46, 48, and the title page of the bill, and moved its adoption.

Amendment S-5224 was adopted by a voice vote.

With the adoption of amendment S-5224, the Chair ruled amendment S-5239, filed by Senator Maddox on March 12, 1998, to pages 2, 16, 23, 24, 27, 28, 31, 43-46, 48, and the title page of the bill, out of order.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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

Senate File 2200

On motion of Senator Angelo, Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2200), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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, 1998)

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, deferred March 10, 1998.

Senator Douglas called up the motion to reconsider amendment S-5140 to Senate File 2284, filed by her on March 10, 1998, found on page 605 of the Senate Journal, and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5140 be adopted?" (S.F. 2284) the vote was:

Ayes, 22:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	King
Kramer	Maddox	McKean	McKibben
Neuhauser	Redfern	Rensink	Schuerer
Szymoniak	Tinsman		

Nays, 25:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Jensen
Judge	Kibbie	McCoy	McLaren
Palmer	Redwine	Rehberg	Vilsack
Zieman			

Absent or not voting, 3:

Lundby	Rife	Rittmer
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The motion lost.

Senator Iverson asked and received unanimous consent that action on Senate File 2284 be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2317, 2311, and 2200 be immediately messaged to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2380.

Senate File 2380

On motion of Senator Flynn, Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated, was taken up for consideration.

Senator Douglas offered amendment S-5250 filed by Senators Douglas, et al., on March 16, 1998, to pages 3 and 4 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5250 and Senate File 2380 be deferred.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2364.

Senate File 2364

On motion of Senator Douglas, Senate File 2364, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Douglas moved that the bill be read the last time now and placed upon its passage, 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2161.

Senate File 2161

On motion of Senator Szymoniak, Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus, 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. 2161), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 6:

Dvorsky	Gronstal	Hammond	Judge
Neuhauser	Vilsack		

Absent or not voting, 2:

Lundby Rittmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2364 and 2161** be **immediately messaged** to the House.

The Senate stood at ease at 3:43 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:25 p.m., President Kramer presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2218.

House File 2218

On motion of Senator Tinsman, House File 2218, 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, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2218), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Rittmer

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

Senator Iverson asked and received unanimous consent that House File 2218 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 March 16, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 677, a bill for an act relating to an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Read first time and referred to committee on **Judiciary**.

House File 2337, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge.

Read first time and referred to committee on **Judiciary**.

House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

Read first time and referred to committee on **Human Resources**.

House File 2435, a bill for an act relating to the entrepreneurs with disabilities program.

Read first time and referred to committee on **Small Business, Economic Development and Tourism**.

House File 2456, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

Read first time and referred to committee on **Judiciary**.

House File 2478, a bill for an act relating to confidentiality in the mediation process.

Read first time and referred to committee on **Judiciary**.

House File 2480, a bill for an act to repeal the future repeal of the interception of communications chapter.

Read first time and referred to committee on **Judiciary**.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Aaron Butcher, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (3/16/98).

Raymond Dorothy, Stockport – For celebrating his 100th birthday. Senator Gettings (3/12/98).

President Don Roby – For his retirement as President of Northeast Iowa Community College. Senator Borlaug (4/22/98).

REPORT OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 16, 1998, 11:12 a.m.

Members Present: Maddox, Chair; Angelo, Vice Chair; Dvorsky, Ranking Member; Fraise and McKean

Members Absent: None.

Committee Business: Voted bill out of subcommittee.

Adjourned: 1:05 p.m.

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 11, 1998, when the votes were taken on Senate Files 2080, 2192, 2201, 2224, 2296, 2308, 2335, 2348, 2359, 2371, 2374, 2381, 2383, 2385, 2386, 2387, 2391, 2392, and House Files 2162 and 2331. Had I been present, I would have voted "aye." Also, I was necessarily absent from the Senate chamber on March 12, 1998, when the votes were taken on Senate Files 2068, 2112, 2268, 2269, 2281, 2320, 2345, 2353, 2356, 2368, 2369, 2377, 2384, 2394, 2399, 2404, 2405, and House Joint Resolution 2004. Had I been present, I would have voted "aye."

TOM FLYNN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 1998, when the votes were taken on Senate Files 2356, 2369, and 2399. Had I been present, I would have voted "aye."

MIKE CONNOLLY

PETITION

The following petition was presented and placed on file by:

Senator Drake, from two hundred and sixty-eight residents of Muscatine County, favoring legislation on House File 681 regarding the Environmental Audit Privilege and Immunity Act.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2144 passed the Senate on March 16, 1998.

MIKE CONNOLLY

STUDY BILL RECEIVED

SSB 2211 **Ways and Means**

Relating to published notices of public hearings on local government budgets.

SUBCOMMITTEE ASSIGNMENTS

House File 334 (Reassignment)

COMMERCE: Jensen, Chair; Deluhery, Douglas, Gronstal, and Rife

House File 2275

HUMAN RESOURCES: Rensink, Chair; Boettger and Dvorsky

House File 2353

TRANSPORTATION: Freeman, Chair; Fraise and Jensen

House File 2494 (Reassignment)

AGRICULTURE: Rensink, Chair; Angelo, Behn, Fraise, and Kibbie

House File 2502

COMMERCE: Schuerer, Chair; Flynn and Maddox

House File 2512

JUDICIARY: McKean, Chair; Halvorson and Redfern

House File 2517

HUMAN RESOURCES: Boettger, Chair; Hammond, Redwine, Szymoniak, and Tinsman

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 16th day of March, 1998:

Senate Files 2279 and 2285.

MARY PAT GUNDERSON
Secretary of the Senate

AMENDMENTS FILED

S-5246	S.F. 2243	Neal Schuerer
S-5247	H.F. 2275	Tom Flynn
S-5248	S.F. 2376	Steven D. Hansen
S-5249	S.F. 2283	O. Gene Maddox
S-5250	S.F. 2380	JoAnn Douglas
		Stewart Iverson, Jr.
		Michael E. Gronstal
		Steven D. Hansen
S-5251	H.F. 2424	Richard F. Drake
S-5252	S.F. 2376	Tom Vilsack
S-5253	S.F. 2283	O. Gene Maddox
S-5254	S.F. 2401	John W. Jensen
S-5255	S.F. 2376	William D. Palmer
S-5256	S.F. 2333	Elaine Szymoniak
		John Redwine
		Derryl McLaren
S-5257	S.F. 2380	Robert E. Dvorsky
S-5258	S.F. 2382	Maggie Tinsman

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:38 p.m., until 9:00 a.m., Tuesday, March 17, 1998.

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 17, 1998

The Senate met in regular session at 9:12 a.m., President pro tempore Redfern presiding.

Prayer was offered by Father Eugene Murray, of the Holy Family Parish, Emmetsburg, Iowa.

The Journal of Monday, March 16, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 March 16, 1998, passed the following bills in which the **concurrence** of the **Senate** is asked:

House File 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

Read first time and referred to committee on **Agriculture**.

House File 2369, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

Read first time and referred to committee on **Judiciary**.

House File 2438, a bill for an act relating to the regulation of commercial feed.

Read first time and referred to committee on **Agriculture**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Lundby for the day, on request of Senator Freeman; Senator Palmer until his arrival, on request of Senator Gronstal.

SPECIAL GUEST

Senator Kibbie introduced the Honorable Paul Connaughton, a member of the Irish Parliament, who was accompanied by his wife Bernadette. Mr. Connaughton has served as Minister of State at the Department of Agriculture and is currently Fine Gael Spokesperson on Energy and Western Development.

Mr. Connaughton addressed the Senate with brief remarks.

UNFINISHED BUSINESS (Deferred March 16, 1998)

Senate File 2380

The Senate resumed consideration of Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated, and amendment S-5250 by Senators Douglas, et al., on March 16, 1998, to pages 3 and 4 of the bill, deferred March 16, 1998.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5257, filed by him on March 16, 1998, to page 1 of amendment S-5250.

Senator Douglas moved the adoption of amendment S-5250, which motion prevailed by a voice vote.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2380** be deferred.

President Kramer took the chair at 9:35 a.m.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2144

Senator Connolly withdrew the motion to reconsider Senate File 2144, a bill for an act relating to school district action to change the boundaries of director districts after dissolution of a school district, filed by him on March 16, 1998, and found on page 728 of the Senate Journal.

Senate File 2264

Senator Tinsman withdrew the motion to reconsider Senate File 2264, a bill for an act transferring responsibility for administration of enhanced 911 public safety telephone answering and dispatching services from the emergency management division in the department of public defense to the E911 communications council, filed by her on March 10, 1998, and found on page 618 of the Senate Journal.

Senate File 2256

Senator Black withdrew the motion to reconsider Senate File 2256, a bill for an act relating to the regulation of the deer population, filed by him on March 10, 1998, and found on page 618 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2144, 2264, and 2256 be immediately messaged to the House.**

MOTION TO RECONSIDER LOST

Senate File 2394

Senator Drake called up the motion to reconsider Senate File 2394, a bill for an act to provide for the appointment of a vice chairperson for the board of parole and providing an effective date, filed by him on

March 12, 1998, found on page 705 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2394) the vote was:

Ayes, 24:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Maddox	McCoy	McKean
Neuhauser	Rife	Szymoniak	Vilsack

Nays, 22:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Bartz	Lundby	Palmer	Rittmer
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The motion lost.

Senator Iverson asked and received unanimous consent that **Senate File 2394** be **immediately messaged** to the House.

The motion to reconsider the vote by which Senate File 2394 passed the Senate filed by Senator Gronstal on March 12, 1998, and found on page 705 of the Senate Journal, was out of order.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2283.

Senate File 2283

On motion of Senator Maddox, Senate File 2283, a bill for an act relating to coverage under a policy or contract providing for third-party payment or prepayment of health or medical expenses by providing coverage for costs associated with equipment, supplies, and education for the treatment of diabetes, was taken up for consideration.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5249, filed by him on March 16, 1998, to page 1 of the bill.

Senator Maddox offered amendment S-5253, filed by him on March 16, 1998, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5253 was adopted by a voice vote.

With the adoption of amendment S-5253, the Chair ruled amendment S-5163, filed by Senator Maddox on March 10, 1998, to pages 1 and 2 of the bill, and amendment S-5226, filed by Senator Maddox on March 11, 1998, to pages 1 and 2 of the bill, out of order.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2283), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Rehberg	Rensink	Rife	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 2:

King	Redwine
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Absent or not voting, 4:

Bartz

Lundby

Palmer

Rittmer

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

Senator Iverson asked and received unanimous consent that Senate File 2283 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz until his arrival, on request of Senator Freeman.

BUSINESS PENDING

Senate File 2380

The Senate resumed consideration of Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated, previously deferred.

Senator Dvorsky offered amendment S-5260, filed by him from the floor, to pages 2 and 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5260 be adopted?" (S.F. 2380), the vote was:

Ayes, 12:

Black
Fraise
Kibbie

Connolly
Gettings
Neuhauser

Dearden
Halvorson
Szymoniak

Dvorsky
Hansen
Vilsack

Nays, 34:

Angelo
Deluhery
Flynn
Hammond
Iverson
Kramer
McKibben

Behn
Douglas
Freeman
Harper
Jensen
Maddox
McLaren

Boettger
Drake
Gaskill
Hedge
Judge
McCoy
Redfern

Borlaug
Fink
Gronstal
Horn
King
McKean
Redwine

Rehberg	Rensink	Rife	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Bartz	Lundby	Palmer	Rittmer
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Amendment S-5260 lost.

Senator Flynn moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2380), the vote was:

Ayes, 42:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn
Freeman	Gaskill	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 4:

Dvorsky	Fraise	Gettings	Kibbie
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Absent or not voting, 4:

Bartz	Lundby	Palmer	Rittmer
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Iverson asked and received unanimous consent that Senate File 2380 be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:30 a.m., until 3:00 p.m.

APPENDIX**SUBCOMMITTEE ASSIGNMENTS****SSB 2211**

WAYS AND MEANS: Douglas, Chair; Maddox and Palmer

House File 677

JUDICIARY: Hansen, Chair; McKean and McKibben

House File 2337

JUDICIARY: Boettger, Chair; Drake and Hansen

House File 2348

HUMAN RESOURCES: Szymoniak, Chair; Boettger and Tinsman

House File 2456

JUDICIARY: Maddox, Chair; McKean and Neuhauser

House File 2478

JUDICIARY: Hammond, Chair; McKean and McKibben

House File 2480

JUDICIARY: Tinsman, Chair; Drake and Hansen

AMENDMENTS FILED

S-5259	S.F. 2284	Stewart Iverson, Jr.
S-5260	S.F. 2380	Robert E. Dvorsky
S-5261	S.F. 2284	Dennis H. Black
		Kitty Rehberg
S-5262	S.F. 2333	Tom Flynn
		Michael E. Gronstal
		Patty Judge
		Tom Vilsack
		Steven D. Hansen
		Eugene S. Fraise
		Don Gettings

Patricia Harper
Jack Rife
Mike Connolly
Wally E. Horn
Dennis H. Black
Johnie Hammond
Dick L. Dearden
Matt McCoy
John P. Kibbie
Patrick J. Deluhery
Bill Fink

AFTERNOON SESSION

The Senate reconvened at 3:05 p.m., President pro tempore Redfern presiding.

QUORUM CALL

Senator Iverson 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 MESSAGES RECEIVED

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 March 17, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2175, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

Read first time and referred to committee on **Local Government**.

House File 2382, a bill for an act relating to the identification of animals and providing penalties.

Read first time and referred to committee on **Agriculture**.

House File 2436, a bill for an act relating to the state registrar of voters.

Read first time and referred to committee on **State Government**.

House File 2472, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date.

Read first time and referred to committee on **Local Government**.

House File 2510, a bill for an act requesting an interim study conference of the loess hills areas of this state.

Read first time and referred to committee on **Natural Resources and Environment**.

House File 2523, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program.

Read first time and referred to committee on **Human Resources**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2333.

Senate File 2333

On motion of Senator Redwine, Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss, was taken up for consideration.

President Kramer took the chair at 2:22 p.m.

Senator Iverson asked unanimous consent that **Senate File 2333** be referred to the committee on **Business and Labor Relations** and returned to the Calendar no later than 3:45 p.m.

Senator Horn raised a point of order regarding committee referral procedures.

Senator Iverson renewed his motion to refer Senate File 2333 to the committee on **Business and Labor Relations**.

The Senate stood at ease at 3:29 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 3:42 p.m., President Kramer presiding.

COMMITTEE REPORT

BUSINESS AND LABOR RELATIONS

Final Bill Action: SENATE FILE 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

Recommendation: DO PASS.

Final Vote: Ayes, 6: King, Behn, Freeman, Jensen, Schuerer, and Ziemann. Nays, 5: Rife, Dearden, Gettings, Horn, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

**CONSIDERATION OF BILL
(Regular Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2333.

Senate File 2333

On motion of Senator Redwine, Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss, with report of committee on Business and Labor Relations recommending passage, was taken up for consideration.

Senator Flynn asked and received unanimous consent to withdraw amendment S-5175, filed by Senators Flynn, et al., on March 10, 1998, to pages 1-4 of the bill.

Senator Flynn offered amendment S-5262, filed by Senators Flynn, et al., from the floor, to pages 1-4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5262 be adopted?" (S.F. 2333), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Rife	Vilsack	

Nays, 26:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Schuerer	Szymoniak
Tinsman	Zieman		

Absent or not voting, 1:

Rittmer

Amendment S-5262 lost.

Senator Flynn asked and received unanimous consent that action on **Senate File 2333** be deferred.

The Senate stood at ease at 4:05 p.m. until the fall of the gavel.

The Senate resumed session at 4:07 p.m., President Kramer presiding.

UNFINISHED BUSINESS (Deferred March 12, 1998)

Senate File 2376

The Senate resumed consideration of Senate File 2376, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements, and amendment S-5237, filed by Senator Hansen on March 12, 1998, to page 1 of the bill, previously deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5237.

With the withdrawal of amendment of S-5237, the Chair ruled amendment S-5244, filed by Senator Vilsack on March 12, 1998, to amendment S-5237, out of order.

Senator Hansen offered amendment S-5248 filed by him on March 16, 1998, to page 1 of the bill.

Senator Vilsack asked and received unanimous consent to withdraw amendment S-5252 filed by him on March 16, 1998, to pages 1-7 of amendment S-5248.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5248.

Senator Palmer offered amendment S-5255, filed by him on March 16, 1998, to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5255 be adopted?" (S.F. 2376), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	McKean	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rittmer

Amendment S-5255 lost.

Senator Hansen asked and received unanimous consent that action on **Senate File 2376** be **deferred**.

BUSINESS PENDING

Senate File 2333

The Senate resumed consideration of Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss, previously deferred.

Senator Flynn offered amendment S-5269, 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-5269 be adopted?" (S.F. 2333), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	Neuhauser
Palmer	Rife	Vilsack	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Schuerer	Szymoniak
Tinsman	Zieman		

Absent or not voting, 1:

Rittmer

Amendment S-5269 lost.

Senator Szymoniak offered amendment S-5256 filed by Senators Szymoniak, Redwine, and McLaren on March 16, 1998, to pages 3 and 5 of the bill.

Senator Flynn asked and received unanimous consent that action on amendment S-5256 and Senate File 2333 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Judge until her arrival, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2376

The Senate resumed consideration of Senate File 2376, a bill for an act relating to the operation of the lottery and providing for multijurisdictional agreements, previously deferred.

Senator Hansen offered amendment S-5271, filed by him from the floor to page 1 and the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5271 be adopted?" (S.F. 2376), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bartz	Black	Boettger	Connolly
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Kibbie	McKean	Neuhauser
Palmer	Redwine	Rensink	Szymoniak
Vilsack			

Nays, 23:

Angelo	Behn	Borlaug	Dearden
Douglas	Drake	Freeman	Gaskill

Iverson	Jensen	King	Kramer
Lundby	Maddox	McCoy	McKibben
McLaren	Redfern	Rehberg	Rife
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Judge Rittmer

Amendment S-5271 was adopted.

Senator Lundby moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2376), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lundby	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Maddox

Absent or not voting, 2:

Judge Rittmer

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)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2363.

Senate File 2363

On motion of Senator King, Senate File 2363, a bill for an act relating to requests and hearings for correction and expungement of child abuse information, was taken up for consideration.

Senator King offered amendment S-5265, filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S-5265 was adopted by a voice vote.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5186, filed by her on March 11, 1998, to page 1 of the bill.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5185, filed by her on March 11, 1998, to page 1 of the bill.

Senator King asked and received unanimous consent to withdraw amendment S-5240, filed by him on March 12, 1998, to page 1 of the bill.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S-5183, filed by her on March 11, 1998, to page 1 of the bill.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S-5184, filed by her on March 11, 1998, to page 1 of the bill.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5190, filed by her on March 11, 1998, to page 1 and the title page of the bill.

Senator King moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Schuerer
Vilsack	Zieman		

Nays, 6:

Connolly	Deluhery	Gronstal	McCoy
Szymoniak	Tinsman		

Absent or not voting, 2:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2376 and 2363 be immediately messaged to the House.

BUSINESS PENDING

Senate File 2333

The Senate resumed consideration of Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss, and amendment S-5256 by Senators Szymoniak, Redwine, and McLaren on March 16, 1998, to pages 3 and 5 of the bill, previously deferred.

Senator Szymoniak moved the adoption of amendment S-5256.

Amendment S-5256 was adopted by a voice vote.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5153, filed by him on March 5, 1998, to page 5 of the bill.

Senator Redwine moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2333), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Neuhauser	Palmer	Rife
Vilsack			

Absent or not voting, 2:

Judge Rittmer

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

Senator Iverson asked and received unanimous consent that Senate File 2333 be immediately messaged.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben for the remainder of the day, on request of Senator Iverson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2373, 2390, and 2038.

Senate File 2373

On motion of Senator Redfern, Senate File 2373, a bill for an act to permit the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties, was taken up for consideration.

Senator Redfern offered amendment S-5264, filed by Senators Redfern and Gronstal from the floor to pages 1, 2, and the title page of the bill, and moved its adoption.

Amendment S-5264 was adopted by a voice vote.

With the adoption of amendment S-5264, the Chair ruled amendment S-5201, filed by Senator Gronstal on March 11, 1998, to page 2 of the bill, out of order.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, 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:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Maddox	McCoy
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 6:

Judge	Lundby	McKean	McKibben
Rife	Rittmer		

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 Redfern took the chair at 7:12 p.m.

Senate File 2390

On motion of Senator Bartz, Senate File 2390, a bill for an act relating to the use of net metering systems by certain facilities producing electrical energy and providing an effective date, was taken up for consideration.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2390), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Maddox	McCoy	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 8:

Judge	Kramer	Lundby	McKean
McKibben	McLaren	Rife	Rittmer

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

Senate File 2038

On motion of Senator Tinsman, Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5056, filed by the committee on State Government on February 23, 1998, to page 2 of the bill, and moved its adoption.

Amendment S-5056 was adopted by a voice vote.

Senator Deluhery offered amendment S-5270, filed by Senators Deluhery and Tinsman from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5270 was adopted by a voice vote.

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. 2038), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Maddox	McCoy
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 7:

Judge	Lundby	McKean	McKibben
McLaren	Rife	Rittmer	

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2373, 2390, and 2038** be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2401 and 2277.

Senate File 2401

On motion of Senator Freeman, Senate File 2401, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons, was taken up for consideration.

Senator Freeman offered amendment S-5117, filed by her on March 3, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5117 was adopted by a voice vote.

Senator Jensen asked and received unanimous consent to withdraw amendment S-5254, filed by him on March 16, 1998, to pages 1 and 4 of the bill.

Senator Freeman offered amendment S-5263, filed by Senators Freeman and Judge from the floor, to pages 1 and 2 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5263 and **Senate File 2401** be deferred.

Senate File 2277

On motion of Senator Bartz, Senate File 2277, a bill for an act providing that persons who use skateboard parks on public lands

assume the risks associated with such activity, with report of committee without recommendation, was taken up for consideration.

Senator Bartz offered amendment S-5273, filed by Senators Bartz and Szymoniak from the floor, striking everything after the enacting clause and to the title page of the bill.

Senator Vilsack asked and received unanimous consent that action on amendment S-5273 and **Senate File 2277** be deferred.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2514, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

Read first time and referred to committee on **Transportation**.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: March 17, 1998, 8:06 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman.

Members Absent: Judge, Ranking Member (excused).

Committee Business: Passed HF 2136, 2317, and 2492.

Adjourned: 8:26 a.m.

BUSINESS AND LABOR RELATIONS

Convened: March 17, 1998, 3:30 p.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2333.

Adjourned: 3:35 p.m.

COMMERCE

Convened: March 17, 1998, 1:10 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife.

Members Absent: Bartz, McCoy, and Palmer (all excused).

Committee Business: Passed HF 2135, 2429, 2454, 2469, 2476, and 2502. Amended and passed HF 2169.

Adjourned: 1:40 p.m.

HUMAN RESOURCES

Convened: March 17, 1998, 11:05 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman.

Members Absent: Bartz (excused).

Committee Business: Passed HF 530. Amended and passed HF 2120.

Adjourned: 11:45 a.m.

JUDICIARY

Convened: March 17, 1998, 11:55 a.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Subcommittee assignments. Passed HF 382, 2324, 2400, 2402, 2473, 2487, 2527, and HJR 2003. Amended and passed HF 2403. Approved SSB 2210.

Adjourned: 1:03 p.m.

LOCAL GOVERNMENT

Convened: March 17, 1998, 10:35 a.m.

Members Present: Behn Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman.

Members Absent: Bartz (excused).

Committee Business: Passed HF 2424.

Adjourned: 10:47 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 17, 1998, 2:36 p.m.

Members Present: Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman.

Members Absent: Bartz, Chair; and Deluhery (both excused).

Committee Business: Passed HF 2292, 2339, and 2490.

Adjourned: 2:55 p.m.

TRANSPORTATION

Convened: March 17, 1998, 11:00 a.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer.

Members Absent: None.

Committee Business: Passed HF 2353, and 2412. Amended and passed HF 2394.

Adjourned: 11:22 a.m.

STUDY BILL RECEIVED

SSB 2212 Commerce

Relating to deregulation of the electric utility industry, providing for customer choice, and providing penalties and an appropriation.

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 12, 1998, when the vote was taken on Senate File 2394. Had I been present, I would have voted "nay." Also, I was necessarily absent from the Senate chamber on March 12, 1998, when the votes were taken on Senate Files 2269, 2281, 2320, 2368, and 2405. Had I been present, I would have voted "aye."

TOM VILSACK

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 17, 1998, when the votes were taken on Senate Files 2283 and 2380. Had I been present, I would have voted "aye."

MERLIN E. BARTZ

SUBCOMMITTEE ASSIGNMENTS

House File 2335

AGRICULTURE: Rensink, Chair; Angelo and Judge

House File 2435 (Reassignment)

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Boettger, Chair; Flynn and Redwine

House File 2438

AGRICULTURE: Behn, Chair; Fraise and Rehberg

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rensink, Gaskill, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman. Nays, none. Absent or not voting, 1: Judge.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2317, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rensink, Gaskill, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman. Nays, none. Absent or not voting, 1: Judge.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2492, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rensink, Gaskill, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman. Nays, none. Absent or not voting, 1: Judge.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: HOUSE FILE 2135, a bill for an act relating to a mid-America port commission agreement and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, and Rife. Nays, none. Absent or not voting, 4: Bartz, McCoy, Palmer, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2429, a bill for an act relating to the regulation of physical exercise clubs.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2469, a bill for an act relating to a reinsurer's liability.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2476, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2502, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 530, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Boettger, Redwine, Szymoniak, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: Bartz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 382, a bill for an act relating to the validity of certain marriages.

Recommendation: DO PASS.

Final Vote: Ayes, 11: McKean, Maddox, Angelo, Boettger, Drake, Halvorson, Hansen, King, McKibben, Redfern, and Tinsman. Nays, 2: Neuhauser and Harper. Absent or not voting, 2: Fraise and Hammond.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2324, a bill for an act relating to the statutory elements of certain forms of assault.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2400, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, 1: Halvorson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2402, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Drake and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2473, a bill for an act providing for mediation in disputes involving agricultural producers.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Pass, 1: Halvorson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2527, a bill for an act providing for victim rights, providing for penalties, and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Halvorson, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Fraise and Hammond.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE JOINT RESOLUTION 2003, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate local public defender office.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Behn, Boettger, Fraise, Angelo, Black, Gaskill, Hansen, McKean, Redwine, and Ziemann. Nays, 2: Connolly and Dearden. Absent or not voting, 1: Bartz.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 2292, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Angelo, Fink, Black, Borlaug, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, none. Absent or not voting, 2: Bartz and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2339, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Angelo, Fink, Black, Borlaug, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, none. Absent or not voting, 2: Bartz and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2490, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Angelo, Fink, Black, Borlaug, Dearden, Dvorsky, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, none. Absent or not voting, 2: Bartz and Deluhery.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2353, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *HOUSE FILE 2394, a bill for an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5268.

Final Vote: Ayes, 10: Drake, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none. Pass, 3: Borlaug, McCoy, and 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 Transportation Committee on House File 2394, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2412, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKean, McKibben, and Rittmer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5263	S.F. 2401	Mary Lou Freeman Patty Judge
S-5264	S.F. 2373	Donald B. Redfern Michael E. Gronstal
S-5265	S.F. 2363	Steve King
S-5266	H.F. 2499	Mary Neuhauser
S-5267	H.F. 2499	Robert E. Dvorsky
S-5268	H.F. 2394	Transportation
S-5269	S.F. 2333	Tom Flynn
S-5270	S.F. 2038	Patrick J. Deluhery Maggie Tinsman
S-5271	S.F. 2376	Steven D. Hansen
S-5272	S.F. 2389	Andy McKean

S-5273

S.F. 2277

Merlin E. Bartz
Elaine Szymoniak

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:58 p.m., until 9:00 a.m., Wednesday, March 18, 1998.

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 18, 1998

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

Prayer was offered by the Reverend Steve Pike, pastor of the Martelle Christian Church, Martelle, Iowa.

The Journal of Tuesday, March 17, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 March 17, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2005, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city and providing effective date and applicability provisions.

Read first time and referred to committee on **Local Government**.

House File 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

Read first time and referred to committee on **Transportation**.

House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

Read first time and referred to committee on **State Government**.

House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

Read first time and referred to committee on **Transportation**.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2401** be referred from the Unfinished Business Calendar to the committee on **Ways and Means**, and **Senate File 2358** be referred from the Regular Calendar to the committee on **Ways and Means**.

President Kramer took the chair at 9:16 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until his arrival, on request of Senator Horn.

UNFINISHED BUSINESS (Deferred March 17, 1998)

Senate File 2277

The Senate resumed consideration of **Senate File 2277**, a bill for an act providing that persons who use skateboard parks on public lands assume the risks associated with such activity, and amendment S-5273, filed by Senators Bartz and Szymoniak, striking everything after the enacting clause and to the title page of the bill, deferred March 17, 1998.

Senator Bartz offered amendment S-5274, filed by Senators Bartz and Vilsack from the floor to page 1 of amendment S-5273, and moved its adoption.

Amendment S-5274 was adopted by a voice vote.

Senator Bartz moved the adoption of amendment S-5273 as amended.

Amendment S-5273 was adopted by a voice vote.

With the adoption of amendment S-5273, the Chair ruled amendment S-5106, filed by the committee on Natural Resources and Environment on March 2, 1998, to page 1 of the bill, out of order.

Senator Bartz moved that the bill be read the last time now and placed upon its passage, 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Deluhery

Absent or not voting, 2:

Palmer

Rife

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

Senator Iverson asked and received unanimous consent that Senate File 2277 be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:39 a.m., until 4:30 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Hawkeye Public Library, Hawkeye – For celebrating its 100th birthday on April 4, 1998. Senator Rehberg (3/17/98).

Mt. Pleasant Middle School – For being awarded the Peace Institute Award for the Peace Project, "Help the Battered Women's Shelter." Senator Vilsack (3/17/98).

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 18, 1998, 1:09 p.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack and Zieman.

Members Absent: None.

Committee Business: Passed HF 2438. Amended and passed HF 2335.

Adjourned: 1:55 p.m.

COMMERCE

Convened: March 18, 1998, 2:05 p.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Redfern, and Rife.

Members Absent: Palmer (excused).

Committee Business: Discussion on HF 334.

Adjourned: 2:11 p.m.

EDUCATION

Convened: March 18, 1998, 9:40 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Amended and passed HF 2269 and HF 2272.

Adjourned: 10:40 a.m.

LOCAL GOVERNMENT

Convened: March 18, 1998, 10:40 a.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman.

Members Absent: None.

Committee Business: Passed HF 2049 and HF 2246.

Adjourned: 11:00 a.m.

STATE GOVERNMENT

Convened: March 18, 1998, 10:54 a.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Amended and passed HF 2271.

Adjourned: 11:07 a.m.

WAYS AND MEANS

Convened: March 18, 1998, 11:37 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak.

Members Absent: McLaren and Vilsack (both excused).

Committee Business: Subcommittee assignments. Passed SF 224. Amended and passed HF 2166 and HF 2374. Approved SSB 2211.

Adjourned: 12:12 p.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 17, 1998, when the vote was taken on Senate File 2333. Had I been present, I would have voted "nay." Also, I was necessarily absent from the Senate chamber on March 17, 1998, when the votes were taken on Senate Files 2038, 2363, 2373, 2376, and 2390. Had I been present, I would have voted "aye."

PATTY JUDGE

PETITION

The following petition was presented and placed on file by:

Senator Flynn, from one hundred and twenty residents of Dubuque and Jackson Counties, favoring legislation which will provide a refundable tax credit of at least \$250 per private school student plus funding for technology.

SUBCOMMITTEE ASSIGNMENTS

House File 2369

JUDICIARY: King, Chair; Hansen and McKibben

House File 2382

AGRICULTURE: Rehberg, Chair; Gaskill and Judge

House File 2436

STATE GOVERNMENT: Lundby, Chair; Halvorson and Tinsman

House File 2472

LOCAL GOVERNMENT: Zieman, Chair; Behn and Black

House File 2482

TRANSPORTATION: Jensen, Chair; McCoy and McKean

House File 2496

STATE GOVERNMENT: Rittmer, Chair; Drake, Halvorson, Kibbie, and Lundby

House File 2510

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Dvorsky and Freeman

House File 2514

TRANSPORTATION: Borlaug, Chair; Drake and Gettings

House File 2523

HUMAN RESOURCES: Boettger, Chair; Behn and Szymoniak

House File 2528

TRANSPORTATION: McKibben, Chair; Drake and Gettings

COMMITTEE REPORTS**COMMERCE**

Final Bill Action: HOUSE FILE 2169, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5276.

Final Vote: Ayes, 12: Jensen, Schuerer, Deluhery, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, Redfern, and Rife. Nays, none. Absent or not voting, 3: Bartz, McCoy, and Palmer.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Boettger, Redwine, Szymoniak, Bartz, Behn, Schuerer, Tinsman, and Zieman. Nays, 5: Dearden, Dvorsky, Hammond, Harper, and Rensink.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *HOUSE FILE 2120, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5278.

Final Vote: Ayes, 11: Boettger, Redwine, Szymoniak, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Tinsman, and Zieman. Nays, 1: Schuerer. Absent or not voting, 1: Bartz.

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 Human Resources Committee on House File 2120, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2517, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2403, a bill for an act relating to property of a debtor which is exempt from execution.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5277.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, 1: Halvorson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2049, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Behn, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, and Zieman. Nays, none. Absent or not voting, 2: Boettger and Redwine.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2246, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, and Zieman. Nays, none. Absent or not voting, 1: Redwine.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2374, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5280.

Final Vote: Ayes, 12: Douglas, McKibben, Palmer, Borlaug, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak. Nays, none. Absent or not voting, 3: Connolly, McLaren, and Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: *SENATE FILE 2408 (SSB 2211), a bill for an act relating to published notices of public hearings on local government budgets.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Judge, Maddox, Redfern, and Szymoniak. Nays, 1: Hedge. Absent or not voting, 2: McLaren and Vilsack.

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 Ways and Means Committee on Senate File 2408, and they were attached to the committee report.

AMENDMENTS FILED

S-5274

S.F. 2277

Merlin E. Bartz
Tom Vilsack

S-5275	S.F. 2393	Andy McKean Mary Neuhauser
S-5276	H.F. 2169	Commerce
S-5277	S.F. 2403	Judiciary
S-5278	H.F. 2120	Human Resources
S-5279	H.F. 2269	Mary Neuhauser
S-5280	H.F. 2374	Ways and Means

AFTERNOON SESSION

The Senate reconvened at 4:52 p.m., Senator Hedge presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2393.

Senate File 2393

On motion of Senator McKean, Senate File 2393, a bill for an act relating to families including domestic relations provisions, parenting obligations, and providing an effective date, was taken up for consideration.

Senator McKean offered amendment S-5275, filed by Senators McKean and Neuhauser from the floor to pages 1 and 13 of the bill.

Senator Vilsack called for a division of amendment S-5275: page 1, lines 2-50, page 2, and page 3, lines 1-42 as division S-5275A; page 3, lines 43-50, page 4, and page 5 as division S-5275B.

Senator McKean moved the adoption of division S-5275B.

Amendment S-5275 division B was adopted by a voice vote.

Senator Gronstal raised the point of order that amendment S-5275 division A was not germane to the bill.

The Chair ruled the point well taken and amendment S-5275 division A out of order.

Senator McKean asked and received unanimous consent that action on **Senate File 2393** be deferred.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2393** be referred from the Regular Calendar to the committee on **Appropriations**.

HOUSE MESSAGES RECEIVED

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 March 18, 1998, passed the following bills in which the **concurrence** of the **Senate** is asked:

House File 2281, a bill for an act providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

Read first time and referred to committee on **Local Government**.

House File 2516, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

Read first time and referred to committee on **State Government**.

INTRODUCTION OF BILL

Senate File 2408, by committee on Ways and Means, a bill for an act relating to published notices of public hearings on local government budgets.

Read first time and referred to the **Ways and Means calendar**.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****HUMAN RESOURCES**

Convened: March 18, 1998, 8:05 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Ziemann.

Members Absent: None.

Committee Business: Passed HF 2275, HF 2348, HF 2517, and HF 2523.

Recessed: 9:03 a.m.

Reconvened: 4:00 p.m.

Adjourned: 4:10 p.m.

TRANSPORTATION

Convened: March 18, 1998, 3:05 p.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer.

Members Absent: McKean (excused).

Committee Business: Passed HF 2482 and HF 2528. Amended and passed HF 2514.

Adjourned: 3:45 p.m.

SUBCOMMITTEE ASSIGNMENT**House File 2005**

LOCAL GOVERNMENT: McKean, Chair; Boettger and Fraise

COMMITTEE REPORTS**AGRICULTURE**

Final Bill Action: HOUSE FILE 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5282.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, Rife, and Zieman. Nays, 1: Gettings. Pass, 1: Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2438, a bill for an act relating to the regulation of commercial feed.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2523, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Final Bill Action: HOUSE FILE 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2514, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5283.

Final Vote: Ayes, 12: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Drake, Borlaug, McCoy, Connolly, Douglas, Fraise, Freeman, Gettings, Halvorson, Jensen, McKibben, and Rittmer. Nays, none. Absent or not voting, 1: McKean.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2166, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5281.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, and Szymoniak. Nays, none. Absent or not voting, 2: McLaren and Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5281	H.F. 2166	Ways and Means
S-5282	H.F. 2335	Agriculture
S-5283	H.F. 2514	Transportation

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:30 p.m., until 9:00 a.m., Thursday, March 19, 1998.

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 19, 1998

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by Marilyn Rensink, Senate Secretary and wife of the Honorable Wilmer Rensink, of Sioux County, Sioux Center, Iowa.

The Journal of Wednesday, March 18, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dvorsky for the day, on request of Senator Gronstal.

SPECIAL GUESTS

Senator Szymoniak introduced the following members of the Moldova Business Group who were present on the Senate floor: Victor Domenti, Vitalie Moiseenco, Victor Axentiuc, Aliona Voronov, and Valeriu Chilioglo.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be removed from the Regular Calendar and placed on the Unfinished Business Calendar:

Senate Files 540, 2005, 2328, 2351, 2389, and Senate Concurrent Resolution 109.

Senator Iverson asked and received unanimous consent that the following bills be removed from the Ways and Means Calendar and placed on the Unfinished Business Calendar:

Senate Files 2357, 2360, 2365, and 2407.

Senator Iverson asked and received unanimous consent that the following bill be removed from the Appropriations Calendar and placed on the Unfinished Business Calendar:

Senate File 2280.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:32 a.m., until 3:00 p.m.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: March 19, 1998, 8:08 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Vilsack, and Ziemann.

Members Absent: Rife (excused).

Committee Business: Passed HF 2382 and HF 2494.

Adjourned: 9:05 a.m.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: March 19, 1998, 9:40 a.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: None.

Committee Business: Passed HF 2168 and HF 2435.

Adjourned: 9:55 a.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2358**

WAYS AND MEANS: McKibben, Chair; Drake and Szymoniak

Senate File 2401

WAYS AND MEANS: Freeman, Chair; Borlaug and Szymoniak

House File 2175

LOCAL GOVERNMENT: Behn, Chair; Black and Redwine

House File 2281

LOCAL GOVERNMENT: Angelo, Chair; Behn and Black

COMMITTEE REPORTS

EDUCATION

Final Bill Action: HOUSE FILE 2269, a bill for an act relating to permissible physical contact between school employees and students.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5286.

Final Vote: Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5287.

Final Vote: Ayes, 15: Redfern, Rehberg, Connolly, Angelo, Boettger, Dvorsky, Fink, Gaskill, Kibbie, Kramer, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE FILE 2275, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5284.

Final Vote: Ayes, 13: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Final Bill Action: HOUSE FILE 2168, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Lundby, Rittmer, Hansen, Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2435, a bill for an act relating to the entrepreneurs with disabilities program.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Lundby, Rittmer, Hansen, Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5285.

Final Vote: Ayes, 15: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2409 (SF 224), a bill for an act relating to a sales tax exemption for certain aircraft and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, and Redfern. Nays, 1: Szymoniak. Absent or not voting, 2: McLaren and Vilsack.

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 2409, and they were attached to the committee report.

AMENDMENTS FILED

S-5284	H.F. 2275	Human Resources
S-5285	H.F. 2271	State Government
S-5286	H.F. 2269	Education
S-5287	H.F. 2272	Education

RECONVENED

The Senate reconvened at 1:03 p.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED

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 March 19, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2286, a bill for an act creating the new criminal offense of disarming a peace officer.

Read first time and referred to committee on **Judiciary**.

House File 2495, a bill for an act relating to the conduct of elections in the state.

Read first time and referred to committee on **State Government**.

INTRODUCTION OF BILL

Senate File 2409, by committee on Ways and Means, a bill for an act relating to a sales tax exemption for certain aircraft and providing an effective date.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 1:05 p.m., until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:56 p.m., President Kramer presiding.

BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that Senate Files 2408 and 2409 be referred from the Ways and Means Calendar to the Unfinished Business Calendar.

APPENDIX**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 19, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2279 - Relating to authorized investments by insurance companies in obligations of foreign governments and foreign corporations.

S.F. 2285 - Relating to anatomical gifts by modifying certain qualification requirements for hospital reimbursement grants and requiring submission of an annual donation and compliance report.

CERTIFICATES OF RECOGNITION

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

Ryan James Daack, Dubuque - For achieving the rank of Eagle Scout. Senator Connolly (3/19/98).

Josh Henry, Dubuque - For achieving the rank of Eagle Scout. Senator Connolly (3/19/98).

Nancy Rudnick, Bettendorf - For being installed as Governor of the Midwest district of Pilot International. Senator Tinsman (4/18/98).

Lady Spartans, Solon - For becoming Class 2A Champions of the 1998 Iowa Girls State Basketball Tournament. Senator Dvorsky (3/18/98).

REPORTS OF COMMITTEE MEETINGS**COMMERCE**

Convened: March 19, 1998, 11:43 a.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Amended and passed HF 334.

Adjourned: 12:30 p.m.

JUDICIARY

Convened: March 19, 1998, 2:30 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman.

Members Absent: McKibben (excused).

Committee Business: Bill assignment. Passed HF 677, HF 2337, HF 2369, HF 2456, HF 2471, HF 2478, and HF 2480. Amended and passed HF 667 and HF 2163.

Adjourned: 3:40 p.m.

LOCAL GOVERNMENT

Convened: March 19, 1998, 1:05 p.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman.

Members Absent: None.

Committee Business: Passed HF 2005, HF 2175, and HF 2281. Amended and passed HF 2472.

Adjourned: 1:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 19, 1998, 9:40 a.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Passed HF 681.

Adjourned: 11:25 a.m.

STATE GOVERNMENT

Convened: March 19, 1998, 1:21 p.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Passed HF 2495, HF 2496, and HF 2516.

Adjourned: 2:20 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2495

STATE GOVERNMENT: Rittmer, Chair; Kibbie and Lundby

House File 2516

STATE GOVERNMENT: Tinsman, Chair; Lundby and Szymoniak

COMMITTEE REPORTS

AGRICULTURE

Final Bill Action: HOUSE FILE 2382, a bill for an act relating to the identification of animals and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Vilsack, and Zieman. Nays, none. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 13: Rensink, Gaskill, Judge, Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, and Zieman. Nays, none. Pass, 1: Vilsack. Absent or not voting, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Final Bill Action: HOUSE FILE 2443, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rife, Dearden, Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer, and Ziemann. Nays, none. Absent or not voting, 1: King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2465, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rife, Dearden, Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer, and Ziemann. Nays, none. Absent or not voting, 1: King.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Final Bill Action: HOUSE FILE 334, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5289.

Final Vote: Ayes, 9: Jensen, Schuerer, Deluhery, Bartz, Douglas, Hansen, King, Maddox, and Redfern. Nays, 5: Flynn, Gronstal, Lundby, McCoy, and Palmer. Pass, 1: Rife.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: HOUSE FILE 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5293.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 677, a bill for an act relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2163, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the rescission of an administrative revocation, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5292.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, 1: Halvorson. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2337, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2369, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2456, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2471, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2478, a bill for an act relating to confidentiality in the mediation process.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2480, a bill for an act to repeal the future repeal of the interception of communications chapter.

Recommendation: DO PASS.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Final Bill Action: HOUSE FILE 2005, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city and providing effective date and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Behn, Boettger, Fraise, Angelo, Bartz, Black, McKean, and Zieman. Nays, 5: Connolly, Dearden, Gaskill, Hansen, and Redwine.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2175, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2281, a bill for an act providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2472, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5291.

Final Vote: Ayes, 13: Behn, Boettger, Fraise, Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Ziemann. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: HOUSE FILE 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5288.

Final Vote: Ayes, 11: Bartz, Angelo, Black, Borlaug, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, 3: Fink, Dearden, and Deluhery. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2495, a bill for an act relating to the conduct of elections in the state.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 11: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Harper, King, Lundby, McLaren, Rife, and Tinsman. Nays, 2: Fink and Halvorson. Absent or not voting, 2: McKibben and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 13: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McLaren, Rife, and Tinsman. Nays, none. Absent or not voting, 2: McKibben and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2516, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McLaren, and Tinsman. Nays, 1: Rife. Absent or not voting, 2: McKibben and Szymoniak.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5288	H.F. 681	Natural Resources and Environment
S-5289	H.F. 334	Commerce
S-5290	H.F. 2527	Johnie Hammond
S-5291	H.F. 2472	Local Government
S-5292	H.F. 2163	Judiciary
S-5293	H.F. 667	Judiciary

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:58 p.m., until 1:00 p.m., Monday, March 23, 1998.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
 FORTY-FIRST SESSION DAY

Senate Chamber
 Des Moines, Iowa, Monday, March 23, 1998

The Senate met in regular session at 1:13 p.m., President Kramer presiding.

Prayer was offered by the Reverend Barry B. Blankers, pastor of the Christian Reformed Church, Ocheyedan, Iowa.

The Journal of Thursday, March 19, 1998, was approved.

BILLS REREFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that the following bills be rereferred to committee:

S.F. 43	State Government
S.F. 79	State Government
S.F. 486	State Government
S.F. 498	State Government
S.F. 2005	Appropriations
S.F. 2026	State Government
S.F. 2079	State Government
S.F. 2098	Small Business, Economic Development and Tourism
S.F. 2099	Small Business, Economic Development and Tourism
S.F. 2105	Small Business, Economic Development and Tourism
S.F. 2120	Agriculture
S.F. 2124	State Government
S.F. 2130	Ways and Means
S.F. 2131	Appropriations
S.F. 2135	Judiciary
S.F. 2193	Education
S.F. 2215	Education

S.F. 2219	Judiciary
S.F. 2243	Commerce
S.F. 2245	Commerce
S.F. 2248	Education
S.F. 2273	Agriculture
S.F. 2293	Natural Resources and Environment
S.F. 2309	State Government
S.F. 2343	Human Resources
S.F. 2346	Education
S.F. 2352	Commerce
S.F. 2370	Judiciary
S.F. 2375	Agriculture
S.F. 2379	Ways and Means
S.F. 2382	Judiciary
S.F. 2388	Judiciary
S.F. 2395	Commerce
S.F. 2396	Commerce
S.F. 2402	Natural Resources and Environment

Senator Bartz took the chair at 1:23 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until this arrival, on request of Senator Freeman.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2353, 2262, and 2456.

House File 2353

On motion of Senator Freeman, House File 2353, a bill for an act relating to exemptions from distinguishing registration plates for motor vehicles, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon 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. 2353), the vote was:

Ayes, 31:

Angelo	Bartz	Behn	Borlaug
Connolly	Dearden	Douglas	Drake
Flynn	Freeman	Gaskill	Gettings
Halvorson	Harper	Iverson	Jensen
King	Kramer	Lundby	McCoy
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 18:

Black	Boettger	Deluhery	Dvorsky
Fink	Fraise	Gronstal	Hammond
Hansen	Hedge	Horn	Judge
Kibbie	Maddox	McKean	Palmer
Szymoniak	Vilsack		

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.

President Kramer took the chair at 1:41 p.m.

House File 2262

On motion of Senator King, House File 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities, with report of committee recommending passage, was taken up for consideration.

Senator Black asked and received unanimous consent that action on House File 2262 be deferred.

House File 2456

On motion of Senator Maddox, House File 2456, a bill for an act changing the designation of the judiciary in the Code from the judicial department to the judicial branch, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon 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:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 1:

Vilsack

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)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2210.

House File 2210

On motion of Senator Dvorsky, House File 2210, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds and providing for the dissolution of the energy fund disbursement council and intermodal revolving loan fund, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon 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. 2210), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McLaren Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2353, 2456, and 2210 be immediately messaged to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2336.

House File 2336

On motion of Senator Angelo, House File 2336, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon 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. 2336), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2499.

House File 2499

On motion of Senator Freeman, House File 2499, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations, with report of committee recommending passage, was taken up for consideration.

The Senate stood at ease at 2:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:57 p.m., President Kramer presiding.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5267, filed by him on March 17, 1998, to page 5 of the bill.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S-5266, filed by her on March 17, 1998, to page 6 of the bill.

Senator Freeman moved that the bill be read the last time now and placed upon 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. 2499), the vote was:

Ayes, 49:

Angelo
Boettger
Deluhery

Bartz
Borlaug
Douglas

Behn
Connolly
Drake

Black
Dearden
Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Ralsink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 Iverson asked and received unanimous consent that **House File 2499** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2271, 530, and 2429.

House File 2271

On motion of Senator Kibbie, House File 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S-5285, filed by the committee on State Government on March 19, 1998, to page 2 of the bill and moved its adoption.

Amendment S-5285 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. 2271), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McLaren Rife

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

President pro tempore Redfern took the chair at 3:10 p.m.

House File 530

On motion of Senator Redwine, House File 530, a bill for an act concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies, with report of committee recommending passage, was taken up for consideration.

Senator Redwine moved that the bill be read the last time now and placed upon 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. 530), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 2429

On motion of Senator Hansen, House File 2429, a bill for an act relating to the regulation of physical exercise clubs, with report of committee recommending passage, was taken up for consideration.

Senator Hansen moved that the bill be read the last time now and placed upon 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. 2429), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 Iverson asked and received unanimous consent that House Files 530 and 2429 be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 58.

House File 58

On motion of Senator Palmer, House File 58, a bill for an act relating to fees charged by an employer for copies of items in an employee's personnel file, with report of committee on Business and Labor Relations recommending passage on February 18, 1998, and report of committee on Ways and Means recommending passage on March 4, 1998, 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. 58), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge

Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 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 2328

On motion of Senator Tinsman, Senate File 2328, a bill for an act specifying that dentists and physicians practicing obstetrics and gynecology are to be included as eligible participants in the volunteer health care provider program, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Tinsman offered amendment S-5133, filed by her on March 3, 1998, to the title page of the bill and moved its adoption.

Amendment S-5133 was adopted by a voice vote.

Senator Tinsman asked and received unanimous consent that **House File 2340** be substituted for **Senate File 2328**, as amended.

House File 2340

On motion of Senator Tinsman, House File 2340, a bill for an act relating to the inclusion of dentists and certain other medical specialists in the volunteer health care provider program, was taken up for consideration.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5152, filed by her on March 5, 1998, to pages 1, 2, and the title page of the bill.

Senator Gronstal asked and received unanimous consent that action on **House File 2340** be deferred.

UNFINISHED BUSINESS

Senate File 2407

On motion of Senator Douglas, Senate File 2407, by committee on Ways and Means, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Douglas moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2407), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2246.

House File 2246

On motion of Senator McKean, House File 2246, a bill for an act relating to the collection and payment of fees and expenses of county medical examiners, with report of committee recommending passage, was taken up for consideration.

Senator McKean moved that the bill be read the last time now and placed upon 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. 2246), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 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 2365

On motion of Senator McKibben, Senate File 2365, by committee on Ways and Means, a bill for an act exempting certain rural water districts from provisions regarding the state tax imposed on sales and services, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator McKibben offered amendment S-5168, filed by him on March 10, 1998, to page 1 and the title page of the bill and moved its adoption.

Amendment S-5168 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon its passage, 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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 Iverson asked and received unanimous consent that Senate Files 2365, 2407, and House Files 58 and 2246 be immediately messaged to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2324.

House File 2324

On motion of Senator Tinsman, House File 2324, a bill for an act relating to the statutory elements of certain forms of assault, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2324), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McLaren Rife

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, 1998)

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, deferred March 16, 1998.

Senator Iverson offered amendment S-5259, filed by him on March 17, 1998, to page 1 of the bill.

Senator Gronstal raised the point of order that amendment S-5259 was not germane to the bill under section 180 of Mason's Manual of Legislative Procedure.

The Chair ruled the point not well taken and amendment S-5259 in order.

Senator Iverson asked unanimous consent that action on amendment S-5259 and Senate File 2284 be deferred.

Senator Iverson withdrew his request.

Senator Gronstal asked and received unanimous consent that action on amendment S-5259 and **Senate File 2284 be deferred.**

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2412.

House File 2412

On motion of Senator Fraise, House File 2412, a bill for an act relating to optometrists' reports to the department of transportation concerning a person's ability to operate a motor vehicle, 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. 2412), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 Iverson asked and received unanimous consent that **House Files 2324 and 2412** be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2471.

House File 2471

On motion of Senator Maddox, House File 2471, a bill for an act concerning the number of supreme court justices and court of appeals judges, and including a contingent effective date, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon 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, 36:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Flynn
Fraise	Freeman	Gaskill	Gronstal
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Judge	King
Kramer	Lundby	Maddox	McKean
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 13:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Gettings	Halvorson
Hansen	Kibbie	McCoy	Palmer
Vilsack			

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 Dearden for the remainder of the day, on request of Senator Gronstal.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2476.

House File 2476

On motion of Senator Rife, House File 2476, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center, with report of committee recommending passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **House File 2476** be deferred.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 721.

House File 721

On motion of Senator Douglas, House File 721, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Douglas offered amendment S-5059, filed by the committee on Ways and Means on February 24, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5059 was adopted by a voice vote.

President Kramer took the chair at 5:08 p.m.

Senator Douglas moved that the bill be read the last time now and placed upon 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. 721), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Palmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2471 and 721 be immediately messaged to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2487.

House File 2487

On motion of Senator Angelo, House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Hammond asked and received unanimous consent that action on House File 2487 be deferred.

UNFINISHED BUSINESS

Senate File 2351

On motion of Senator Palmer, Senate File 2351, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Lundby offered amendment S-5302, filed by her from the floor to page 1 of the bill.

The Senate stood at ease at 5:39 p.m. until the fall of the gavel.

The Senate resumed session at 5:43 p.m., President Kramer presiding.

Senator Lundby moved the adoption of amendment S-5302.

Amendment S-5302 was adopted by a voice vote.

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. 2351), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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

BUSINESS PENDING

House File 2487

The Senate resumed consideration of House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, previously deferred.

Senator Hammond offered amendment S-5309, filed by her from the floor to page 1 of the bill.

Senator Angelo asked and received unanimous consent that action on amendment S-5309 and **House File 2487 be deferred.**

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2351 be immediately messaged to the House.**

UNFINISHED BUSINESS

Senate Concurrent Resolution 109

On motion of Senator Maddox, Senate Concurrent Resolution 109, a concurrent resolution to honor the memory of Jim Hancock, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Maddox moved the adoption of Senate Concurrent Resolution 109, which motion prevailed by a voice vote.

BUSINESS PENDING

House File 2262

The Senate resumed consideration of House File 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements between state or local authorities, previously deferred.

Senator Black offered amendment S-5296, filed by him from the floor to page 1 and the title page of the bill, and moved its adoption.

Amendment S-5296 was adopted by a voice vote.

Senator King moved that the bill be read the last time now and placed upon 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none..

Absent or not voting, 1:

Dearden

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

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 105.

House Concurrent Resolution 105

On motion of Senator Fink, House Concurrent Resolution 105, a concurrent resolution to designate March 29 of each year as Iowa State Flag Day, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved the adoption of House Concurrent Resolution 105, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2146.

House File 2146

On motion of Senator Fink, House File 2146, a bill for an act establishing Iowa State Flag Day, with report of committee recommending passage, was taken up for consideration.

Senator Fink moved that the bill be read the last time now and placed upon 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. 2146), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren

Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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 McKibben for the remainder of the day, on request of Senator Iverson, and Senator Palmer for the remainder of the day, on request of Senator Gronstal.

MOTION TO RECONSIDER ADOPTED

Senator Szymoniak called up the following motion to reconsider House File 2271 filed by her from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2271 passed the Senate on March 23, 1998.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2271) the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Cannolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden

McKibben

Palmer

Rife

The motion prevailed.

Senator Szymoniak moved to reconsider the vote by which House File 2271 went to its last reading, which motion prevailed by a voice vote.

House File 2271

On motion of Senator Kibbie, House File 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code, was taken up for reconsideration.

Senator Szymoniak offered amendment S-5304, filed by Senators Szymoniak, Tinsman, and Boettger from the floor to page 1 of the bill and moved its adoption.

Amendment S-5304 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. 2271), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden

McKibben

Palmer

Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2146, 2262, 2271, House Concurrent Resolution 105, and Senate Concurrent Resolution 109 be immediately messaged to the House.

UNFINISHED BUSINESS

Senate File 2357

On motion of Senator Borlaug, Senate File 2357, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

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?" (S.F. 2357), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink

Rife
Tinsman

Rittmer
Vilsack

Schuerer
Zieman

Szymoniak

Nays, none.

Absent or not voting, 3:

Dearden

McKibben

Palmer

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)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2492, 2438, and 2317.

House File 2492

On motion of Senator Kibbie, House File 2492, a bill for an act relating to drainage districts, by extending the period for financing repairs and improvements, 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. 2492), the vote was:

Ayes, 47:

Angelo
Boettger
Douglas
Flynn
Gettings
Hansen
Iverson
King
McCoy
Redfern
Rife
Tinsman

Bartz
Borlaug
Drake
Fraise
Gronstal
Harper
Jensen
Kramer
McKean
Redwine
Rittmer
Vilsack

Behn
Connolly
Dvorsky
Freeman
Halvorson
Hedge
Judge
Lundby
McLaren
Rehberg
Schuerer
Zieman

Black
Deluhery
Fink
Gaskill
Hammond
Horn
Kibbie
Maddox
Neuhauser
Rensink
Szymoniak

Nays, none.

Absent or not voting, 3:

Dearden McKibben Palmer

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

House File 2438

On motion of Senator Behn, House File 2438, a bill for an act relating to the regulation of commercial feed, with report of committee recommending passage, was taken up for consideration.

Senator Behn moved that the bill be read the last time now and placed upon 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. 2438), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden McKibben Palmer

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

House File 2317

On motion of Senator Gaskill, House File 2317, a bill for an act relating to drainage districts, by providing for the maintenance, repair, or replacement of improvements within drainage districts, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon 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. 2317), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 2357 and House Files 2492, 2438, and 2317 be immediately messaged to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2135, 2169, 2454, and 2502.

House File 2135

On motion of Senator King, House File 2135, a bill for an act relating to a mid-America port commission agreement and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman asked and received unanimous consent that action on **House File 2135** be **deferred**.

House File 2169

On motion of Senator Maddox, House File 2169, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Maddox offered amendment S-5276, filed by the committee on Commerce on March 18, 1998, to page 1 and the title of the bill, and moved its adoption.

Amendment S-5276 was adopted by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon 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. 2169), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond

Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

House File 2454

On motion of Senator Douglas, House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability, with report of committee recommending passage, was taken up for consideration.

Senator Douglas asked and received unanimous consent that action on **House File 2454** be **deferred**.

House File 2502

On motion of Senator Schuerer, House File 2502, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **House File 2502** be **deferred**.

HOUSE MESSAGES RECEIVED

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 March 23, 1998, passed the following bills in the which the concurrence of the House was asked:

Senate File 2119, a bill for an act relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

Senate File 2153, a bill for an act relating to affidavits of candidacy filed by candidates for public office.

Senate File 2162, a bill for an act relating to the definition of the federal Truth in Lending Act in the Iowa consumer credit code.

Senate File 2174, a bill for an act relating to agriculture by amending and eliminating provisions to reflect current practice, and transferring provisions.

Senate File 2183, a bill for an act relating to a transfer of the records management duties of the department of general services to the department of cultural affairs and making conforming changes.

Senate File 2184, a bill for an act relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

Senate File 2189, a bill for an act relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

Senate File 2220, a bill for an act relating to the definition of a chronic runaway.

Senate File 2267, a bill for an act concerning the release of information by the department of transportation to governmental employees.

Senate File 2288, a bill for an act relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

Senate File 2319, a bill for an act revising the definition of the practice of land surveying.

Senate File 2340, a bill for an act relating to the Iowa egg council and to an assessment on the sale of eggs for support of the council.

Senate File 2373, a bill for an act relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

ALSO: That the House has on March 23, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 316, a bill for an act relating to the probationary period for deputy sheriffs (S-5299).

Senate File 2023, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses (S-5303).

Senate File 2136, 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 effective and retroactive applicability dates (S-5298).

Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements (S-5324).

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2169** be immediately messaged to the House.

APPENDIX

APPOINTMENTS FROM THE GOVERNOR

The following appointees were submitted by the Governor to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

	<u>TERM</u>
ACCOUNTANCY EXAMINING BOARD	
Linda Hopkins, Iowa City	5/1/98 - 4/30/01
Susan J. Loy, Cedar Falls	5/1/98 - 4/30/01
John M. Sklenar, Carroll	5/1/98 - 4/30/01
AFRICAN-AMERICANS, COMMISSION ON THE STATUS OF	
Jim C. Hester, Davenport	5/1/98 - 4/30/02
Isaiah J. Johnson, Denison	5/1/98 - 4/30/02
Camille V. Scully, Waterloo	5/1/98 - 4/30/02
AGRICULTURAL DEVELOPMENT AUTHORITY	
Mark W. Leonard, Holstein	5/1/98 - 4/30/04
Leslie S. Miller, Knoxville	5/1/98 - 4/30/04
Lois A. Schnoor, Maquoketa	5/1/98 - 4/30/04
ALCOHOLIC BEVERAGES COMMISSION	
Robert L. Cramer, Boone	5/1/98 - 4/30/03
ALCOHOLIC BEVERAGES DIVISION, ADMINISTRATOR OF THE	
Jack N. Nystrom, Boone	5/1/98 - 4/30/02
ARCHITECTURAL EXAMINING BOARD	
Carolyn E. Olsen, Minden	5/1/98 - 4/30/01
Norman H. Rudi, Ames	5/1/98 - 4/30/01
ATHLETIC TRAINER ADVISORY BOARD	
Alan J. Beste, Boone	5/1/98 - 4/30/01
Danny T. Foster, Iowa City	5/1/98 - 4/30/01
Denise A. Harklau, Ames	5/1/98 - 4/30/01
BARBER EXAMINERS, BOARD OF	
Alan L. Thompson, Ames	5/1/98 - 4/30/01
BEHAVIORAL SCIENCE EXAMINERS, BOARD OF	
Dr. David B. Peterson, Iowa City	5/1/98 - 4/30/99
Mildred L. Schneklath, Eldridge	5/1/98 - 4/30/01
Linda S. Trudeau, Carroll	5/1/98 - 4/30/01
Stanton L. Visser, Rock Valley	5/1/98 - 4/30/01
BLIND, COMMISSION FOR THE	
John C. Wellman, Des Moines	5/1/98 - 4/30/01

CHIROPRACTIC EXAMINERS, BOARD OF

Dr. Ronald C. Evans, Waukee

5/1/98 - 4/30/01

CITY DEVELOPMENT BOARD

Dennis A. Plautz, Fort Dodge

5/1/98 - 4/30/04

CIVIL RIGHTS COMMISSION, DIRECTOR OF THE IOWA STATE

Don B. Grove, Runnells

5/1/98 - Pleasure of Governor

COMMUNITY ACTION AGENCIES, COMMISSION ON

Arlyn E. Danker, Minden

5/1/98 - 4/30/00

Lois H. Eichacker, Fort Madison

5/1/98 - 4/30/01

Merl McFarlane, Oelwein

5/1/98 - 4/30/01

Catherine L. Whitfield, Des Moines

5/1/98 - 4/30/01

CORRECTIONS, BOARD OF

Haywood Belle, Iowa City

5/1/98 - 4/30/02

COSMETOLOGY ARTS AND SCIENCES EXAMINERS, BOARD OF

Susanne E. Wolrab, Cedar Rapids

5/1/98 - 4/30/01

CREDIT UNION REVIEW BOARD

Patricia A. Berding, Sioux City

5/1/98 - 4/30/01

Diane L. Kollasch, Spirit Lake

5/1/98 - 4/30/01

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL

Lorna M. Burnside, Storm Lake

5/1/98 - 4/30/02

Betty Jean Clark, Rockwell

5/1/98 - 4/30/02

Richard R. Phillips, Muscatine

5/1/98 - 4/30/02

David M. Roederer, Johnston

5/1/98 - 4/30/02

Ronald D. Stehl, Des Moines

5/1/98 - 4/30/02

Marvin L. Van Haaften, Pella

5/1/98 - 4/30/02

Carol D. Wood, Council Bluffs

5/1/98 - 4/30/02

DEAF, COMMISSION ON THE

Polly A. Adam, Des Moines

5/1/98 - 4/30/01

Mary L. Negaard, Rock Valley

5/1/98 - 4/30/01

Marvin W. Tuttle, Des Moines

5/1/98 - 4/30/01

DEAF SERVICES, ADMINISTRATOR OF THE DIVISION OF

Kathryn L. Baumann-Reese, Des Moines

5/1/98 - Pleasure of Governor

DENTAL EXAMINERS, BOARD OF

Dr. Thomas L. Bjorge, Le Mars

5/1/98 - 4/30/01

Dr. George F. North, Allison

5/1/98 - 4/30/01

Dr. Fred A. Riddle, Jr., Iowa City

5/1/98 - 4/30/01

DIETETIC EXAMINERS, BOARD OF

Jean A. Anderson, Ames

5/1/98 - 4/30/01

ECONOMIC DEVELOPMENT BOARD, IOWA	
Lois H. Eichacker, Fort Madison	5/1/98 - 4/30/02
Eugene L. Larson, Swisher	5/1/98 - 4/30/02
EDUCATION, STATE BOARD OF	
Carlton W. Callison, Burlington	5/1/98 - 4/30/04
Kay E. Wagner, Bettendorf	5/1/98 - 4/30/04
EDUCATIONAL EXAMINERS, BOARD OF	
James E. Ehmen, Cedar Falls	5/1/98 - 4/30/02
EMERGENCY RESPONSE COMMISSION, IOWA	
Susan E. Lagneaux, Urbandale	5/1/98 - 4/30/01
EMPLOYMENT APPEAL BOARD	
Earl W. Seymour, Norwalk	5/1/98 - 4/30/04
ENGINEERING AND LAND SURVEYING EXAMINING BOARD	
Dwayne C. Garber, Beaman	5/1/98 - 4/30/01
Diana E. Hoogestraat, Glenwood	5/1/98 - 4/30/01
ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA	
Geraldine M. Leinen, Davenport	5/1/98 - 4/30/04
Bernard L. McKinley, Waterloo	5/1/98 - 4/30/04
FOSTER CARE REVIEW BOARD, STATE CITIZEN	
Don T. Ross, Iowa City	5/1/98 - 4/30/02
Garoldine Y. Webb, Des Moines	5/1/98 - 4/30/02
GRAIN INDEMNITY FUND BOARD, IOWA	
Terry W. Evans, Corning	5/1/98 - 4/30/01
Bruce A. Yungclas, Webster City	5/1/98 - 4/30/01
HEARING AID DEALERS, BOARD FOR THE LICENSING AND REGULATION OF	
Michael D. Smith, Ames	5/1/98 - 4/30/01
HIGHER EDUCATION LOAN AUTHORITY, IOWA	
Kathryn A. Thieleke, Grimes	5/1/98 - 4/30/04
HUMAN INVESTMENT, IOWA COUNCIL ON	
Terence P. Greenley, Sigourney	5/1/98 - 4/30/01
Richard R. Horst, Bettendorf	3/15/98 - 4/30/99
Elaine A. Pfalzgraf, Cedar Falls	5/1/98 - 4/30/01
Charese E. Yanney, Sioux City	5/1/98 - 4/30/01
HUMAN RIGHTS, DIRECTOR OF THE DEPARTMENT OF	
Almo J. Hawkins, Des Moines	5/1/98 - Pleasure of Governor
IPERS, INVESTMENT BOARD OF THE	
Michael A. Logan, Coralville	5/1/98 - 4/30/04

LANDSCAPE ARCHITECTURAL EXAMINING BOARD

Jon F. Crose, Urbandale	5/1/98 - 4/30/01
Grace E. Nelson, Fredericksburg	5/1/98 - 4/30/01
Linda E. Sornsen, Ames	3/15/98 - 4/30/99

LAW ENFORCEMENT ACADEMY COUNCIL, IOWA

Thomas E. Gustafson, Denison	5/1/98 - 4/30/02
Gerald R. Hinzman, Cedar Rapids	5/1/98 - 4/30/02

LOTTERY BOARD

Emma M. Chance, Council Bluffs	5/1/98 - 4/30/02
Gary Hughes, Iowa City	5/1/98 - 4/30/02

MEDICAL EXAMINERS, BOARD OF

Dr. James M. Caterine, Waukee	5/1/98 - 4/30/01
Mary C. Hodges, Wapello	5/1/98 - 4/30/01
Dr. Dale R. Holdiman, Sioux City	5/1/98 - 4/30/01
Dr. Teresa A. Mock, Mason City	5/1/98 - 4/30/01

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION

Richard S. Campbell, Newton	5/1/98 - 4/30/01
Murlean Hall, Des Moines	5/1/98 - 4/30/01
Connie L. Lehan, Minden	5/1/98 - 4/30/01
Steven Reuter, Sumner	5/1/98 - 4/30/01
Beverly Zieman, Postville	5/1/98 - 4/30/01

MORTUARY SCIENCE EXAMINERS, BOARD OF

James W. Barr, Fort Madison	5/1/98 - 4/30/01
Ricard R. Porter, Hawarden	5/1/98 - 4/30/01

NURSING EXAMINERS, BOARD OF

Pamela E. Bradley, Urbandale	5/1/98 - 4/30/01
Merlin D. Hulse, Clarence	5/1/98 - 4/30/01
Richard A. Petersen, Sioux City	5/1/98 - 4/30/01

NURSING HOME ADMINISTRATORS, STATE BOARD OF EXAMINERS FOR

Claudia J. Boeding, Hampton	5/1/98 - 4/30/01
Marilyn J. Finch, Grinnell	5/1/98 - 4/30/00
Terri J. Gunderson, Spencer	5/1/98 - 4/30/01

OPTOMETRY EXAMINERS, BOARD OF

Jane F. Ecklund, Jefferson	5/1/98 - 4/30/01
Dr. Robert H. Sharp, Atlantic	5/1/98 - 4/30/01

PAROLE, CHAIRPERSON OF THE BOARD OF

Charles W. Larson, Des Moines	5/1/98 - 4/30/02
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PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD, IOWA
COMPREHENSIVE

James M. Holcomb, Johnston	2/2/98 - 4/30/01
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PHARMACY EXAMINERS, BOARD OF	
G. Kay Bolton, West Des Moines	5/1/98 – 4/30/01
Michael J. Seifert, Des Moines	5/1/98 – 4/30/01
PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS, BOARD OF	
Diana R. Brower, Saint Ansgar	5/1/98 – 4/30/01
Eric G. Jacobs, Cedar Rapids	5/1/98 – 4/30/01
PHYSICIAN ASSISTANT EXAMINERS, BOARD OF	
Dr. James M. Cunningham, Audubon	5/1/98 – 4/30/01
Mark G. Davis, Algona	5/1/98 – 4/30/01
PODIATRY EXAMINERS, BOARD OF	
Dr. Gregory J. Valkosky, Estherville	5/1/98 – 4/30/01
PREVENTION OF DISABILITIES POLICY COUNCIL	
Mickey R. McDaniel, Urbandale	5/1/98 – 4/30/01
Jerry D. Stilwell, Des Moines	5/1/98 – 4/30/01
Carol A. Watson, Iowa City	5/1/98 – 4/30/01
PROFESSIONAL LICENSING AND REGULATION, ADMINISTRATOR OF	
Roger A. Halvorson, Marquette	5/1/98 – 4/30/02
PSYCHOLOGY EXAMINERS, BOARD OF	
Dr. Daniel E. Courtney, Mason City	5/1/98 – 4/30/01
Connie L. Schmett, Clive	5/1/98 – 4/30/01
PUBLIC EMPLOYMENT RELATIONS BOARD	
Richard P. Moore, Cedar Rapids	5/1/98 – 4/30/02
PUBLIC SAFETY, COMMISSIONER OF	
Paul H. Wieck, II, Clive	5/1/98 – Pleasure of Governor
RACING AND GAMING COMMISSION, STATE	
Jacquelyne I. Allen, Lamoni	5/1/98 – 4/30/01
RAILWAY FINANCE AUTHORITY, IOWA	
Joseph H. Harper, Davenport	5/1/98 – 4/30/04
REAL ESTATE APPRAISER EXAMINING BOARD	
Richard E. Bruce, Adel	5/1/98 – 4/30/01
John "Jack" W. Seuntjens, Mapleton	5/1/98 – 4/30/01
REAL ESTATE COMMISSION	
Terry W. Rogers, Council Bluffs	5/1/98 – 4/30/01
RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE	
Greg J. Hayes, Ottumwa	5/1/98 – 4/30/00
RESPIRATORY CARE, STATE BOARD FOR	
William J. Motz, Sioux City	5/1/98 – 4/30/01

SCHOOL BUDGET REVIEW COMMITTEE

Clark A. Yeager, Ottumwa

5/1/98 - 4/30/01

SMALL BUSINESS ADVISORY COUNCIL

David W. Mackaman, Des Moines

5/1/98 - 4/30/02

Eugene W. Pierce, III, Bettendorf

5/1/98 - 4/30/02

Helen Saylor, Osceola

5/1/98 - 4/30/02

SOCIAL WORK EXAMINERS, BOARD OF

William P. McCarty, Iowa City

5/1/98 - 4/30/01

Janice K. McCoy, Perry

5/1/98 - 4/30/01

SOIL CONSERVATION COMMITTEE, STATE

Roger E. Howell, Earlham

5/1/98 - 4/30/04

Madeline J. Meyer, Odebolt

5/1/98 - 4/30/01

SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS, BOARD OF

Alan K. Heidecker, Sioux Center

5/1/98 - 4/30/01

Kenneth L. Lowder, Iowa City

5/1/98 - 4/30/01

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, CHAIRPERSON
OF THE IOWA

Richard H. Opie, Des Moines

5/1/98 - 4/30/00

TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA

Mary A. Nelson, West Des Moines

5/1/98 - 4/30/04

TRANSPORTATION COMMISSION, STATE

Gordon C. Kokenge, Clarinda

5/1/98 - 4/30/02

Daniel H. Wiedemeier, Burlington

5/1/98 - 4/30/02

VETERANS AFFAIRS, EXECUTIVE DIRECTOR OF THE COMMISSION OF

Randy G. Brown, Osceola

5/1/98 - Pleasure of Governor

VETERANS HOME, COMMANDANT OF THE IOWA

Jack J. Dack, Marshalltown

5/1/98 - Pleasure of Governor

VETERANS AFFAIRS, COMMISSION OF

Muriel E. Allan, Maquoketa

5/1/98 - 4/30/02

Robert B. Leeman, Guttenberg

5/1/98 - 4/30/02

VETERINARY MEDICINE, IOWA BOARD OF

Dr. Donald R. Jacobi, Harlan

5/1/98 - 4/30/01

WOMEN, COMMISSION ON THE STATUS OF

Victoria L. Brown, Oskaloosa

5/1/98 - 4/30/02

Kathryn M. Burt, Marshalltown

5/1/98 - 4/30/02

Lisa L. Green, Indianola

5/1/98 - 4/30/02

Matthew R. Wissing, Davenport

5/1/98 - 4/30/02

WORKFORCE DEVELOPMENT BOARD, IOWA

Dean E. Hicks, Mount Pleasant	5/1/98 – 4/30/02
Pat M. Marshall, Cedar Rapids	5/1/98 – 4/30/02
Earnest L. Nelson, Fort Madison	5/1/98 – 4/30/02
Norma J. Schmoker, Fort Dodge	5/1/98 – 4/30/02

APPOINTED BY THE CHAIR OF THE RACING AND GAMING COMMISSION**RACING AND GAMING DIVISION OF THE DEPARTMENT OF INSPECTIONS AND APPEALS, ADMINISTRATOR OF THE**

Jack P. Ketterer, Altoona	5/1/98 – 4/30/02
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The appointments were referred to the committee on **Rules and Administration**.

GOVERNOR'S DEFERRAL LETTERS

The following letters from the Governor were received in the office of the Secretary of the Senate on March 23, 1998:

Pursuant to Iowa Code Section 2.32(4), the appointment to the Iowa Seed Capital Corporation, expiring 4/30/98, is being deferred because this board will sunset July 1, 1998, to be replaced by the Capital Investment Board. We will be making new appointments to the Capital Investment Board before July 1, 1998.

Pursuant to Iowa Code Section 2.32(4), I am deferring the appointments for the six available positions on the Community Health Management Information System Governing Board. This action is being taken because the Administration and Regulation Appropriation Subcommittee of the Iowa Legislature is considering language to sunset the Community Health Management Information System Governing Board, effective December 31, 1998.

Pursuant to Iowa Code Section 2.32(4), the appointment for the FINE Foundation Governing Board vacancy is being deferred because legislation is currently pending to change the composition of this board.

Pursuant to Iowa Code Section 2.32 (4), the appointment for the position on the Board for the Licensing and Regulation of Hearing Aid Dealers, formerly held by Richard Clark, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment to the Commission of Veterans Affairs, for the position formerly held by Mary Ellen White, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), I am deferring the appointments for the five available positions on the Wallace Technology Transfer Foundation of Iowa because legislation is currently pending to sunset this board effective this year.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Iowa Workforce Development Board vacancy, formerly held by Alan Kabela, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
TERRY E. BRANSTAD
Governor

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, 1998:

AGRICULTURE

Mark W. Leonard – Agricultural Development Authority
Leslie S. Miller – Agricultural Development Authority
Lois A. Schnoor – Agricultural Development Authority
Terry W. Evans – Grain Indemnity Fund Board, Iowa
Bruce A. Yungclas – Grain Indemnity Fund Board, Iowa
Roger E. Howell – Soil Conservation Committee, State
Madeline J. Meyer – Soil Conservation Committee, State

BUSINESS AND LABOR

Earl W. Seymour – Employment Appeal Board
Richard P. Moore – Public Employment Relations Board
Dean E. Hicks – Workforce Development Board, Iowa
Pat M. Marshall – Workforce Development Board, Iowa
Earnest L. Nelson – Workforce Development Board, Iowa
Norma J. Schmoker – Workforce Development Board, Iowa

COMMERCE

Patricia A. Berding – Credit Union Review Board
Diane L. Kollasch – Credit Union Review Board
Richard H. Opie – Telecommunications and Technology Commission, Chairperson
of the Iowa

Mary A. Nelson – Telecommunications and Technology Commission, Iowa

EDUCATION

Carlton W. Callison – Education, State Board of

Kay E. Wagner – Education, State Board of

James E. Ehmen – Educational Examiners, Board of

Kathryn A. Thieleke – Higher Education Loan Authority, Iowa

Clark A. Yeager – School Budget Review Committee

HUMAN RESOURCES

Alan J. Beste – Athletic Trainer Advisory Board

Danny T. Foster – Athletic Trainer Advisory Board

Denise A. Harklau – Athletic Trainer Advisory Board

Dr. Daniel E. Courtney – Behavioral Science Examiners, Board of

Mildred L. Schnekloth – Behavioral Science Examiners, Board of

Linda S. Trudeau – Behavioral Science Examiners, Board of

Stanton L. Visser – Behavioral Science Examiners, Board of

John C. Wellman – Blind, Commission for the

Arlyn E. Danker – Community Action Agencies, Commission on

Lois H. Eichacker – Community Action Agencies, Commission on

Merl McFarlane – Community Action Agencies, Commission on

Catherine L. Whitfield – Community Action Agencies, Commission on

Polly A. Adam – Deaf, Commission on the

Mary L. Negaard – Deaf, Commission on the

Marvin W. Tuttle – Deaf, Commission on the

Kathryn L. Baumann-Reese – Deaf Services, Administrator of the Division of

Don T. Ross – Foster Care Review Board, State Citizen

Garoldine Y. Webb – Foster Care Review Board, State Citizen

Terence P. Greenley – Human Investment, Iowa Council on
Richard R. Horst – Human Investment, Iowa Council on
Elaine A. Pfalzgraf – Human Investment, Iowa Council on
Charese E. Yanney – Human Investment, Iowa Council on
Almo J. Hawkins – Human Rights, Director of the Department of
Richard S. Campbell – Mental Health and Developmental Disabilities Commission
Murlean Hall – Mental Health and Developmental Disabilities Commission
Connie L. Lehan – Mental Health and Developmental Disabilities Commission
Steven Reuter – Mental Health and Developmental Disabilities Commission
Beverly Ziemann – Mental Health and Developmental Disabilities Commission
Dr. James M. Cunningham – Physician Assistant Examiners, Board of
Mark G. Davis – Physician Assistant Examiners, Board of
Mickey R. McDaniel – Prevention of Disabilities Policy Council
Jerry D. Stilwell – Prevention of Disabilities Policy Council
Carol A. Watson – Prevention of Disabilities Policy Council
Victoria L. Brown – Women, Commission on the Status of
Kathryn M. Burt – Women, Commission on the Status of
Lisa L. Green – Women, Commission on the Status of
Matthew R. Wissing – Women, Commission on the Status of

JUDICIARY

Don B. Grove – Civil Rights Commission, Director of the Iowa State
Haywood Belle – Corrections, Board of
Lorna M. Burnside – Criminal and Juvenile Justice Planning Advisory Council
Betty Jean Clark – Criminal and Juvenile Justice Planning Advisory Council
Richard R. Phillips – Criminal and Juvenile Justice Planning Advisory Council
David M. Roederer – Criminal and Juvenile Justice Planning Advisory Council

Ronald D. Stehl – Criminal and Juvenile Justice Planning Advisory Council

Marvin L. Van Haften – Criminal and Juvenile Justice Planning Advisory Council

Carol D. Wood – Criminal and Juvenile Justice Planning Advisory Council

Charles W. Larson – Parole, Board of

LOCAL GOVERNMENT

Dennis A. Plautz – City Development Board

NATURAL RESOURCES AND ENVIRONMENT

James M. Holcomb – Petroleum Underground Storage Tank Fund Board, Iowa Comprehensive

Greg J. Hayes – Renewable Fuels and Coproducts Advisory Committee

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Lois H. Eichacker – Economic Development Board, Iowa

Eugene L. Larson – Economic Development Board, Iowa

David W. Mackaman – Small Business Advisory Council

Eugene W. Pierce, III – Small Business Advisory Council

Helen Saylor – Small Business Advisory Council

STATE GOVERNMENT

Linda Hopkins – Accountancy Examining Board

Susan J. Loy – Accountancy Examining Board

John M. Sklenar – Accountancy Examining Board

Jim C. Hester – African-Americans, Commission on the Status of

Isaiah J. Johnson – African-Americans, Commission on the Status of

Camille V. Scully – African-Americans, Commission on the Status of

Robert L. Cramer – Alcoholic Beverages Commission

Jack N. Nystrom – Alcoholic Beverages Division, Administrator of the

Carolyn E. Olsen – Architectural Examining Board

Norman H. Rudi – Architectural Examining Board

Alan L. Thompson – Barber Examiners, Board of
Dr. Ronald C. Evans – Chiropractic Examiners, Board of
Susanne E. Wolrab – Cosmetology Arts and Sciences Examiners, Board of
Dr. Thomas L. Bjorge – Dental Examiners, Board of
Dr. George F. North – Dental Examiners, Board of
Dr. Fred A. Riddle, Jr. – Dental Examiners, Board of
Jean A. Anderson – Dietetic Examiners, Board of
Susan E. Lagneaux – Emergency Response Commission, Iowa
Dwayne C. Garber – Engineering and Land Surveying Examining Board
Diana E. Hoogestraat – Engineering and Land Surveying Examining Board
Geraldine M. Leinen – Ethics and Campaign Disclosure Board, Iowa
Bernard L. McKinley – Ethics and Campaign Disclosure Board, Iowa
Michael D. Smith – Hearing Aid Dealers, Board for the Licensing and Regulation of
Michael A. Logan – IPERS, Investment Board of the
Jon F. Crose – Landscape Architectural Examining Board
Grace E. Nelson – Landscape Architectural Examining Board
Linda E. Sornsen – Landscape Architectural Examining Board
Emma M. Chance – Lottery Board
Gary Hughes – Lottery Board
Dr. James M. Caterine – Medical Examiners, Board of
Mary C. Hodges – Medical Examiners, Board of
Dr. Dale R. Holdiman – Medical Examiners, Board of
Dr. Teresa A. Mock – Medical Examiners, Board of
James W. Barr – Mortuary Science Examiners, Board of
Ricard R. Porter – Mortuary Science Examiners, Board of
Pamela E. Bradley – Nursing Examiners, Board of

Merlin D. Hulse – Nursing Examiners, Board of

Richard A. Petersen – Nursing Examiners, Board of

Claudia J. Boeding – Nursing Home Administrators, State Board of Examiners for

Marilyn J. Finch – Nursing Home Administrators, State Board of Examiners for

Terri J. Gunderson – Nursing Home Administrators, State Board of Examiners for

Jane F. Ecklund – Optometry Examiners, Board of

Dr. Robert H. Sharp – Optometry Examiners, Board of

G. Kay Bolton – Pharmacy Examiners, Board of

Michael J. Seifert – Pharmacy Examiners, Board of

Diana R. Brower – Physical and Occupational Therapy Examiners, Board of

Eric G. Jacobs – Physical and Occupational Therapy Examiners, Board of

Dr. Gregory J. Valkosky – Podiatry Examiners, Board of

Roger A. Halvorson – Professional Licensing and Regulation, Administrator of

Dr. David B. Peterson – Psychology Examiners, Board of

Connie L. Schmett – Psychology Examiners, Board of

Jacquelyne I. Allen – Racing and Gaming Commission, State

Jack P. Ketterer – Racing and Gaming Division of the Department of Inspections and Appeals, Administrator of the

Richard E. Bruce – Real Estate Appraiser Examining Board

John “Jack” W. Seuntjens – Real Estate Appraiser Examining Board

Terry W. Rogers – Real Estate Commission

William J. Motz – Respiratory Care, State Board for

William P. McCarty – Social Work Examiners, Board of

Janice K. McCoy – Social Work Examiners, Board of

Alan K. Heidecker – Speech Pathology and Audiology Examiners, Board of

Kenneth L. Lowder – Speech Pathology and Audiology Examiners, Board of

Randy G. Brown – Veterans Affairs, Executive Director of the Commission of

Jack J. Dack – Veterans Home, Commandant of the Iowa

Muriel E. Allan – Veterans Affairs, Commission of

Robert B. Leeman – Veterans Affairs, Commission of

Dr. Donald R. Jacobi – Veterinary Medicine, Iowa Board of

TRANSPORTATION

Thomas E. Gustafson – Law Enforcement Academy Council, Iowa

Gerald R. Hinzman – Law Enforcement Academy Council, Iowa

Paul H. Wieck, II – Public Safety, Commissioner of

Gordon C. Kokenge – Transportation Commission, State

Daniel H. Wiedemeier – Transportation Commission, State

WAYS AND MEANS

Joseph H. Harper – Railway Finance Authority, Iowa

CERTIFICATES OF RECOGNITION

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

Charles V. Anderson, Ph.D., Iowa City – For the assistance provided to the 77th General Assembly in Occupational Hearing Loss. Senator Szymoniak (3/18/98).

Kathy Kerst, Des Moines – For the assistance provided to the 77th General Assembly in Occupational Hearing Loss. Senator Szymoniak (3/18/98).

Myrna M. Stephens, Davenport – For the assistance provided to the 77th General Assembly in Occupational Hearing Loss. Senator Szymoniak (3/18/98).

REPORT OF COMMITTEE MEETING

BUSINESS AND LABOR RELATIONS

Convened: March 19, 1998, 11:30 a.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Horn, Jensen, Palmer, Schuerer, and Ziemann.

Members Absent: None.

Committee Business: Passed HF 2443 and HF 2465.

Adjourned: 11:34 a.m.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 2336 passed the Senate on March 23, 1998.

TOM VILSACK

AMENDMENTS FILED

S-5294	S.F. 2284	H. Kay Hedge
S-5295	S.F. 2360	Robert E. Dvorsky
S-5296	H.F. 2262	Dennis H. Black
S-5297	H.F. 2290	Merlin E. Bartz
		Dennis H. Black
S-5298	S.F. 2136	House
S-5299	S.F. 316	House
S-5300	H.F. 681	Bill Fink
S-5301	H.F. 681	Bill Fink
S-5302	S.F. 2351	Mary A. Lundby
S-5303	S.F. 2023	House
S-5304	H.F. 2271	Elaine Szymoniak
		Maggie Tinsman
		Nancy Boettger
S-5305	H.F. 681	Bill Fink
S-5306	S.F. 2280	Sheldon Rittmer
S-5307	S.F. 2280	Sheldon Rittmer
S-5308	H.F. 681	Bill Fink
S-5309	H.F. 2487	Johnie Hammond
S-5310	H.F. 2495	Rod Halvorson
S-5311	S.F. 2280	Sheldon Rittmer
S-5312	S.F. 2280	Sheldon Rittmer
		Mary Neuhauser
S-5313	S.F. 2284	Stewart Iverson, Jr.
S-5314	S.F. 2284	Michael E. Gronstal
S-5315	S.F. 2284	Michael E. Gronstal
S-5316	S.F. 2284	Michael E. Gronstal
S-5317	S.F. 2284	Michael E. Gronstal
S-5318	S.F. 2284	Michael E. Gronstal
S-5319	S.F. 2284	Michael E. Gronstal

S-5320	S.F. 2284	Michael E. Gronstal
S-5321	S.F. 2284	Michael E. Gronstal
S-5322	S.F. 2284	Michael E. Gronstal
S-5323	H.F. 2476	Tom Flynn Mike Connolly
S-5324	S.F. 2192	House
S-5325	S.F. 2284	Michael E. Gronstal
S-5326	S.F. 2284	Michael E. Gronstal
S-5327	S.F. 2284	Michael E. Gronstal
S-5328	S.F. 2284	Michael E. Gronstal
S-5329	S.F. 2284	Michael E. Gronstal
S-5330	S.F. 2284	Michael E. Gronstal
S-5331	S.F. 2284	Michael E. Gronstal
S-5332	S.F. 2284	Michael E. Gronstal
S-5333	S.F. 2284	Michael E. Gronstal
S-5334	S.F. 2284	Michael E. Gronstal
S-5335	H.F. 2164	Stewart Iverson, Jr.
S-5336	S.F. 2280	Sheldon Rittmer Elaine Szymoniak
S-5337	H.F. 2487	Jeff Angelo
S-5338	H.F. 382	Robert E. Dvorsky
S-5339	S.F. 2284	Michael E. Gronstal

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:34 p.m., until 9:00 a.m., Tuesday, March 24, 1998.

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 24, 1998

The Senate met in regular session at 9:08 a.m., President Kramer presiding.

Prayer was offered by the Reverend David Renfro, pastor of St. Paul Lutheran Church, Aurelia, Iowa.

The Journal of Monday, March 23, 1998, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dearden until his arrival, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

Senate File 2192

Senator Jensen called up for consideration Senate File 2192, a bill for an act relating to motor vehicle damage disclosure statements, amended by the House, and moved that the Senate concur in House amendment S-5324 filed March 23, 1998.

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. 2192), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2339 and 2490.

House File 2339

On motion of Senator Borlaug, House File 2339, a bill for an act relating to limits on coverage of the remedial account of the Iowa comprehensive petroleum underground storage tank fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund, with report of committee recommending passage, was taken up for consideration.

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. 2339), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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

House File 2490

On motion of Senator Borlaug, House File 2490, a bill for an act relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund, with report of committee recommending passage, was taken up for consideration.

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. 2490), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2192** and **House Files 2339** and **2490** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2272.

House File 2272

On motion of Senator Redwine, House File 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 9:59 a.m. until the fall of the gavel, for the purpose of party caucuses.

The Senate resumed session at 10:48 a.m., President Kramer presiding.

HOUSE MESSAGES RECEIVED

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 March 24, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2324, a bill for an act relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

Senate File 2341, a bill for an act relating to hepatitis type B immunizations of children and providing an applicability provision and an effective date.

Senate File 2350, a bill for an act establishing a state employee deferred compensation trust fund.

Senate File 2367, a bill for an act relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

PRESENTATION OF VISITOR

The Chair welcomed the Honorable Jack Hester, former member of the Senate from Pottawattamie County, Honey Creek, Iowa.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:50 a.m., until 1:00 p.m. (House File 2272 pending on recess).

APPENDIX**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

Convened: March 23, 1998, 12:05 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg.

Members Absent: Maddox (excused).

Committee Business: Governor's appointees approved for assignment to subcommittees. Approval for IPTV to be allowed on the Senate floor to shadow a Senate Page.

Adjourned: 12:12 p.m.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2005**

APPROPRIATIONS: Hedge, Chair; Black and Rensink.

Senate File 2131

APPROPRIATIONS: Rensink, Chair; Harper and Hedge

Senate File 2393

APPROPRIATIONS: Freeman, Chair; Neuhauser and Rife

AMENDMENTS FILED

S-5340	H.F. 2454	Dennis H. Black
S-5341	H.F. 681	Bill Fink
S-5342	H.F. 681	Bill Fink
S-5343	H.F. 382	Johnie Hammond
S-5344	H.F. 382	Johnie Hammond

AFTERNOON SESSION

The Senate reconvened at 1:14 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

The vote revealed 32 present, 18 absent, and a quorum present.

BUSINESS PENDING

House File 2272

The Senate resumed consideration of House File 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process, pending on recess.

The Senate stood at ease at 1:21 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:34 p.m., President Kramer presiding.

Senator Redwine offered amendment S-5287, filed by the committee on Education on March 19, 1998, striking everything after the enacting clause.

Senator Hansen offered amendment S-5356, filed by Senators Hansen, et al., from the floor to amendment S-5287, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5356 to amendment S-5287 be adopted?" (H.F. 2272), the vote was:

Ayes, 23:

Black
Dvorsky
Gettings

Connolly
Fink
Gronstal

Dearden
Flynn
Halvorson

Deluhery
Fraise
Hammond

Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Tinsman	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Zieman	

Absent or not voting, none.

Amendment S-5356 lost.

Senator Vilsack offered amendment S-5357, filed by Senators Vilsack, et al., from the floor to amendment S-5287, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5357 to amendment S-5287 be adopted?" (H.F. 2272), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Tinsman	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Zieman	

Absent or not voting, none.

Amendment S-5357 lost.

Senator Redwine moved the adoption of amendment S-5287.

Amendment S-5287 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon 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. 2272), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 334 and 681.

House File 334

On motion of Senator Jensen, House File 334, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S-5289, filed by the committee on Commerce on March 19, 1998, striking everything after the enacting clause of the bill, and moved its adoption.

President pro tempore Redfern took the chair at 4:05 p.m.

Amendment S-5289 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?" (H.F. 334), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

House File 681

On motion of Senator Bartz, House File 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Vilsack asked and received unanimous consent that action on **House File 681** be **deferred**.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2523, 2527, and 2292.

House File 2523

On motion of Senator Boettger, House File 2523, a bill for an act relating to the reimbursement of certain providers of services under the medical assistance program, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2523), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Dvorsky

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

House File 2527

On motion of Senator McKibben, House File 2527, a bill for an act providing for victim rights, providing for penalties, and an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Hammond offered amendment S-5290, filed by her on March 19, 1998, to page 29 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5290 be adopted?" (H.F. 2527), the vote was:

Ayes, 22:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Dearden

Amendment S-5290 lost.

Senator McKibben moved that the bill be read the last time now and placed upon 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. 2527), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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

House File 2292

On motion of Senator Bartz, House File 2292, a bill for an act relating to permits for aquifer storage and recovery and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Bartz moved that the bill be read the last time now and placed upon 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby

Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

President Kramer took the chair at 4:54 p.m.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2272, 2523, 2527, and 2292** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2403.

House File 2403

On motion of Senator Redfern, House File 2403, a bill for an act relating to property of a debtor which is exempt from execution, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Redfern offered amendment S-5277, filed by the committee on Judiciary on March 18, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5277 was adopted by a voice vote.

Senator Redfern moved that the bill be read the last time now and placed upon 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:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 1:

Halvorson

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.

UNFINISHED BUSINESS (Deferred March 23, 1998)

House File 2340

The Senate resumed consideration of House File 2340, a bill for an act relating to the inclusion of dentists and certain other medical specialists in the volunteer health care provider program, deferred on March 23, 1998.

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?" (H.F. 2340), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2403 and 2340 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby until she returns, on request of Senator Jensen.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2369.

House File 2369

On motion of Senator King, House File 2369, a bill for an act relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the

intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense, with report of committee recommending passage, was taken up for consideration.

Senator King moved that the bill be read the last time now and placed upon 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

WITHDRAWN

Senator Tinsman asked and received unanimous consent that **Senate File 2328** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2516 and 2435.

House File 2516

On motion of Senator Tinsman, House File 2516, a bill for an act providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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?" (H.F. 2516), the vote was:

Ayes, 34:

Behn	Boettger	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Gaskill	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Jensen	Judge	Kibbie
Kramer	Maddox	McKean	McKibben
Neuhauser	Redfern	Redwine	Rehberg
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Ziemann		

Nays, 15:

Angelo	Bartz	Black	Borlaug
Dearden	Freeman	Gettings	Hedge
Iverson	King	McCoy	McLaren
Palmer	Rensink	Rife	

Absent or not voting, 1:

Lundby

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

House File 2435

On motion of Senator Boettger, House File 2435, a bill for an act relating to the entrepreneurs with disabilities program, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2369, 2516, and 2435 be immediately messaged to the House.

BUSINESS PENDING

House File 681

The Senate resumed consideration of House File 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties, previously deferred.

Senator Vilsack offered amendment S-5363, filed by Senators Vilsack and Lundby from the floor, striking everything after the enacting clause and to the title page of the bill.

Senator Vilsack asked and received unanimous consent that action on amendment S-5363 and **House File 681** be **deferred**.

The Senate stood at ease at 5:46 p.m. until the fall of the gavel.

The Senate resumed session at 5:57 p.m., President Kramer presiding.

UNFINISHED BUSINESS

(Deferred March 23, 1998)

House File 2502

The Senate resumed consideration of House File 2502, a bill for an act relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation, deferred March 23, 1998.

Senator Schuerer moved that the bill be read the last time now and placed upon 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. 2502), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Lundby

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 Palmer until his arrival, on request of Senator Gronstal, and Senator McKibben until his arrival, on request of Senator Iverson.

UNFINISHED BUSINESS (Deferred March 23, 1998)

House File 2487

The Senate resumed consideration of House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, and amendment S-5309 by Senator Hammond to page 1 of the bill, deferred March 23, 1998.

Senator Hammond asked and received unanimous consent that action on amendment S-5309 be deferred.

Senator Angelo offered amendment S-5350, filed by him from the floor to page 1 and the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5350 be adopted?" (H.F. 2487), the vote was:

Ayes, 31:

Angelo	Behn	Black	Dearden
Drake	Fink	Fraise	Freeman
Gaskill	Gronstal	Hammond	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McCoy	McLaren	Redfern	Rehberg

Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 17:

Bartz	Boettger	Borlaug	Connolly
Deluhery	Douglas	Dvorsky	Flynn
Gettings	Halvorson	Hansen	Harper
Kibbie	McKean	Neuhauser	Redwine
Rife			

Absent or not voting, 2:

McKibben	Palmer
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Amendment S-5350 was adopted.

With the adoption of amendment S-5350, the Chair ruled amendment S-5309 by Senator Hammond to page 1 of the bill, and amendment S-5337, filed by Senator Angelo on March 23, 1998, to amendment S-5309, out of order.

Senator Halvorson asked and received unanimous consent that action on **House File 2487** be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until his arrival, on request of Senator Judge.

BUSINESS PENDING

House File 681

The Senate resumed consideration of House File 681, a bill for an act creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties, and amendment S-5363 by Senators Vilsack and Lundby, striking everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Vilsack offered amendment S-5364 filed by him from the floor to amendment S-5363 and moved its adoption.

Amendment S-5364 was adopted by a voice vote.

Senator Vilsack moved the adoption of amendment S-5363.

A record roll call was requested.

On the question "Shall amendment S-5363 be adopted?" (H.F. 681), the vote was:

Ayes, 19:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Fraise	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
Neuhauser	Szymoniak	Vilsack	

Nays, 28:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Flynn	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Maddox	McKean	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 3:

McCoy	McKibben	Palmer
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Amendment S-5363 lost.

Senator Bartz offered amendment S-5288, filed by the committee on Natural Resources and Environment on March 19, 1998, to pages 1-11 of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S-5288 be deferred.

Senator Fink offered amendment S-5300, filed by him on March 23, 1998, to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5300 be adopted?" (H.F. 681), the vote was:

Ayes, 17:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Fraise	Gronstal
Halvorson	Hammond	Harper	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Flynn
Freeman	Gaskill	Hansen	Hedge
Horn	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McLaren	Redfern	Redwine	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 4:

Gettings	McCoy	McKibben	Rehberg
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Amendment S-5300 lost.

Senator Fink offered amendment S-5308, filed by him on March 23, 1998, to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5308 be adopted?" (H.F. 681), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Gettings McCoy McKibben

Amendment S-5308 lost.

Senator Fink offered amendment S-5305, filed by him on March 23, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5305 lost by a voice vote.

Senator Bartz moved the adoption of amendment S-5288 by the committee on Natural Resources and Environment.

Amendment S-5288 was adopted by a voice vote.

Senator Fink asked and received unanimous consent to withdraw amendment S-5301, filed by him on March 23, 1998, to page 7 of the bill.

Senator Fink offered amendment S-5349, filed by him from the floor, to page 7 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5349 be adopted?" (H.F. 681), the vote was:

Ayes, 18:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Fraise	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	Lundby	Palmer
Szymoniak	Vilsack		

Nays, 29:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Flynn	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Maddox	McKean	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Gettings McCoy McKibben

Amendment S-5349 lost.

Senator Vilsack offered amendment S-5362, filed by Senators Vilsack and Lundby from the floor, to page 11 of the bill, and moved its adoption.

Amendment S-5362 lost by a voice vote.

Senator Fink offered amendment S-5341, filed by him from the floor to page 12 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5341 be adopted?" (H.F. 681), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Gettings

Amendment S-5341 lost.

Senator McKean took the chair at 8:29 p.m.

Senator Fink offered amendment S-5342, filed by him from the floor to page 12 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5342 be adopted?" (H.F. 681), the vote was:

Ayes, 19:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Kibbie	Lundby	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 29:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Gaskill	Hedge	Iverson	Jensen
Judge	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Freeman	Gettings
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Amendment S-5342 lost.

Senator Bartz moved that the bill be read the last time now and placed upon 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, 33:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Flynn	Freeman	Gaskill	Hansen
Hedge	Horn	Iverson	Jensen
Judge	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Nays, 16:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Fraise	Gronstal	Halvorson
Hammond	Harper	Kibbie	Lundby
Neuhauser	Palmer	Szymoniak	Vilsack

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.

President Kramer took the chair at 8:47 p.m.

HOUSE MESSAGES RECEIVED

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 March 24, 1998, passed the following bills in which the **concurrence** of the **House** was asked:

Senate File 2090, a bill for an act relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

Senate File 2301, a bill for an act relating to the operation and regulation of banks and making technical corrections.

ALSO: That the House has on March 24, 1998, amended and passed the following bills in which the **concurrence** of the **Senate** is asked:

Senate File 2235, a bill for an act concerning judicial administration (S-5346).

Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date (S-5365).

Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with

gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age (S-5359).

Senate File 2335, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty (S-5348).

Senate File 2338, a bill for an act relating to the entities responsible for assisting in international adoptions (S-5347).

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 681** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2494** be referred from the Regular Calendar to the committee on **Agriculture**.

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 24, 1998, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

MARK W. LEONARD: Rensink, Chair; Kibbie and Behn
LESLIE S. MILLER: Hedge, Chair; Gettings and Behn
LOIS A. SCHNOOR: Zieman, Chair; Rehberg and Black

As members of the Iowa Grain Indemnity Fund Board:

TERRY W. EVANS: Angelo, Chair; Vilsack and Rife
BRUCE A. YUNGCLAS: Bartz, Chair; Gaskill and Fraise

As members of the State Soil Conservation Committee:

ROGER E. HOWELL: Judge, Chair; Angelo and Behn
MADELINE J. MEYER: Rensink, Chair; Kibbie and Behn

BUSINESS AND LABOR RELATIONS

As a member of the Employment Appeal Board:

EARL W. SEYMOUR: Horn, Chair; King and Zieman

As a member of the Public Employment Relations Board:

RICHARD P. MOORE: King, Chair; Zieman and Horn

As members of the Iowa Workforce Development Board:

DEAN E. HICKS: Jensen, Chair; Schuerer and Horn
PAT M. MARSHALL: Dearden, Chair; Schuerer and Zieman
EARNEST L. NELSON: Freeman, Chair; Palmer and King
NORMA J. SCHMOKER: Behn, Chair; Freeman and Gettings

COMMERCE

As members of the Credit Union Review Board:

PATRICIA A. BERDING: Schuerer, Chair; Jensen and Deluhery
DIANE L. KOLLASCH: Schuerer, Chair; Jensen and Deluhery

As Chairperson of the Iowa Telecommunications and Technology Commission:

RICHARD H. OPIE: Rife, Chair; Douglas and Hansen

As a member of the Iowa Telecommunications and Technology Commission:

MARY A. NELSON: Rife, Chair; Douglas and Hansen

EDUCATION

As members of the State Board of Education:

CARLTON W. CALLISON: Gaskill, Chair; Neuhauser and Rensink
KAY E. WAGNER: Tinsman, Chair; Dvorsky and Redwine

As a member of the Board of Educational Examiners:

JAMES E. EHMEN: Redfern, Chair; Rehberg and Connolly

As a member of the Iowa Higher Education Loan Authority:

KATHRYN A. THIELEKE: Szymoniak, Chair; Kramer and Boettger

As a member of the School Budget Review Committee:

CLARK A. YEAGER: Rehberg, Chair; Angelo and Kibbie

HUMAN RESOURCES

As members of the Athletic Trainer Advisory Board:

ALAN J. BESTE: Behn, Chair; Boettger and Dvorsky
DANNY T. FOSTER: Dvorsky, Chair; Redwine and Schuerer
DENISE A. HARKLAU: Hammond, Chair; Behn and Tinsman

As members of the Board of Behavioral Science Examiners:

DR. DAVID B. PETERSON: Bartz, Chair; Schuerer and Dearden
MILDRED L. SCHNEKLOTH: Tinsman, Chair; Zieman and Harper
LINDA S. TRUDEAU: Behn, Chair; Harper and Schuerer
STANTON L. VISSER: Rensink, Chair; Zieman and Dearden

As a member of the Commission for the Blind:

JOHN C. WELLMAN: Szymoniak, Chair; Bartz and Zieman

As members of the Commission on Community Action Agencies:

ARLYN E. DANKER: Boettger, Chair; Behn and Dearden
LOIS H. EICHACKER: Dearden, Chair; Schuerer and Tinsman
MERL MCFARLANE: Schuerer, Chair; Dvorsky and Bartz
CATHERINE L. WHITFIELD: Szymoniak, Chair; Bartz and Behn

As Administrator of the Division of Deaf Services:

KATHRYN L. BAUMANN-REESE: Harper, Chair; Zieman and Bartz

As members of the Commission on the Deaf:

POLLY A. ADAM: Redwine, Chair; Schuerer and Zieman
MARY L. NEGAARD: Redwine, Chair; Dvorsky and Bartz
MARVIN W. TUTTLE: Dearden, Chair; Redwine and Schuerer

As members of the State Citizen Foster Care Review Board:

DON T. ROSS: Schuerer, Chair; Rensink and Dvorsky
GAROLDINE Y. WEBB: Szymoniak, Chair; Behn and Boettger

As members of the Iowa Council on Human Investment:

TERENCE P. GREENLEY: Zieman, Chair; Schuerer and Dvorsky
RICHARD R. HORST: Tinsman, Chair; Behn and Hammond
ELAINE A. PFALZGRAF: Harper, Chair; Schuerer and Behn
CHARESE E. YANNEY: Redwine, Chair; Boettger and Hammond

As the Director of the Department of Human Rights:

ALMO J. HAWKINS: Boettger, Chair; Szymoniak and Zieman

As members of the Mental Health and Developmental Disabilities Commission:

RICHARD S. CAMPBELL: Dvorsky, Chair; Schuerer and Tinsman
MURLEAN HALL: Schuerer, Chair; Zieman and Hammond
CONNIE L. LEHAN: Boettger, Chair; Rensink and Hammond
STEVEN REUTER: Bartz, Chair; Behn and Dvorsky
BEVERLY ZIEMAN: Behn, Chair; Bartz and Szymoniak

As members of the Board of Physician Assistant Examiners:

DR. JAMES M. CUNNINGHAM: Redwine, Chair; Schuerer and Hammond
MARK G. DAVIS: Rensink, Chair; Behn and Harper

As members of the Prevention of Disabilities Policy Council:

MICKEY R. MCDANIEL: Zieman, Chair; Bartz and Szymoniak
JERRY D. STILWELL: Hammond, Chair; Behn and Tinsman
CAROL A. WATSON: Dvorsky, Chair; Behn and Rensink

As members of the Commission on the Status of Women:

VICTORIA L. BROWN: Dearden, Chair; Schuerer and Behn
 KATHRYN M. BURT: Schuerer, Chair; Tinsman and Zieman
 LISA L. GREEN: Harper, Chair; Behn and Rensink
 MATTHEW R. WISSING: Tinsman, Chair; Behn and Dvorsky

JUDICIARY

As Director of the Iowa State Civil Rights Commission:

DON B. GROVE: Hammond, Chair; Maddox and Drake

As a member of the Board of Corrections:

HAYWOOD BELLE: Neuhauser, Chair; Angelo and McKean

As members of the Criminal and Juvenile Justice Planning Advisory Council:

LORNA M. BURNSIDE: Fraise, Chair; McKibben and Drake
 BETTY JEAN CLARK: Hansen, Chair; McKean and Tinsman
 RICHARD R. PHILLIPS: Drake, Chair; Fraise and Maddox
 DAVID M. ROEDERER: McKibben, Chair; McKean and Neuhauser
 RONALD D. STEHL: Harper, Chair; Angelo and King
 MARVIN L. VAN HAAFTEN: Halvorson, Chair; Tinsman and Drake
 CAROL D. WOOD: Boettger, Chair; Angelo and Fraise

As a member of the Board of Parole:

CHARLES W. LARSON: McKean, Chair; Neuhauser and Maddox

LOCAL GOVERNMENT

As a member of the City Development Board:

DENNIS A. PLAUTZ: McKean, Chair; Zieman and Hansen

NATURAL RESOURCES AND ENVIRONMENT

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

JAMES M. HOLCOMB: Dearden, Chair; Gaskill and Freeman

As a member of the Renewable Fuels and Coproducts Advisory Committee:

GREG J. HAYES: Angelo, Chair; Deluhery and Zieman

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

As members of the Iowa Economic Development Board:

LOIS H. EICHACKER: Flynn, Chair; Hansen and Redwine
EUGENE L. LARSON: Schuerer, Chair; Rensink and Hammond

As members of the Small Business Advisory Council:

DAVID W. MACKAMAN: Palmer, Chair; Hammond and Douglas
EUGENE W. PIERCE, III: Flynn, Chair; Hansen and Boettger
HELEN SAYLOR: Rensink, Chair; McCoy and Hammond

STATE GOVERNMENT

As members of the Accountancy Examining Board:

LINDA HOPKINS: Halvorson, Chair; King and Tinsman
SUSAN J. LOY: Harper, Chair; Borlaug and Fink
JOHN M. SKLENAR: King, Chair; Fink and McLaren

As members of the Commission on the Status of African-Americans:

JIM C. HESTER: Tinsman, Chair; Deluhery and Rittmer
ISAIAH J. JOHNSON: McLaren, Chair; Harper and Tinsman
CAMILLE V. SCULLY: Harper, Chair; Borlaug and Tinsman

As Administrator of the Alcoholic Beverages Division:

JACK N. NYSTROM: Borlaug, Chair; Deluhery and Drake

As a member of the Alcoholic Beverages Commission:

ROBERT L. CRAMER: Borlaug, Chair; Deluhery and Drake

As members of the Architectural Examining Board:

CAROLYN E. OLSEN: McLaren, Chair; Fink and Lundby
NORMAN H. RUDI: McLaren, Chair; Fink and Lundby

As a member of the Board of Barber Examiners:

ALAN L. THOMPSON: McKibben, Chair; Halvorson and Drake

As a member of the Board of Chiropractic Examiners:

DR. RONALD C. EVANS: Tinsman, Chair; Deluhery and King

As a member of the Board of Cosmetology Arts and Sciences Examiners:

SUSANNE E. WOLRAB: Lundby, Chair; Harper and Borlaug

As members of the Board of Dental Examiners:

DR. THOMAS L. BJORGE: Halvorson, Chair; Borlaug and Drake
DR. GEORGE F. NORTH: Borlaug, Chair; Szymoniak and Lundby
DR. FRED A. RIDDLE, JR.: Fink, Chair; King and McKibben

As a member of the Board of Dietetic Examiners:

JEAN A. ANDERSON: Harper, Chair; Rife and Lundby

As a member of the Iowa Emergency Response Commission:

SUSAN E. LAGNEAUX: Szymoniak, Chair; King and Tinsman

As members of the Engineering and Land Surveying Examining Board:

DWAYNE C. GARBER: McKibben, Chair; Harper and King
DIANA E. HOOGESTRAAT: McLaren, Chair; Fink and Rife

As members of the Iowa Ethics and Campaign Disclosure Board:

GERALDINE M. LEINEN: Deluhery, Chair; Tinsman and Borlaug
BERNARD L. MCKINLEY: Borlaug, Chair; Harper and King

As a member of the Investment Board of the IPERS:

MICHAEL A. LOGAN: Kibbie, Chair; Rife and Tinsman

As members of the Landscape Architectural Examining Board:

JON F. CROSE: McKibben, Chair; Fink and Tinsman
GRACE E. NELSON: Borlaug, Chair; Harper and Lundby
LINDA E. SORNSEN: Szymoniak, Chair; Rife and Tinsman

As a member of the Board for the Licensing and Regulation of Hearing Aid Dealers:

MICHAEL D. SMITH: Szymoniak, Chair; King and Tinsman

As members of the Lottery Board:

EMMA M. CHANCE: McLaren, Chair; Harper and Lundby
GARY HUGHES: Lundby, Chair; Harper and Drake

As members of the Board of Medical Examiners:

DR. JAMES M. CATERINE: Szymoniak, Chair; Drake and King
MARY C. HODGES: Drake, Chair; Halvorson and Lundby
DR. DALE R. HOLDIMAN: King, Chair; Harper and Drake
DR. TERESA A. MOCK: Kibbie, Chair; Drake and McLaren

As members of the Board of Mortuary Science Examiners:

JAMES W. BARR: Harper, Chair; King and Drake
RICARD R. PORTER: Drake, Chair; Harper and King

As members of the Board of Nursing Examiners:

PAMELA E. BRADLEY: Szymoniak, Chair; Drake and Tinsman
MERLIN D. HULSE: Rife, Chair; Harper and Borlaug
RICHARD A. PETERSEN: Harper, Chair; King and Drake

As members of the State Board of Examiners for Nursing Home Administrators:

CLAUDIA J. BOEDING: Borlaug, Chair; Harper and King
MARILYN J. FINCH: Harper, Chair; King and Drake
TERRI J. GUNDERSON: Borlaug, Chair; Harper and Tinsman

As members of the Board of Optometry Examiners:

JANE F. ECKLUND: McKibben, Chair; Szymoniak and King
DR. ROBERT H. SHARP: McLaren, Chair; Szymoniak and Rife

As members of the Board of Pharmacy Examiners:

G. KAY BOLTON: Szymoniak, Chair; Tinsman and Borlaug
MICHAEL J. SEIFERT: Szymoniak, Chair; Tinsman and Borlaug

As members of the Board of Physical and Occupational Therapy Examiners:

DIANA R. BROWER: Lundby, Chair; Borlaug and Rife
ERIC G. JACOBS: Kibbie, Chair; Rife and King

As a member of the Board of Podiatry Examiners:

DR. GREGORY J. VALKOSKY: Kibbie, Chair; Lundby and Rife

As Administrator of Professional Licensing and Regulation:

ROGER A. HALVORSON: Borlaug, Chair; Harper and Drake

As members of the Board of Psychology Examiners:

DR. DANIEL E. COURTNEY: Drake, Chair; Harper and Rife
CONNIE L. SCHMETT: Drake, Chair; Harper and Tinsman

As Administrator of the Racing and Gaming Division of the Department of Inspections and Appeals:

JACK P. KETTERER: Fink, Chair; Rife and Lundby

As a member of the State Racing and Gaming Commission:

JACQUELYNE I. ALLEN: Fink, Chair; Rife and Lundby

As members of the Real Estate Appraiser Examining Board:

RICHARD E. BRUCE: Halvorson, Chair; McKibben and King
JOHN "JACK" W. SEUNTJENS: Fink, Chair; Rife and Tinsman

As a member of the Real Estate Commission:

TERRY W. ROGERS: Harper, Chair; McLaren and Rife

As a member of the State Board for Respiratory Care:

WILLIAM J. MOTZ: Szymoniak, Chair; Rife and Tinsman

As members of the Board of Social Work Examiners:

WILLIAM P. MCCARTY: Halvorson, Chair; King and Drake
JANICE K. MCCOY: Halvorson, Chair; King and Tinsman

As members of the Board of Speech Pathology and Audiology Examiners:

ALAN K. HEIDECKER: Szymoniak, Chair; Lundby and Tinsman
KENNETH L. LOWDER: Szymoniak, Chair; McKibben and Drake

As Executive Director of the Commission of Veterans Affairs:

RANDY G. BROWN: Drake, Chair; Kibbie and Rife

As Commandant of the Iowa Veterans Home:

JACK J. DACK: Rife, Chair; Kibbie and Drake

As members of the Commission of Veterans Affairs:

MURIEL E. ALLAN: Kibbie, Chair; Drake and Rife
ROBERT B. LEEMAN: Rife, Chair; Kibbie and Drake

As a member of the Iowa Board of Veterinary Medicine:

DR. DONALD R. JACOBI: Halvorson, Chair; King and Rife

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

THOMAS E. GUSTAFSON: Connolly, Chair; Drake and Jensen
GERALD R. HINZMAN: McKean, Chair; Drake and Fraise

As Commissioner of Public Safety:

PAUL H. WIECK, II: Drake, Chair; Jensen and Gettings

As members of the State Transportation Commission:

GORDON C. KOKENGE: Gettings, Chair; Drake and McKean

DANIEL H. WIEDEMEIER: Fraise, Chair; Douglas and Freeman

WAYS AND MEANS

As a member of the Iowa Railway Finance Authority:

JOSEPH H. HARPER: Douglas, Chair; Drake and Judge

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 24, 1998, 11:14 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Approved SSB 2208, as amended.

Adjourned: 11:59 a.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 23, 1998, when the votes were taken on Senate File 2357, House Files 2169, 2271, 2317, 2438, 2492 and the motion to reconsider House File 2271. Had I been present, I would have voted "aye."

LARRY MCKIBBEN

CERTIFICATES OF RECOGNITION

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

Bev Dickerson, Indianola - For her 33 years of outstanding public service as an Auditor of Warren County. Senator Fink (3/23/98).

Iowa City West Trojans, Iowa City – For winning Class 4A Championship, State High School Boys' Basketball. Senator Dvorsky (3/24/98).

Iowa Falls Cadets and Coach Dave Collison, Iowa Falls – For winning Class 2A Championship, State High School Boys' Basketball. Senator Iverson (3/20/98).

Prairie Hawks Basketball Team, Cedar Rapids – For winning Class 3A Championship, State High School Boys' Basketball. Senator Dvorsky (3/24/98).

Kirkwood Eagles Men's Basketball Team – For winning National Championship of the Junior College Athletic Association Division II Men's Basketball Tournament. Senator Dvorsky (3/24/98).

PETITION

The following petition was presented and placed on file by:

Senators Flynn and McKean, from eighty-eight residents of Dubuque and Jones Counties, favoring legislation providing \$3,000,000 in funding for public library programs including SILO, Enrich Iowa, State Library, Regional Libraries and Open Access/Access Plus programs.

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 334 passed the Senate on March 24, 1998.

MICHAEL E. GRONSTAL

MADAM PRESIDENT: I move to reconsider the vote by which House File 334 passed the Senate on March 24, 1998.

JOHN W. JENSEN

SUBCOMMITTEE ASSIGNMENTS

Senate File 2130

WAYS AND MEANS: Borlaug, Chair; Judge and McLaren

Senate File 2379

WAYS AND MEANS: McKibben, Chair; Drake and Palmer

AMENDMENTS FILED

S-5345	H.F. 2164	Rod Halvorson
S-5346	S.F. 2235	House
S-5347	S.F. 2338	House
S-5348	S.F. 2335	House
S-5349	H.F. 681	Bill Fink
S-5350	H.F. 2487	Jeff Angelo
S-5351	H.F. 2454	Steven D. Hansen
S-5352	H.F. 2164	Eugene S. Fraise
		Tom Flynn
		Don Gettings
S-5353	S.F. 2280	Tom Flynn
S-5354	S.F. 2280	Mary Neuhauser
S-5355	S.F. 2280	Derryl McLaren
S-5356	H.F. 2272	Steven D. Hansen
		Tom Vilsack
		Dennis H. Black
		Matt McCoy
		Mary Neuhauser
		Eugene S. Fraise
		John P. Kibbie
		Johnie Hammond
		Robert E. Dvorsky
		Dick L. Dearden
		Elaine Szymoniak
		Bill Fink
		Tom Flynn
		Patrick J. Deluhery
		Patty Judge
		Michael E. Gronstal
		Patricia Harper
S-5357	H.F. 2272	Tom Vilsack
		Mike Connolly
		Mary Neuhauser
		Wally E. Horn
		Bill Fink
		Eugene S. Fraise
		Michael E. Gronstal
		Patty Judge
		Steven D. Hansen

		Tom Flynn
		Patrick J. Deluhery
		Johnie Hammond
		Patricia Harper
		Robert E. Dvorsky
		John P. Kibbie
		Matt McCoy
		Dick L. Dearden
S-5358	S.F. 2280	Jack Rife
		Johnie Hammond
S-5359	S.F. 2320	House
S-5360	S.F. 2280	Patricia Harper
S-5361	S.F. 2280	Dennis H. Black
S-5362	H.F. 681	Tom Vilsack
		Mary A. Lundby
S-5363	H.F. 681	Tom Vilsack
		Mary A. Lundby
S-5364	H.F. 681	Tom Vilsack
S-5365	S.F. 2295	House

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:58 p.m., until 9:00 a.m., Wednesday, March 25, 1998.

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 25, 1998

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by Pastor Curt Kuhns of the Mennonite Church, Manson, Iowa.

The Journal of Tuesday, March 24, 1998, was approved.

QUORUM CALL

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

The vote revealed 35 present, 15 absent, and a quorum present.

ADOPTION OF RESOLUTION

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

Senate Concurrent Resolution 101

On motion of Senator Dvorsky, Senate Concurrent Resolution 101, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa, with report of committee recommending passage, was taken up for consideration.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until his arrival, on request of Senator Dearden.

UNFINISHED BUSINESS**Senate File 2280**

On motion of Senator Rittmer, Senate File 2280, by committee on Appropriations, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

The Senate stood at ease at 9:23 a.m. until the fall of the gavel for the purpose of a party caucus.

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

SPECIAL GUESTS

The Chair welcomed eleven Russian insurance executives. They will spend three weeks in Iowa and are sponsored by local Rotary Clubs and the Iowa Insurance Industry.

Senator Redfern introduced fourteen Russian exchange students attending the University of Northern Iowa who were present on the floor of the Senate.

BUSINESS PENDING**Senate File 2280**

The Senate resumed consideration of Senate File 2280.

Senator McLaren offered amendment S-5355, filed by him on March 24, 1998, to pages 1-3, 6-8, 15, 16, and 18 of the bill, and moved its adoption.

Amendment S-5355 was adopted by a voice vote.

Senator Flynn offered amendment S-5353, filed by him on March 24, 1998, to page 6 of the bill.

Senator Flynn asked and received unanimous consent that action on amendment S-5353 be deferred.

Senator Harper offered amendment S-5360, filed by her on March 24, 1998, to page 6 of the bill and moved its adoption.

Amendment S-5360 was adopted by a voice vote.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5242, filed by Senators Boettger and Neuhauser on March 12, 1998, to page 7 of the bill.

With the withdrawal of amendment S-5242, the Chair ruled amendment S-5354, filed by Senator Neuhauser to amendment S-5242 on March 24, 1998, out of order.

The Senate stood at ease at 10:45 a.m. until the fall of the gavel.

The Senate resumed session at 10:54 a.m., President Kramer presiding.

PRESENTATION OF VISITORS

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

Twenty-four eighth grade students from Ruthven-Ayrshire School, Ruthven, accompanied by Jon Josephson. Senator Kibbie.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280.

Senator Vilsack offered amendment S-5372, filed by Senators Vilsack, Hammond, and Szymoniak from the floor to pages 7, 22, and the title page of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S-5372 be deferred.

Senator Rittmer offered amendment S-5336, filed by Senators Rittmer and Szymoniak from the floor on March 23, 1998, to page 9 of the bill and moved its adoption.

Amendment S-5336 was adopted by a voice vote.

Senator Rittmer offered amendment S-5311, filed by him on March 23, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5311 was adopted by a voice vote.

Senator Flynn asked and received unanimous consent to withdraw amendment S-5067, filed by him on February 26, 1998, to page 10 of the bill.

Senator Flynn offered amendment S-5068, filed by him on February 26, 1998, to page 10 of the bill and moved its adoption.

Senator Flynn asked and received unanimous consent that action on amendment S-5068 be deferred.

Senator Rittmer offered amendment S-5306, filed by him on March 23, 1998, to page 13 of the bill and moved its adoption.

Amendment S-5306 was adopted by a voice vote.

Senator Boettger offered amendment S-5177, filed by her on March 11, 1998, to page 15 of the bill and moved its adoption.

Amendment S-5177 was adopted by a voice vote.

Senator Vilsack offered amendment S-5062, filed by him on February 26, 1998, to pages 16, 20, and 22 of the bill.

Senator Szymoniak asked and received unanimous consent that action on amendment S-5062 be deferred.

Senator Rittmer offered amendment S-5307, filed by him on March 23, 1998, to page 17 of the bill and moved its adoption.

Amendment S-5307 was adopted by a voice vote.

Senator Rittmer offered amendment S-5312, filed by him on March 23, 1998, to page 17 of the bill and moved its adoption.

Amendment S-5312 was adopted by a voice vote.

PRESENTATION OF VISITORS

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

The Trinity United Methodist Women and the Cedar Falls First United Methodist Women, Cedar Falls, accompanied by Diane Nagle and Keith Scott. Senator Redfern.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280.

Senator Flynn offered amendment S-5066, filed by him on February 26, 1998, to page 18 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5066 be adopted?" (S.F. 2280), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKibben	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Fink

Amendment S-5066 lost.

PRESENTATION OF VISITORS

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

Thirty students from Aquinas High School, Fort Madison. They were accompanied by Mr. Schuster. Senator Fraise.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280.

Senator Rife offered amendment S-5358, filed by Senators Rife and Hammond on March 24, 1998, to pages 18 and 19 of the bill.

Senator Iverson asked and received unanimous consent that action on amendment S-5358 and Senate File 2280 be deferred.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:47 a.m., until 1:00 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

AGRICULTURE

Convened: March 25, 1998, 8:05 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Angelo, Bartz, Behn, Hedge, Rehberg, and Ziemann.

Members Absent: Judge, Ranking Member; Fraise, Gettings, Kibbie, Rife, Vilsack, and Black (excused).

Committee Business: No committee business.

Adjourned: 8:06 a.m.

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2410 (SSB 2208), a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, none. Absent or not voting, 1: Vilsack.

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 2410, and they were attached to the committee report.

AMENDMENTS FILED

S-5366	S.F. 2280	Dennis H. Black
S-5367	S.F. 2280	Dennis H. Black
S-5368	S.F. 2280	Johnie Hammond
		Andy McKean
S-5369	S.F. 2280	Patricia Harper
S-5370	H.F. 382	Elaine Szymoniak

		Mary A. Lundby
		Mary Neuhauser
S-5371	H.F. 382	Johnie Hammond
S-5372	S.F. 2280	Tom Vilsack
		Johnie Hammond
		Elaine Szymoniak
S-5373	H.F. 2473	Nancy Boettger
S-5374	H.F. 2211	Merlin E. Bartz
		Eugene S. Fraise
S-5375	S.F. 2280	Dennis H. Black
S-5376	S.F. 2280	Andy McKean
S-5377	S.F. 2280	Andy McKean

AFTERNOON SESSION

The Senate reconvened at 1:07 p.m., Senator Hedge presiding.

QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

President Kramer took the chair at 1:10 p.m.

INTRODUCTION OF BILL

Senate File 2410, 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 including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

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

HOUSE MESSAGES RECEIVED

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 March 25, 1998, passed the following bills in which the **concurrence** of the House was asked:

Senate File 2112, a bill for an act concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

Senate File 2310, a bill for an act relating to professional engineering licensure requirements for applicants with certain educational qualifications.

ALSO: That the House has on March 25, 1998, amended the Senate amendment, concurred in the Senate amendment as amended, and adopted the following resolution in which the **concurrence** of the Senate is asked:

House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula (S-5378).

ALSO: That the House has on March 25, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 518, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing (S-5379).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Harper until her arrival, on request of Senator Gaskill.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, and amendment S-5358 by Senators Rife and Hammond to pages 18 and 19 of the bill, previously deferred.

Senator McKean asked and received unanimous consent to withdraw amendment S-5193, filed by Senators McKean and Boettger on March 11, 1998, to page 19 of the bill.

Senator Black asked and received unanimous consent to withdraw amendment S-5361, filed by him on March 24, 1998, to amendment S-5358.

The Senate stood at ease at 1:24 p.m. until the fall of the gavel.

The Senate resumed session at 1:32 p.m., Senator Hedge presiding.

Senator Iverson asked and received unanimous consent that action on **Senate File 2280** be **deferred**.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2482, 2478, and House Joint Resolution 2003.

House File 2482

On motion of Senator Jensen, House File 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2482** be **deferred**.

House File 2478

On motion of Senator Hammond, House File 2478, a bill for an act relating to confidentiality in the mediation process, with report of committee recommending passage, was taken up for consideration.

Senator Hammond moved that the bill be read the last time now and placed upon 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn

Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Harper Lundby

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

President Kramer took the chair at 1:44 p.m.

House Joint Resolution 2003

On motion of Senator Maddox, House Joint Resolution 2003, a joint resolution to approve the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate local public defender office, with report of committee recommending passage, was taken up for consideration.

Senator Maddox moved that the bill be read the last time now and placed upon 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.J.R. 2003), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Harper

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

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2465 and 2443.

House File 2465

On motion of Senator Dearden, House File 2465, a bill for an act relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved that the bill be read the last time now and placed upon 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, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Harper

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

House File 2443

On motion of Senator Horn, House File 2443, a bill for an act relating to state workers' compensation coverage for students at a community college participating in school-to-work programs, 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. 2443), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Harper

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2478, 2465, 2443, and House Joint Resolution 2003 be immediately messaged to the House.

The Senate stood at ease at 1:59 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:15 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until his arrival, on request of Senator Iverson.

BUSINESS PENDING

House File 2482

The Senate resumed consideration of House File 2482, a bill for an act relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties, previously deferred.

Senator Gronstal offered amendment S-5382, filed by him from the floor to page 1 and the title page of the bill.

Senator Jensen raised the point of order that amendment S-5382 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5382 out of order.

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?" (H.F. 2482), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King

Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 1:

Dearden

Absent or not voting, 2:

Harper Vilsack

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

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, and amendment S-5358 by Senators Rife and Hammond to pages 18 and 19 of the bill, previously deferred.

Senator McKean offered amendment S-5383, filed by him from the floor to amendment S-5358 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5383 to amendment S-5358 be adopted?" (S.F. 2280), the vote was:

Ayes, 21:

Angelo	Bartz	Behn	Black
Boettger	Deluhery	Fraise	Gronstal
Halvorson	Hammond	Hedge	Iverson
King	Maddox	McKean	McKibben
Palmer	Redfern	Redwine	Szymoniak
Zieman			

Nays, 26:

Borlaug	Connolly	Dearden	Douglas
Drake	Dvorsky	Fink	Flynn
Freeman	Gaskill	Gettings	Hansen
Horn	Jensen	Judge	Kibbie
Kramer	Lundby	McCoy	McLaren
Neuhauser	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or not voting, 3:

Harper	Rehberg	Vilsack
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Amendment S-5383 lost.

Senator Black offered amendment S-5366, filed by him from the floor to amendment S-5358, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5366 to amendment S-5358 be adopted?" (S.F. 2280), the vote was:

Ayes, 22:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Horn	Judge
Kibbie	McCoy	McKean	Rensink
Szymoniak	Vilsack		

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Harper

Amendment S-5366 lost.

Senator Halvorson raised the point of order that amendment S-5358 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5358 in order.

Senator Rife moved the adoption of amendment S-5358 and requested a record roll call.

On the question "Shall amendment S-5358 be adopted?" (S.F. 2280), the vote was:

Ayes, 41:

Bartz	Black	Boettger	Borlaug
Connolly	Dearden	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hansen	Horn	Iverson
Jensen	Judge	Kibbie	Kramer
Lundby	Maddox	McCoy	McKibben
McLaren	Neuhauser	Palmer	Redfern
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 8:

Angelo	Behn	Deluhery	Hammond
Hedge	King	McKean	Redwine

Absent or not voting, 1:

Harper

Amendment S-5358 was adopted.

With the adoption of amendment S-5358, the Chair ruled the following amendments out of order:

Amendment S-5194 filed by Senators McKean, et al., on March 11, 1998, to page 19 of the bill;

Amendment S-5377 filed by Senator McKean from the floor to amendment S-5194; and

Amendment S-5368 filed by Senators Hammond and McKean from the floor to page 19 of the bill.

Senator Dvorsky offered amendment S-5217, filed by Senator Harper on March 11, 1998, to page 19 of the bill and moved its adoption.

Amendment S-5217 was adopted by a voice vote.

Senator Hammond offered amendment S-5369, filed by Senator Harper from the floor to page 20 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5369 be adopted?" (S.F. 2280), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	Palmer	Redfern	Redwine
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Harper	McLaren	Rehberg
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Amendment S-5369 lost.

Senator Black asked and received unanimous consent to withdraw amendment S-5367, filed by him from the floor to page 3 of the bill.

Senator Black offered amendment S-5375, 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-5375 be adopted?" (S.F. 2280), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Harper

Amendment S-5375 lost.

Senator Flynn asked and received unanimous consent to withdraw amendment S-5353 to page 6 of the bill, previously deferred.

Senator Bartz offered amendment S-5380, filed by him from the floor, to amendment S-5372.

Senator McKean took the chair at 4:50 p.m.

Senator Bartz moved the adoption of amendment S-5380.

A record roll call was requested.

On the question "Shall amendment S-5380 to amendment S-5372 be adopted?" (S.F. 2280), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Tinsman
Zieman			

Nays, 23:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	McKean	Neuhauser
Palmer	Szymoniak	Vilsack	

Absent or not voting, 2:

Dearden Rife

Amendment S-5380 was adopted.

President Kramer took the chair at 5:10 p.m.

The Senate resumed consideration of amendment S-5372 by Senators Vilsack, Hammond, and Szymoniak to pages 7, 22, and the title page of the bill.

Senator Bartz called for a division of amendment S-5372: page 1, lines 2-14 as division S-5372A; page 1, lines 15-50, and page 2 as division S-5372B.

Senator Gronstal asked and received unanimous consent that action on amendment S-5372A be deferred.

Senator Bartz raised the point of order that division S-5372B was not germane to the bill.

The Chair ruled the point well taken and division S-5372B out of order.

Senator Vilsack asked and received unanimous consent to withdraw division S-5372A, previously deferred.

Senator Flynn asked and received unanimous consent to withdraw amendment S-5068 to page 10 of the bill, previously deferred.

Senator McKean offered amendment S-5376, filed by him from the floor to page 15 of the bill and moved its adoption.

Amendment S-5376 was adopted by a voice vote.

Senator Szymoniak offered amendment S-5385, filed by Senators Szymoniak and Vilsack from the floor to amendment S-5062 and moved its adoption.

A non-record roll call was requested.

The ayes were 23, nays 25.

Amendment S-5385 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger for the remainder of the day, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280.

Senator Vilsack moved the adoption of amendment S-5062 to pages 16 and 22 of the bill, previously deferred.

A record roll call was requested.

On the question "Shall amendment S-5062 be adopted?" (S.F. 2280), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 26:

Angelo	Bartz	Behn	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or not voting, 2:

Boettger	Zieman
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Amendment S-5062 lost.

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. 2280), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Boettger

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2280, House File 2482, and Senate Concurrent Resolution 101** be **immediately messaged** to the House.

APPENDIX**PETITION**

The following petition was presented and placed on file by:

Senator Maddox, from two hundred and fifty residents of Benton, Polk, Jasper, and Poweshiek Counties, favoring legislation for the exemption of sales tax for massage therapy.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 25, 1998, when the vote was taken on Amendment S-5066 to Senate File 2280. Had I been present, I would have voted "aye."

BILL FINK

STUDY BILLS RECEIVED**SSB 2213 Appropriations**

Relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing.

SSB 2214 Appropriations

Relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date.

SSB 2215 Appropriations

Providing for the regulation of bulk dry animal nutrient products, providing for fees and an appropriation, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS**SSB 2213**

APPROPRIATIONS: McLaren, Chair; Black, Rensink, Rife, and Vilsack

SSB 2214

APPROPRIATIONS: McLaren, Chair; Black, Rensink, Rife, and Vilsack

SSB 2215

APPROPRIATIONS: Rensink, Chair; Harper and Hedge

AMENDMENTS FILED

S-5378	H.C.R. 15	House
S-5379	S.F. 518	House
S-5380	S.F. 2280	Merlin E. Bartz
S-5381	H.F. 2166	Allen Borlaug Neal Schuerer
S-5382	H.F. 2482	Michael E. Gronstal
S-5383	S.F. 2280	Andy McKean
S-5384	S.F. 2360	O. Gene Maddox
S-5385	S.F. 2280	Elaine Szymoniak Tom Vilsack
S-5386	H.F. 2454	JoAnn Douglas Michael E. Gronstal
S-5387	H.F. 2164	Eugene S. Fraise Don Gettings Richard F. Drake Dennis H. Black John P. Kibbie
S-5388	H.F. 2348	Johnie Hammond Patricia Harper Robert E. Dvorsky

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:13 p.m., until 9:00 a.m., Thursday, March 26, 1998.

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 26, 1998

The Senate met in regular session at 9:10 a.m., President Kramer presiding.

Prayer was offered by the Reverend John Rosenberger, pastor of the United Methodist Church, Hartley, Iowa.

The Journal of Wednesday, March 25, 1998, was approved.

BILLS REFERRED TO UNFINISHED BUSINESS CALENDAR

Senator Iverson asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

House File 382
House File 599
House File 667
House File 677
House File 2005
House File 2049
House File 2120
House File 2136
House File 2163
House File 2164
House File 2168
House File 2175
House File 2211
House File 2269
House File 2275
House File 2281

House File 2290
House File 2335
House File 2337
House File 2348
House File 2382
House File 2392
House File 2394
House File 2400
House File 2402
House File 2424
House File 2469
House File 2472
House File 2473
House File 2480
House File 2495
House File 2496
House File 2514
House File 2517
House File 2528

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hammond until she arrives, on request of Senator Harper; Senator Judge until she arrives, on request of Senator Black; Senator Bartz until he arrives, on request of Senator Angelo.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2473, 2402, and 2394.

House File 2473

On motion of Senator Boettger, House File 2473, a bill for an act providing for mediation in disputes involving agricultural producers, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment S-5373, filed by her on March 25, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5373 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2473), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

House File 2402

On motion of Senator Halvorson, House File 2402, a bill for an act to amend the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense, with report of committee recommending passage, was taken up for consideration.

Senator Halvorson moved that the bill be read the last time now and placed upon 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. 2402), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz	Hammond	Judge
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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 McKean, House File 2394, a bill for an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKean offered amendment S-5268, filed by the committee on Transportation on March 17, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5268 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon 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, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz Hammond Judge

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2473, 2402, and 2394** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 382

On motion of Senator McKibben, House File 382, a bill for an act relating to the validity of certain marriages, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

The Senate stood at ease at 9:37 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:45 a.m., President Kramer presiding.

Senator Hammond offered amendment S-5343, filed by her on March 24, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5343 lost by a voice vote.

Senator Hammond offered amendment S-5344, filed by her on March 24, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5344 lost by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5338, filed by him on March 23, 1998, to page 2 of the bill.

Senator Hammond offered amendment S-5371, filed by her on March 25, 1998, to page 2 of the bill and moved its adoption.

Amendment S-5371 lost by a voice vote.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5370, filed by Senators Szymoniak, Lundby, and Neuhauser on March 25, 1998, to page 2 and the title page of the bill.

Senator Szymoniak asked and received unanimous consent that action on **House File 382** be **deferred**.

The Senate stood at ease at 11:10 a.m. until the fall of the gavel.

The Senate resumed session at 11:15 a.m., President Kramer presiding.

BUSINESS PENDING

House File 382

The Senate resumed consideration of House File 382.

Senator Neuhauser offered amendment S-5392, filed by Senators Neuhauser, et al., from the floor to page 2 and the title page of the bill.

Senator Lundby took the chair at 11:30 a.m.

Senator Neuhauser moved the adoption of amendment S-5392.

A non-record roll call was requested.

The ayes were 24, nays 20.

Amendment S-5392 was adopted.

President Kramer took the chair at 11:41 a.m.

Senator McKibben moved that the bill be read the last time now and placed upon 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. 382), the vote was:

Ayes, 40:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Fink	Flynn	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hansen	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 9:

Angelo	Dearden	Dvorsky	Hammond
Harper	King	Neuhauser	Palmer
Szymoniak			

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 Iverson asked and received unanimous consent that House File 382 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 March 26, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2015, a bill for an act to remove cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

ALSO: That the House has on March 26, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner (S-5391).

RECESS

On motion of Senator Iverson, the Senate recessed at 12:34 p.m., until 3:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:25 p.m., President Kramer presiding.

QUORUM CALL

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

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

UNFINISHED BUSINESS CALENDAR

House File 2472

On motion of Senator Zieman, House File 2472, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Behn offered amendment S-5291, filed by the committee on Local Government on March 19, 1998, to pages 1, 2, and the title page of the bill and moved its adoption.

Amendment S-5291 was adopted by a voice vote.

Senator Zieman moved that the bill be read the last time now and placed upon 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. 2472), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby

Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

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

House File 2382

On motion of Senator Rehberg, House File 2382, a bill for an act relating to the identification of animals and providing penalties, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Bartz offered amendment S-5396, filed by Senators Bartz, et al., from the floor to pages 1-3 of the bill.

Senator Fraise raised the point of order that amendment S-5396 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5396 in order.

Senator Fraise asked and received unanimous consent that action on amendment S-5396 and **House File 2382** be **deferred**.

House File 2290

On motion of Senator Angelo, House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Bartz offered amendment S-5297, filed by Senators Bartz and Black on March 23, 1998, to page 1 and the title page of the bill and moved its adoption.

Amendment S-5297 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon 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. 2290), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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:

Senator Vilsack until he returns, on request of Senator Gronstal, and Senator McKean until he returns, on request of Senator Hedge.

UNFINISHED BUSINESS CALENDAR
(Deferred March 23, 1998)

House File 2468

The Senate resumed consideration of House File 2468, a bill for an act establishing an electronic benefits transfer program in the department of human services, deferred March 23, 1998.

Senator Schuerer moved that the bill be read the last time now and placed upon 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. 2468), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

McKean Vilsack

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

WITHDRAWN

Senator Schuerer asked and received unanimous consent that Senate File 2282 be withdrawn from further consideration of the Senate.

UNFINISHED BUSINESS CALENDAR

House File 2514

On motion of Senator Borlaug, House File 2514, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Borlaug offered amendment S-5283, filed by the committee on transportation on March 18, 1998, to page 4 of the bill and moved its adoption.

Amendment S-5283 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Neuhauser for the remainder of the day, on request of Senator Dvorsky.

BUSINESS PENDING

House File 2514

The Senate resumed consideration of House File 2514.

Senator Borlaug offered amendment S-5397, filed by Senators Borlaug and McCoy from the floor, to page 5 of the bill and moved its adoption.

Amendment S-5397 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. 2514), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

McKean Neuhauser Vilsack

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 Dvorsky for the remainder of the day, on request of Senator Black.

UNFINISHED BUSINESS CALENDAR

House File 2392

On motion of Senator Freeman, House File 2392, a bill for an act relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Fink offered amendment S-5395, filed by him from the floor to page 1 and the title page of the bill.

Senator Freeman raised the point of order that amendment S-5395 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5395 out of order.

Senator Freeman moved that the bill be read the last time now and placed upon 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, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Dvorsky	McKean	Neuhauser	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2514, 2472, 2392, 2290, and 2368 be immediately messaged to the House.

INTRODUCTION OF BILL

Senate File 2411, by committee on Judiciary, a bill for an act to legalize the transfer of certain property by the joint county system of Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date.

Read first time and placed on calendar.

APPENDIX

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee assigned to standing committee for investigation was placed on the En Bloc Calendar with recommendation for confirmation on March 25, 1998:

WAYS AND MEANS

Joseph H. Harper – Iowa Railway Finance Authority

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committee for investigation were placed on the En Bloc Calendar with recommendation for confirmation on March 26, 1998:

HUMAN RESOURCES

Alan J. Beste – Athletic Trainer Advisory Board
Danny T. Foster – Athletic Trainer Advisory Board
Denise A. Harklau – Athletic Trainer Advisory Board

Dr. David B. Peterson – Board of Behavioral Science Examiners
Mildred L. Schneklath – Board of Behavioral Science Examiners
Linda S. Trudeau – Board of Behavioral Science Examiners
Stanton L. Visser – Board of Behavioral Science Examiners

John C. Wellman – Commission for the Blind

Arlyn E. Danker – Commission on Community Action Agencies
Lois H. Eichacker – Commission on Community Action Agencies
Merl Mcfarlane – Commission on Community Action Agencies
Catherine L. Whitfield – Commission on Community Action Agencies

Kathryn L. Baumann-Reese – Administrator of the Division of Deaf Services

Polly A. Adam – Commission on the Deaf
Mary L. Negaard – Commission on the Deaf
Marvin W. Tuttle – Commission on the Deaf

Don T. Ross – State Citizen Foster Care Review Board
Garoldine Y. Webb – State Citizen Foster Care Review Board

Terence P. Greenley – Iowa Council on Human Investment
Richard R. Horst – Iowa Council on Human Investment
Elaine A. Pfalzgraf – Iowa Council on Human Investment
Charese E. Yanney – Iowa Council on Human Investment

Almo J. Hawkins – Director of the Department of Human Rights

Richard S. Campbell – Mental Health and Developmental Disabilities Commission
Murlean Hall – Mental Health and Developmental Disabilities Commission
Connie L. Lehan – Mental Health and Developmental Disabilities Commission
Steven Reuter – Mental Health and Developmental Disabilities Commission
Beverly Zieman – Mental Health and Developmental Disabilities Commission

Dr. James M. Cunningham – Board of Physician Assistant Examiners
Mark G. Davis – Board of Physician Assistant Examiners

Mickey R. McDaniel – Prevention of Disabilities Policy Council
Jerry D. Stilwell – Prevention of Disabilities Policy Council
Carol A. Watson – Prevention of Disabilities Policy Council

Victoria L. Brown – Commission on the Status of Women
Kathryn M. Burt – Commission on the Status of Women
Lisa L. Green – Commission on the Status of Women
Matthew R. Wissing – Commission on the Status of Women

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: March 25, 1998, 6:15 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.

Members Absent: Palmer, Ranking Member (excused).

Committee Business: Subcommittee assignments. Recommended confirmation of governor's appointee. Passed SF 2401 and HF 2153.

Adjourned: 6:30 p.m.

APPROPRIATIONS

Convened: March 26, 1998, 2:25 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Passed SJR 2001, as amended. Approved SSB 2213, and SSB 2214.

Adjourned: 3:18 p.m.

HUMAN RESOURCES

Convened: March 26, 1998, 8:35 a.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Dvorsky, Hammond, Harper, Rensink, Schuerer, Tinsman, and Ziemann.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 8:59 a.m.

WAYS AND MEANS

Convened: March 26, 1998, 1:14 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.

Members Absent: None.

Committee Business: Passed HF 2282. Approved SSB 2202, as amended.

Adjourned: 2:27 p.m.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2280, the following corrections were made:

1. Page 27, line 18, the word and number "Section 8" were changed to the word and number "Section 9".
2. Page 27, line 21, the word and number "Section 12" were changed to the word and number "Section 13".

MARY PAT GUNDERSON.
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Jason Hoveland, Rowley - For achieving the rank of Eagle Scout. Senator Rehberg. (3/26/98).

Billy Howard – For his years of service to the People of Iowa, the Residents of Woodward and the Members of Council 61. Senator Dearden (3/24/98).

Jefferson High School Marching Band – For participation in the Tournament of Roses Parade. Senator Dvorsky. (3/24/98).

Praskoveya Winery, Stavropol Region, Russia – For its 100th Birthday. Senator McLaren. (3/26/98).

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 1998, when the votes were taken on House Files 2394, 2402, and 2473. Had I been present, I would have voted "aye."

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 26, 1998, when the votes were taken on House Files 2394, 2402, and 2473. Had I been present, I would have voted "aye."

PATTY JUDGE

INTRODUCTION OF BILL

Senate File 2412, by committee on Appropriations, a bill for an act relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing.

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

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2412, a bill for an act relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Final Bill Action: SENATE FILE 2411 (SSB 2210), a bill for an act to legalize the transfer of certain property by the joint county system of Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: McKean, Maddox, Neuhauser, Angelo, Boettger, Fraise, Halvorson, Hammond, Hansen, Harper, King, Redfern, and Tinsman. Nays, none. Absent or not voting, 2: Drake and McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2153, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Douglas, McKibben, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, none. Absent or not voting, 2: Palmer and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 10: McKibben, Palmer, Borlaug, Connolly, Drake, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, 5: Douglas, Deluhery, Freeman, Hedge, and McLaren.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5389

H.F. 2424

Mike Connolly

S-5390

S.F. 2360

Mike Connolly

S-5391	S.F. 2321	House
S-5392	H.F. 382	Mary Neuhauser Mary A. Lundby Elaine Szymoniak Robert E. Dvorsky
S-5393	H.F. 2049	Merlin E. Bartz
S-5394	H.F. 2348	Elaine Szymoniak Nancy Boettger Maggie Tinsman
S-5395	H.F. 2392	Bill Fink
S-5396	H.F. 2382	Merlin E. Bartz Kitty Rehberg Wally E. Horn Mary A. Lundby Patricia Harper Tom Vilsack John W. Jensen
S-5397	H.F. 2514	Allen Borlaug Matt McCoy
S-5398	H.F. 2454	Douglas

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:38 p.m., until 1:00 p.m., Monday, March 30, 1998.

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 30, 1998

The Senate met in regular session at 1:07 p.m., President Kramer presiding.

Prayer was offered by Rudy Van Mersbergen (Senate Page), Howard Gorter, Jordan Roose, and Will Van Wyngarden, students from Pella Christian High School, Pella, Iowa, who vocally performed "Everything We Need."

The Journal of Thursday, March 26, 1998, was approved.

PRESENTATION OF VISITOR

The Chair welcomed Josh Der Hartog of Otley, Pella Christian High School, who is the Jeopardy Teen Champion.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKean and McLaren until they arrive, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

Senate File 2136

Senator Neuhauser called up for consideration Senate File 2136, 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 effective and retroactive applicability

dates, amended by the House, and moved that Senate concur in House amendment S-5298, filed March 23, 1998.

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

Senator Neuhauser 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. 2136), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McKean McLaren

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

UNFINISHED BUSINESS

House File 677

On motion of Senator Hansen, House File 677, a bill for an act relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation, with report

of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Hansen moved that the bill be read the last time now and placed upon 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. 677), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

House File 2337

On motion of Senator Boettger, House File 2337, a bill for an act concerning the method for imposition of the drug abuse resistance education surcharge, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2337), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McKean McLaren

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2136** and **House Files 677** and **2337** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate File 2410**.

Senate File 2410

On motion of Senator Tinsman, **Senate File 2410**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision, was taken up for consideration.

The Senate stood at ease at 1:55 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:58 p.m., Senator Hedge presiding.

Senator McCoy offered amendment S-5409, filed by him from the floor to page 13 of the bill.

President Kramer took the chair at 4:05 p.m.

Senator McCoy moved the adoption of amendment S-5409, and requested a record roll call.

On the question "Shall amendment S-5409 be adopted?" (S.F. 2410), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, none.

Amendment S-5409 lost.

Senator Deluhery offered amendment S-5406, filed by him from the floor to page 18 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5406 be adopted?" (S.F. 2410), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Maddox

Amendment S-5406 lost.

Senator Tinsman offered amendment S-5403, filed by her from the floor to pages 19, 28, 39, 42, 51, 52, and 80 of the bill, and moved its adoption.

Amendment S-5403 was adopted by a voice vote.

Senator Hammond offered amendment S-5425, filed by Senators Hammond, et al., from the floor to page 20 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5425 be adopted?" (S.F. 2410), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, none.

Amendment S-5425 lost.

Senator Vilsack offered amendment S-5407, filed by him from the floor to page 23 of the bill, and moved its adoption.

Amendment S-5407 lost.

Senator Tinsman offered amendment S-5415, filed by Senators Tinsman and Hammond from the floor to pages 25 and 26 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Judge until she returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2410

The Senate resumed consideration of Senate File 2410 and amendment S-5415.

Senator Tinsman moved the adoption of amendment S-5415.

Amendment S-5415 was adopted by a voice vote.

Senator Hammond offered amendment S-5427, filed by Senators Hammond, et al., from the floor to pages 29 and 30 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5427 be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Judge

Amendment S-5427 lost.

Senator Tinsman offered amendment S-5416, filed by her from the floor to pages 35, 38, 41, and 63 of the bill, and moved its adoption.

Amendment S-5416 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5414, filed by him from the floor to page 35 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5414 be adopted?" (S.F. 2410), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
Lundby	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Judge

Amendment S-5414 lost.

Senator Dvorsky offered amendment S-5401, filed by him from the floor to pages 39 and 41 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5401 be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Palmer	Rife	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Judge

Amendment S-5401 lost.

Senator Deluhery offered amendment S-5405, filed by him from the floor to page 50 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5405 be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Judge

Amendment S-5405 lost.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5399, filed by Senators Hammond and Harper from the floor to pages 51 and 52 of the bill.

Senator Black offered amendment S-5402, filed by him from the floor to pages 52 and 55 of the bill.

Senator Black called for a division of amendment S-5402: lines 2-15 as division S-5402A; and lines 16-20 as division S-5402B.

Senator Black moved the adoption of division S-5402A and requested a record roll call.

On the question "Shall amendment S-5402 division A be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Judge

Division S-5402A lost.

DISTINGUISHED GUEST

Senator Iverson welcomed the honorable Jim Geringer, Governor of Wyoming. Governor Geringer was present on the floor of the Senate and addressed the Senate with brief remarks.

BUSINESS PENDING

Senate File 2410

The Senate resumed consideration of Senate File 2410 and amendment S-5402 division B.

Senator Black moved the adoption of division S-5402B, which motion prevailed by a voice vote.

Senator Hansen offered amendment S-5411, filed by Senators Hansen and Kibbie from the floor to page 54 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S-5411 be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Judge	Lundby
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Amendment S-5411 lost.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5423, filed by her from the floor to page 63 of the bill.

Senator Szymoniak offered amendment S-5431, filed by her from the floor to page 63 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5431 be adopted?" (S.F. 2410), the vote was:

Ayes, 37:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Iverson	Kibbie	Kramer
Maddox	McCoy	McKibben	McLaren
Neuhauser	Palmer	Redfern	Rehberg
Rensink	Rittmer	Szymoniak	Tinsman
Vilsack			

Nays, 11:

Angelo	Gaskill	Hedge	Jensen
King	Lundby	McKean	Redwine
Rife	Schuerer	Zieman	

Absent or not voting, 2:

Dearden Judge

Amendment S-5431 was adopted.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5410, filed by him from the floor, to page 72 of the bill.

Senator Vilsack offered amendment S-5408, filed by Senators Vilsack, Hammond, and Szymoniak from the floor to pages 78 and 80 of the bill.

Senator Rife raised the point of order that amendment S-5408 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5408 out of order.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5424, filed by her from the floor, to page 79 of the bill.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5429, filed by Senators Szymoniak and Redwine from the floor, to page 79 of the bill.

Senator Szymoniak offered amendment S-5433, filed by her from the floor to page 79 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5433 be adopted?" (S.F. 2410), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack
Zieman			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman		

Absent or not voting, 3:

Drake	Fink	Judge
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Amendment S-5433 lost.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5422, filed by her from the floor, to page 6 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fink until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2410

The Senate resumed consideration of Senate File 2410.

Senator Tinsman offered amendment S-5426, filed by her from the floor to page 6 of the bill and moved its adoption.

Amendment S-5426 was adopted by a voice vote.

Senator Vilsack offered amendment S-5432, filed by him from the floor to pages 14 and 52 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5432 be adopted?" (S.F. 2410), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Fink	Judge
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Amendment S-5432 lost.

Senator Neuhauser offered amendment S-5430, filed by her from the floor to page 30 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Borlaug until he returns, on request of Senator Jensen.

BUSINESS PENDING

Senate File 2410

The Senate resumed consideration of Senate File 2410 and amendment S-5430.

Senator Neuhauser moved the adoption of amendment S-5430.

A non-record roll call was requested.

The ayes were 19, nays 26.

Amendment S-5430 lost.

The Senate stood at ease at 7:22 p.m. until the fall of the gavel.

The Senate resumed session at 7:25 p.m., Senator Hedge presiding.

QUORUM CALL

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

The vote revealed 29 present, 21 absent, and a quorum present.

BUSINESS PENDING

Senate File 2410

The Senate resumed consideration of Senate File 2410.

Senator Hammond offered amendment S-5434, filed by Senators Hammond and Szymoniak from the floor to page 19 of the bill, and moved its adoption.

Amendment S-5434 was adopted by a voice vote.

President Kramer took the chair at 7:45 p.m.

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. 2410), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 2:

Connolly	Rife
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Absent or not voting, 2:

Fink	Judge
------	-------

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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2113, a bill for an act relating to driver and motor vehicle licensing, reporting, and registration.

Senate File 2269, a bill for an act providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

Senate File 2348, a bill for an act relating to the locations at which shared public school services may be made available to nonpublic school students.

ALSO: That the House has on March 30, 1998, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the House was asked:

House File 2272, a bill for an act requiring the state board of education to adopt rules relating to the incorporation of accountability for student achievement into the education standards and accreditation process.

ALSO: That the House has on March 26, 1998, amended and passed the following bill in which the **concurrence** of the Senate is asked:

Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions (S-5400).

INTRODUCTION OF BILLS

Senate File 2413, by committee on Ways and Means, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

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

Senate File 2414, by Borlaug, Zieman, Lundby, Schuerer, Jensen, Rittmer, Bartz, Freeman, Rehberg, Angelo, Rensink, King, Boettger, Behn, Redfern, Maddox, Drake, Hedge, Douglas, Redwine, McKean, Gaskill, Tinsman, McKibben, Kramer, and Rife, a bill for an act relating to a workforce recruitment initiative and providing an effective date.

Read first time and referred to committee on **Appropriations**.

Senate File 2415, by committee on Appropriations, a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date.

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

Senate File 2416, by committee on Ways and Means, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

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

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 March, 1998:

Senate File 2090
Senate File 2119
Senate File 2162
Senate File 2174
Senate File 2183
Senate File 2184
Senate File 2189
Senate File 2192
Senate File 2220
Senate File 2267
Senate File 2301
Senate File 2319
Senate File 2324
Senate File 2340
Senate File 2341
Senate File 2350
Senate File 2367
Senate File 2373

MARY PAT GUNDERSON
Secretary of the Senate

CERTIFICATES OF RECOGNITION

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

Associated General Contractors of Iowa, Des Moines – For being selected by the Associated General Contractors of America as their national “Chapter of the Year” for 1997, and for receiving the national award for “Best Overall Public Relation Campaign” for 1997. Senator Iverson (3/30/97).

HLV Elementary School, Victor – For proclaiming April to be Read a Million Minutes Month, with the theme “Read for the Stars.” The goal is to read 200,000 minutes during April. Senator Schuerer (4/1/98).

Jeremy Fischer, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (3/31/98).

Aaron Timothy Omtvedt, Estherville - For achieving the rank of Eagle Scout.
Senator Kibbie (4/19/98).

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2415 (SSB 2214), a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. 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 Appropriations Committee on Senate File 2415, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE JOINT RESOLUTION 2001, a joint resolution relating to the interior renovation of the state capitol and requiring that certain portions be accessible to persons with disabilities, consistent with federal requirements by the year 2002.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5428.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2413 (SF 2401), a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Douglas, McKibben, Borlaug, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack. Nays, none. Pass, 1: Connolly. 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 2413, and they were attached to the committee report.

ALSO:

Final Bill Action: *SENATE FILE 2416 (SSB 2202), a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McKibben, Palmer, Borlaug, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak. Nays, 1: Connolly. Pass, 2: Douglas and Vilsack.

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 2416, and they were attached to the committee report.

PRESENTATION OF VISITORS

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

Seventy-five eighth grade students from Camanche Middle School, Camanche, Iowa, accompanied by Willard Larsen, eighth grade Social Studies teacher. Senator Rittmer.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2410 passed the Senate on March 30, 1998.

DERRYL McLAREN

AMENDMENTS FILED

S-5399	S.F. 2410	Johnie Hammond Patricia Harper
S-5400	S.F. 2366	House
S-5401	S.F. 2410	Robert E. Dvorsky

S-5402	S.F. 2410	Dennis H. Black
S-5403	S.F. 2410	Maggie Tinsman
S-5404	H.F. 2136	Stewart Iverson, Jr.
S-5405	S.F. 2410	Patrick J. Deluhery
S-5406	S.F. 2410	Patrick J. Deluhery
S-5407	S.F. 2410	Tom Vilsack
S-5408	S.F. 2410	Tom Vilsack
		Johnie Hammond
		Elaine Szymoniak
S-5409	S.F. 2410	Matt McCoy
S-5410	S.F. 2410	Steven D. Hansen
S-5411	S.F. 2410	Steven D. Hansen
		John P. Kibbie
S-5412	H.F. 2528	Mary Lou Freeman
S-5413	H.F. 2382	Eugene S. Fraise
S-5414	S.F. 2410	Robert E. Dvorsky
S-5415	S.F. 2410	Maggie Tinsman
		Johnie Hammond
S-5416	S.F. 2410	Maggie Tinsman
S-5417	H.F. 2528	Allen Borlaug
		Steve King
		Nancy Boettger
		Neal Schuerer
		Jerry Behn
		Jeff Angelo
		John W. Jensen
		Sheldon Rittmer
		H. Kay Hedge
S-5418	H.F. 2166	Allen Borlaug
		Neal Schuerer
S-5419	H.F. 2166	Allen Borlaug
		Neal Schuerer
S-5420	H.F. 2335	Wilmer Rensink
S-5421	H.F. 2348	Maggie Tinsman
S-5422	S.F. 2410	Maggie Tinsman
S-5423	S.F. 2410	Elaine Szymoniak
S-5424	S.F. 2410	Elaine Szymoniak
S-5425	S.F. 2410	Johnie Hammond
		Patricia Harper
		Rod Halvorson
		Tom Flynn

		Bill Fink
		Mary Neuhauser
		Robert E. Dvorsky
		Dick L. Dearden
		Mike Connolly
		Steven D. Hansen
		Tom Vilsack
		Michael E. Gronstal
		Patty Judge
		Dennis H. Black
		Matt McCoy
		Wally E. Horn
		Don Gettings
		Elaine Szymoniak
		John P. Kibbie
		Eugene S. Fraise
		Patrick J. Deluhery
		William D. Palmer
S-5426	S.F. 2410	Maggie Tinsman
S-5427	S.F. 2410	Johnie Hammond
		Patricia Harper
		Rod Halvorsón
		Tom Flynn
		Mary Neuhauser
		Robert E. Dvorsky
		Dick L. Dearden
		Mike Connolly
		Tom Vilsack
		Patrick J. Deluhery
		Dennis H. Black
		Patty Judge
		Michael E. Gronstal
		Eugene S. Fraise
		Elaine Szymoniak
		Steven D. Hansen
		Matt McCoy
		Wally E. Horn
		Don Gettings
		John P. Kibbie
		William D. Palmer
S-5428	S.J.R. 2001	Appropriations

S-5429	S.F. 2410	Elaine Szymoniak John Redwine
S-5430	S.F. 2410	Mary Neuhauser
S-5431	S.F. 2410	Elaine Szymoniak
S-5432	S.F. 2410	Tom Vilsack
S-5433	S.F. 2410	Elaine Szymoniak
S-5434	S.F. 2410	Johnie Hammond Elaine Szymoniak
S-5435	H.F. 2528	Matt McCoy

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:52 p.m., until 9:00 a.m., Tuesday, March 31, 1998.

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 31, 1998

The Senate met in regular session at 9:13 a.m., President pro tempore Redfern presiding.

Prayer was offered by the Reverend Paul Frederiksen, former pastor of the First United Methodist Church, Cedar Falls, Iowa, and current pastor of Emmanuel United Methodist Church of Des Moines, Iowa.

President Kramer took the chair at 9:17 a.m.

The Journal of Monday, March 30, 1998, was approved.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:10 a.m., President Kramer presiding.

President pro tempore Redfern took the chair at 11:13 a.m.

UNFINISHED BUSINESS

House File 2528

On motion of Senator McKibben, House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

President Kramer took the chair at 11:24 a.m.

Senator McCoy offered amendment S-5441, filed by him from the floor to pages 8 and 9 of the bill.

PRESENTATION OF VISITORS

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

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, Iowa, accompanied by Mary Huggins. President Kramer.

BUSINESS PENDING

House File 2528

The Senate resumed consideration of House File 2528, and amendment S-5441.

Senator McCoy moved the adoption of amendment S-5441.

A record roll call was requested.

On the question "Shall amendment S-5441 be adopted?" (H.F. 2528), the vote was:

Ayes, 28:

Black	Boettger	Borlaug	Dearden
Deluhery	Douglas	Dvorsky	Fink
Flynn	Fraise	Gronstal	Halvorson
Hammond	Hansen	Harper	Judge
Kibbie	King	McCoy	McKean
Neuhauser	Palmer	Redfern	Rehberg
Rensink	Schuerer	Szymoniak	Vilsack

Nays, 21:

Angelo	Bartz	Behn	Drake
Freeman	Gaskill	Gettings	Hedge
Horn	Iverson	Jensen	Kramer
Lundby	Maddox	McKibben	McLaren
Redwine	Rife	Rittmer	Tinsman
Zieman			

Absent or not voting, 1:

Connolly

Amendment S-5441 was adopted.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5438, filed by him from the floor to pages 11 and 12 of the bill.

Senator McCoy offered amendment S-5440, filed by him from the floor to pages 11 and 12 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly until he returns, on request of Senator Flynn.

BUSINESS PENDING

House File 2528

The Senate resumed consideration of House File 2528 and amendment S-5440.

Senator McCoy moved the adoption of amendment S-5440 and requested a record roll call.

On the question "Shall amendment S-5440 be adopted?" (H.F. 2528), the vote was:

Ayes, 21:

Angelo	Black	Borlaug	Dearden
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Hammond	Hansen
Harper	Horn	Judge	Kibbie
King	McCoy	Neuhauser	Szymoniak
Vilsack			

Nays, 27:

Bartz	Behn	Boettger	Deluhery
Douglas	Drake	Freeman	Gaskill
Halvorson	Hedge	Iverson	Jensen

Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Connolly Palmer

Amendment S-5440 lost.

Senator Iverson asked and received unanimous consent that action on **House File 2528** be deferred.

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Freeman, a resolution offering sympathy and encouragement to Gustavus Adolphus College.

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

HOUSE MESSAGES RECEIVED

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 March 31, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2308, a bill for an act concerning eligible alternative retirement benefit systems for community college employees.

Senate File 2356, a bill for an act relating to revolving funds to be administered by the department of general services and providing for funding for the revolving funds.

Senate File 2371, a bill for an act relating to infectious and contagious diseases affecting livestock and providing penalties.

ALSO: That the House has on March 30, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2257, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings (S-5436).

Senate File 2325, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties (S-5437).

Senate File 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date (S-5439).

ALSO: That the House has on March 30, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2357, a bill for an act updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

Senate File 2397, a bill for an act relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

ALSO: That the House has on March 30, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions.

Read first time and passed on file.

House File 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

SIMILAR BILL RECEIVED

On March 31, 1998, House File 2530 was received and attached to similar Senate File 2360 on the calendar.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:58 a.m., until 2:00 p.m.

APPENDIX

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 30, 1998, when the vote was taken on Senate File 2410. Had I been present, I would have voted "aye."

BILL FINK

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on March 30, 1998, when the vote was taken on Senate File 2410. Had I been present, I would have voted "aye."

PATTY JUDGE

SUBCOMMITTEE ASSIGNMENT

House File 2494 (Reassignment)

AGRICULTURE: Rensink, Chair; Angelo, Behn, Fraise, and Kibbie

AMENDMENTS FILED

S-5436	S.F. 2257	House
S-5437	S.F. 2325	House
S-5438	H.F. 2528	Matt McCoy
S-5439	S.F. 2406	House
S-5440	H.F. 2528	Matt McCoy
S-5441	H.F. 2528	Matt McCoy
S-5442	H.F. 2005	John W. Jensen
S-5443	H.F. 2528	Larry McKibben

AFTERNOON SESSION

The Senate reconvened at 2:17 p.m., President Kramer presiding.

SPECIAL GUEST

President Kramer welcomed Marcey Machacek, "Mother of the Year." Mrs. Machacek is the guest of Senator Rehberg.

PRESENTATION OF VISITORS

The Chair welcomed twenty-six fifth grade students from Charter Oak-Ute Elementary School, accompanied by Mrs. Keating. Senator King.

QUORUM CALL

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

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

UNFINISHED BUSINESS

House File 2424

On motion of Senator Boettger, House File 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5389, filed by him on March 26, 1998, to page 9 of the bill.

Senator Drake offered amendment S-5251, filed by him on March 16, 1998, to pages 14 and 15 of the bill and moved its adoption.

Amendment S-5251 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon 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, 34:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Dvorsky	Fink	Fraise	Freeman
Gaskill	Gettings	Harper	Hedge
Horn	Iverson	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	Neuhauser	Palmer
Redwine	Rehberg	Schuerer	Tinsman
Vilsack	Zieman		

Nays, 15:

Connolly	Dearden	Drake	Flynn
Gronstal	Halvorson	Hammond	Hansen
Jensen	McCoy	Redfern	Rensink
Rife	Rittmer	Szymoniak	

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.

The Senate stood at ease at 2:44 p.m. for the purpose of party caucuses.

The Senate resumed session at 4:06 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2295

Senator Hedge called up for consideration Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5365, filed March 24, 1998.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

CONSIDERATION OF BILLS
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2415.

Senate File 2415

On motion of Senator McLaren, Senate File 2415, a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date, was taken up for consideration.

Senator McCoy asked and received unanimous consent that action on **Senate File 2415** be **deferred**.

UNFINISHED BUSINESS
(Deferred March 23, 1998)

House File 2454

The Senate resumed consideration of House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability, deferred March 23, 1998.

Senator Douglas offered amendment S-5386, filed by Senators Douglas and Gronstal on March 25, 1998, to pages 2-5 of the bill and moved its adoption.

Amendment S-5386 was adopted by a voice vote.

Senator Douglas asked and received unanimous consent to withdraw amendment S-5398, filed by her on March 26, 1998, to pages 2-5 of the bill.

Senator Black asked and received unanimous consent to withdraw amendment S-5340, filed by him on March 24, 1998, to page 6 of the bill.

Senator Hansen offered amendment S-5351, filed by him on March 24, 1998, to pages 6 and 7 of the bill.

Senator Douglas raised the point of order that amendment S-5351 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5351 out of order.

Senator Hansen asked and received unanimous consent that action on **House File 2454** be deferred.

UNFINISHED BUSINESS

House File 2211

On motion of Senator Bartz, House File 2211, a bill for an act relating to the liability for and payment of medical costs and other expenses incurred by certain prisoners and escapees, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Fraise offered amendment S-5374, filed by Senators Bartz and Fraise on March 25, 1998, to page 1 and the title page of the bill, and moved its adoption.

Amendment S-5374 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon 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. 2211), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

BUSINESS PENDING

House File 2454

The Senate resumed consideration of House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability, previously deferred.

Senator Douglas moved that the bill be read the last time now and placed upon 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2424, 2454, 2211, and Senate File 2295** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2528

The Senate resumed consideration of House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date, previously deferred.

Senator Freeman offered amendment S-5412, filed by her on March 30, 1998, to page 11 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 40, nays 10.

Amendment S-5412 was adopted.

Senator McCoy offered amendment S-5435, filed by him on March 30, 1998, to page 12 of the bill and moved its adoption.

Amendment S-5435 was adopted by a voice vote.

Senator Borlaug offered amendment S-5446, filed by Senators Borlaug, et al., from the floor to page 3 and the title page of the bill.

Senator Hansen raised the point of order that amendment S-5446 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5446 out of order.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5417, filed by Senators Borlaug, et al., on March 30, 1998, to page 3 and the title page of the bill.

Senator McKibben offered amendment S-5443, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5443 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that action on **House File 2528** be deferred.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 104, a resolution offering sympathy and encouragement to Gustavus Adolphus College.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for immediate consideration Senate Resolution 104.

Senate Resolution 104

On motion of Senator Freeman, Senate Resolution 104, a resolution offering sympathy and encouragement to Gustavus Adolphus College, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved the adoption of Senate Resolution 104, which motion prevailed by a voice vote.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 105, by Rife, Hammond, Neuhauser, and Szymoniak, a resolution congratulating the Drake Bulldogs, Iowa State Cyclones, and Iowa Hawkeyes Women's Basketball Teams.

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

Senate Resolution 106, by Szymoniak, Kramer, Iverson, and Gronstal, a resolution honoring Sergeant-at-Arms William L. Krieg and his wife Ruth on their fiftieth wedding anniversary.

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2085, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction (S-5444).

The Senate stood at ease at 5:30 p.m. until the fall of the gavel.

The Senate resumed session at 5:33 p.m., President Kramer presiding.

UNFINISHED BUSINESS
(Deferred March 23, 1998)**House File 2135**

The Senate resumed consideration of House File 2135, a bill for an act relating to a mid-America port commission agreement and providing an effective date, deferred on March 23, 1998.

Senator King moved that the bill be read the last time now and placed upon 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, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

UNFINISHED BUSINESS (Deferred March 23, 1998)

House File 2476

The Senate resumed consideration of House File 2476, a bill for an act providing for connection to the Iowa communications network by the quad cities graduate center, deferred March 23, 1998.

Senator Flynn offered amendment S-5323, filed by Senators Flynn and Connolly on March 23, 1998, to page 1 and the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5323 be adopted?" (H.F. 2476), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Rife
Szymoniak	Vilsack		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Deluhery	Douglas	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, none.

Amendment S-5323 lost.

Senator Rife moved that the bill be read the last time now and placed upon 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, 49:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Angelo

Absent or not voting, none.

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

UNFINISHED BUSINESS
(Deferred March 24, 1998)

House File 2487

The Senate resumed consideration of House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, deferred on March 24, 1998.

Senator Halvorson asked and received unanimous consent that action on **House File 2487** be deferred.

UNFINISHED BUSINESS

House File 2164

On motion of Senator Redwine, House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Iverson offered amendment S-5335, filed by him on March 23, 1998, to page 2 and the title page of the bill.

Senator Halvorson offered amendment S-5345, filed by him on March 24, 1998, to amendment S-5335 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5345 to amendment S-5335 be adopted?" (H.F. 2164), the vote was:

Ayes, 16:

Connolly
Fraise
Hammond
Judge

Deluhery
Gettings
Hansen
Kibbie

Dvorsky
Gronstal
Harper
McKean

Fink
Halvorson
Iverson
Vilsack

Nays, 33:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Flynn	Freeman	Gaskill
Hedge	Horn	King	Kramer
Lundby	Maddox	McCoy	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Absent or not voting, 1:

Jensen

Amendment S-5345 lost.

Senator Fraise offered amendment S-5387, filed by Senators Fraise, et al., on March 25, 1998, to amendment S-5335, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5387 to amendment S-5335 be adopted?" (H.F. 2164), the vote was:

Ayes, 18:

Black	Boettger	Douglas	Drake
Fink	Flynn	Fraise	Gettings
Gronstal	Hammond	Hansen	Harper
Hedge	Judge	Kibbie	McKibben
Neuhauser	Vilsack		

Nays, 30:

Angelo	Bartz	Behn	Borlaug
Connolly	Dearden	Deluhery	Dvorsky
Freeman	Gaskill	Halvorson	Horn
Iverson	King	Kramer	Lundby
Maddox	McCoy	McKean	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Absent or not voting, 2:

Jensen Rife

Amendment S-5387 lost.

Senator Fraise offered amendment S-5352, filed by Senators Fraise, Flynn, and Gettings, on March 24, 1998, to amendment S-5335.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen for the remainder of the day, on request of Senator Borlaug.

BUSINESS PENDING

House File 2164

The Senate resumed consideration of House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program, and amendment S-5352 to amendment S-5335.

Senator Fraise moved the adoption of amendment S-5352.

Amendment S-5352 lost by a voice vote.

Senator Fraise asked and received unanimous consent that action on amendment S-5335 and **House File 2164** be **deferred**.

BUSINESS PENDING

House File 2528

The Senate resumed consideration of House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date, previously deferred.

Senator Connolly offered amendment S-5453, filed by him from the floor to pages 1, 7, and 9 of the bill and moved its adoption.

Amendment S-5453 was adopted by a voice vote.

Senator McKibben moved that the bill be read the last time now and placed upon 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. 2528), the vote was:

Ayes, 36:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
Judge	King	Kramer	Lundby
Maddox	McKean	McKibben	Redfern
Redwine	Rehberg	Rensink	Rittmer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 14:

Bartz	Gettings	Gronstal	Halvorson
Hammond	Harper	Horn	Kibbie
McCoy	McLaren	Neuhauser	Palmer
Rife	Schuerer		

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2528, 2135, and 2476 be immediately messaged to the House.

BUSINESS PENDING

House File 2164

The Senate resumed consideration of House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program, and amendment S-5335 by Senator Iverson to page 2 and the title page of the bill, previously deferred.

Senator Fraise offered amendment S-5455, filed by Senators Fraise and Gettings from the floor, to amendment S-5335, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5455 to amendment S-5335 be adopted?" (H.F. 2164), the vote was:

Ayes, 21:

Bartz	Black	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Halvorson	Hammond	Harper	Hedge
Judge	Kibbie	McKibben	Rensink
Vilsack			

Nays, 29:

Angelo	Behn	Boettger	Borlaug
Dearden	Freeman	Gaskill	Hansen
Horn	Iverson	Jensen	King
Kramer	Lundby	Maddox	McCoy
McKean	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Absent or not voting, none.

Amendment S-5455 lost.

Senator Fraise asked and received unanimous consent that action on amendment S-5335 and **House File 2164** be deferred.

INTRODUCTION OF BILL

Senate Joint Resolution 2004, by committee on Ways and Means, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

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

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 31, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2090 – Relating to compensation for the legal defense of indigent persons in prison disciplinary postconviction cases and providing an effective date and for retroactive applicability.

S.F. 2183 – Relating to a transfer of the records management duties of the Department of General Services to the Department of Cultural Affairs and making conforming changes.

S.F. 2184 – Relating to the disposal of cement kiln dust at tonnage fee exempt solid waste disposal facilities.

S.F. 2220 – Relating to the definition of a chronic runaway.

S.F. 2367 – Relating to county vital statistics by providing for the issuance of marriage licenses and eliminating the fee for county birth registrations.

S.F. 2373 – Relating to certain crimes against persons, by permitting the retention as criminal history data of acquittals, dismissals, or adjudications based on mental condition if the charge involved injury to another, by providing for the collection and dissemination of information on the offense of stalking, by providing for the application of enhanced stalking penalties for persons who are the subject of certain restraining or protective orders and providing for the issuance of no-contact orders against persons who are arrested for the crimes of harassment or stalking and providing penalties.

CERTIFICATES OF RECOGNITION

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

David and Marlys Fisher, Hubbard – For being named 1998 Iowa Master Farmer by Wallaces Farmer Magazine. Senator Iverson (3/31/98).

Head Coach Curt Grim, Hubbard-Radcliffe High School – For being named the Central Iowa District Coach of the Year by the Iowa High School Baseball Coaches Association. Senator Iverson (3/30/98).

Eva Robertson, Webster City – For celebrating her 100th birthday. Senator Iverson (3/31/98).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 31, 1998, 12:05 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg.

Members Absent: Maddox (excused).

Committee Business: Passed SR 104 and 11 additional resolutions.

Adjourned: 12:15 p.m.

RULES AND ADMINISTRATION

Convened: March 31, 1998, 5:30 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg.

Members Absent: Maddox (excused).

Committee Business: Passed SR 105 and SR 106.

Adjourned: 5:32 p.m.

WAYS AND MEANS

Convened: March 31, 1998, 1:15 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.

Members Absent: None.

Committee Business: Approved SSB 2072.

Adjourned: 2:14 p.m.

COMMITTEE REPORTS

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 105, a resolution congratulating the Drake Bulldogs, Iowa State Cyclones, and Iowa Women's Basketball teams.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 106, a resolution honoring Sergeant-at-Arms William L. Krieg and his wife Ruth on their fiftieth wedding anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: *SENATE JOINT RESOLUTION 2004 (SSB 2072), a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Douglas, McKibben, Borlaug, Drake, Freeman, Hedge, McLaren, and Redfern. Nays, 6: Palmer, Connolly, Deluhery, Judge, Szymoniak, and Vilsack. Pass, 1: Maddox.

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 Ways and Means Committee on Senate Joint Resolution 2004, and they were attached to the committee report.

AMENDMENTS FILED

S-5444	S.F. 2085	House
S-5445	S.F. 2413	John W. Jensen
S-5446	H.F. 2528	Allen Borlaug
		Neal Schuerer
		Steve King
		Wilmer Rensink
		John W. Jensen
		H. Kay Hedge
		Jeff Angelo
		Sheldon Rittmer

		Nancy Boettger
		Kitty Rehberg
		Lyle E. Zieman
		E. Thurman Gaskill
		Derryl McLaren
S-5447	H.F. 2335	Tom Vilsack
S-5448	H.F. 2335	H. Kay Hedge
		Eugene S. Fraise
		John P. Kibbie
		Derryl McLaren
		Tom Vilsack
S-5449	H.F. 2120	Neal Schuerer
S-5450	H.F. 2120	Neal Schuerer
		Richard F. Drake
		Tom Flynn
		Eugene S. Fraise
S-5451	H.F. 2348	Robert E. Dvorsky
S-5452	H.F. 2348	Robert E. Dvorsky
S-5453	H.F. 2528	Mike Connolly
S-5454	H.F. 2487	Rod Halvorson
S-5455	H.F. 2164	Eugene S. Fraise
		Don Gettings

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:57 p.m., until 9:00 a.m., Wednesday, April 1, 1998.

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 1, 1998

The Senate met in regular session at 9:15 a.m., President Kramer presiding.

Prayer was offered by Chaplain Jack Mauldin of the Iowa Veterans Home, Marshalltown, Iowa.

The Journal of Tuesday, March 31, 1998, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Read first time and referred to committee on **Appropriations**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dvorsky, Horn, and Vilsack until they arrive, on request of Senator Gronstal; Senator McLaren until he returns, on request of Senator Bartz.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Alan J. Beste, Athletic Trainer Advisory Board

Danny T. Foster, Athletic Trainer Advisory Board

Denise A. Harklau, Athletic Trainer Advisory Board

Dr. David B. Peterson, Board of Behavioral Science Examiners

Mildred L. Schneklath, Board of Behavioral Science Examiners

Stanton L. Visser, Board of Behavioral Science Examiners

Arlyn E. Danker, Commission on Community Action Agencies

Merl McFarlane, Commission on Community Action Agencies

Catherine L. Whitfield, Commission on Community Action Agencies

Kathryn L. Baumann-Reese, Administrator of the Division of Deaf Services

Marvin W. Tuttle, Commission on the Deaf

Don T. Ross, State Citizen Foster Care Review Board

Garoldine Y. Webb, State Citizen Foster Care Review Board

Terence P. Greenley, Iowa Council on Human Investment

Richard R. Horst, Iowa Council on Human Investment

Elaine A. Pfalzgraf, Iowa Council on Human Investment

Charese E. Yanney, Iowa Council on Human Investment

Almo J. Hawkins, Director of Department of Human Rights

Richard S. Campbell, Mental Health and Developmental Disabilities Commission

Murlean Hall, Mental Health and Developmental Disabilities Commission

Connie L. Lehan, Mental Health and Developmental Disabilities Commission

Steven Reuter, Mental Health and Developmental Disabilities Commission

Beverly Ziemann, Mental Health and Developmental Disabilities Commission

Mark G. Davis, Board of Physician Assistant Examiners

Mickey R. McDaniel, Prevention of Disabilities Policy Council

Carol A. Watson, Prevention of Disabilities Policy Council

Victoria L. Brown, Commission on the Status of Women

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Ziemann		

Nays, none.

Absent or not voting, 4:

Dvorsky

Horn

McLaren

Vilsack

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2321

Senator Jensen called up for consideration Senate File 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner, amended by the House in House amendment S-5391 filed March 26, 1998.

Senator Jensen offered amendment S-5456, filed by him from the floor to House amendment S-5391, and moved its adoption.

Amendment S-5456 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.

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. 2321), the vote was:

Ayes, 47:

Angelo
Boettger
Deluhery
Flynn
Gettings
Hansen
Jensen
Kramer
McKean

Bartz
Borlaug
Douglas
Fraise
Gronstal
Harper
Judge
Lundby
McKibben

Behn
Connolly
Drake
Freeman
Halvorson
Hedge
Kibbie
Maddox
McLaren

Black
Dearden
Fink
Gaskill
Hammond
Iverson
King
McCoy
Neuhauser

Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Dvorsky	Horn	Vilsack
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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 2257

Senator Borlaug called up for consideration Senate File 2257, a bill for an act relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the state department of transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the state department of transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings, amended by the House, and moved that the Senate concur in House amendment S-5436 filed March 31, 1998.

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

Senator Borlaug 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. 2257), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2321 and 2257 be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:36 a.m., until 1:30 p.m.

APPENDIX

REPORT OF COMMITTEE MEETING

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Convened: April 1, 1998, 11:08 a.m.

Members Present: Lundby, Chair; Rittmer, Vice Chair; Hansen, Ranking Member; Boettger, Douglas, Flynn, Hammond, King, McCoy, Palmer, Redwine, Rensink, and Schuerer.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 11:20 a.m.

STUDY BILLS RECEIVED

SSB 2216 **Natural Resources and Environment**

A concurrent resolution requesting that the legislative council establish an interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel.

SSB 2217 **Natural Resources and Environment**

A concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state.

SUBCOMMITTEE ASSIGNMENTS

SSB 2216

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Gaskill and Judge

SSB 2217

NATURAL RESOURCES AND ENVIRONMENT: Bartz, Chair; Black and Freeman

AMENDMENTS FILED

S-5456

S.F. 2321

John W. Jensen

S-5457

H.F. 667

Mary Neuhauser

S-5458	H.F. 2282	JoAnn Douglas
S-5459	H.F. 2400	JoAnn Douglas
S-5460	H.F. 2530	Mike Connolly
S-5461	S.F. 2413	Mary Lou Freeman Patty Judge
S-5462	S.F. 2415	Matt McCoy
S-5463	S.F. 2415	Matt McCoy
S-5464	S.F. 2415	Matt McCoy
S-5465	H.F. 2175	Jerry Behn Merlin E. Bartz
S-5466	H.F. 2164	Eugene S. Fraise
S-5467	H.F. 2164	Eugene S. Fraise Don Gettings
S-5468	S.F. 2391	House

AFTERNOON SESSION

The Senate reconvened at 1:43 p.m., President Kramer presiding.

QUORUM CALL

Senator Iverson 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 Fink until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS

House File 2049

On motion of Senator Bartz, House File 2049, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Bartz offered amendment S-5393, filed by him on March 26, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5393 was adopted by a voice vote.

Senator Bartz moved that the bill be read the last time now and placed upon 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. 2049), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Douglas	Drake	Flynn	Fraise

Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery Dvorsky Fink

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

UNFINISHED BUSINESS

House File 2495

On motion of Senator Rittmer, House File 2495, a bill for an act relating to the conduct of elections in the state, with report of committee without recommendation, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Halvorson offered amendment S-5310, filed by him on March 23, 1998, to pages 1, 7, 9, and to the title page of the bill.

Senator Neuhauser asked that action on amendment S-5310 be deferred.

Senator Neuhauser withdrew her request.

Senator Halvorson moved the adoption of amendment S-5310 and requested a record roll call.

On the question "Shall amendment S-5310 be adopted?" (H.F. 2495), the vote was:

Ayes, 9:

Bartz	Black	Fraise	Gettings
Gronstal	Halvorson	Hedge	Kibbie
McKean			

Nays, 40:

Angelo	Behn	Boettger	Borlaug
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Flynn	Freeman
Gaskill	Hammond	Hansen	Harper
Horn	Iverson	Jensen	Judge
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Absent or not voting, 1:

Fink

Amendment S-5310 lost.

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. 2495), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gronstal	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 4:

Gettings	Halvorson	McKean	Vilsack
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Absent or not voting, 1:

Fink

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

PRESENTATION OF VISITORS

The Chair welcomed eleven eleventh grade students from Clarksville High School, Clarksville, Iowa, accompanied by Mr. and Mrs. Larry Backer, Mrs. Joyce Freese, Mrs. Lorna Schwartz, and Mrs. Ann Johnson. The students were present in the Senate gallery as guests of Senator Jensen.

UNFINISHED BUSINESS (Deferred March 31, 1998)

Senate File 2415

The Senate resumed consideration of Senate File 2415, a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date, deferred on March 31, 1998.

Senator McLaren offered amendment S-5476, filed by Senators McLaren and Kibbie from the floor, to pages 14, 15, and to the title page of the bill, and moved its adoption.

Amendment S-5476 was adopted by a voice vote.

Senator McCoy offered amendment S-5464, filed by him from the floor to page 16 of the bill, and moved its adoption.

Amendment S-5464 lost by a voice vote.

Senator McCoy offered amendment S-5462, filed by him from the floor to page 16 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5462 be adopted?" (S.F. 2415), the vote was:

Ayes, 18:

Connolly	Dearden	Deluhery	Dvorsky
Flynn	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Lundby	McCoy	McKean	Neuhauser
Szymoniak	Vilsack		

Nays, 30:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Fraise	Freeman	Gaskill	Hedge
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 2:

Fink	Palmer
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Amendment S-5462 lost.

Senator Connolly offered amendment S-5473, filed by Senator Fink from the floor to page 17 of the bill.

Senator McLaren raised the point of order that amendment S-5473 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5473 out of order.

Senator McCoy offered amendment S-5463, filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5463 be adopted?" (S.F. 2415), the vote was:

Ayes, 17:

Connolly	Dearden	Deluhery	Dvorsky
Flynn	Fraise	Gronstal	Halvorson
Hammond	Harper	Horn	McCoy
Neuhauser	Rife	Rittmer	Szymoniak
Vilsack			

Nays, 32:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Freeman	Gaskill	Gettings	Hansen
Hedge	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Fink

Amendment S-5463 lost.

PRESENTATION OF VISITORS

The Chair welcomed fifth grade students from South Elementary of the Independence Community Schools, Rowley, Iowa, accompanied by Richard Krone. Senator Rehberg.

ADOPTION OF RESOLUTION (Regular Calendar)

Senate Resolution 105

Senator Iverson called up for consideration Senate Resolution 105.

- 1 SENATE RESOLUTION 105
- 2 BY RIFE, HAMMOND, NEUHAUSER, and SZYMONIAK
- 3 a Senate Resolution congratulating the Drake Bulldogs,
- 4 Iowa State Cyclones, and Iowa Hawkeyes Women's
- 5 Basketball Teams.
- 6 WHEREAS, the citizens of Iowa are justly proud that
- 7 the Drake Bulldogs, Iowa State Cyclones, and Iowa
- 8 Hawkeyes Women's Basketball Teams were invited to the
- 9 1998 NCAA tournament and that each team had a
- 10 successful season; and
- 11 WHEREAS, the Drake Bulldogs Women's Basketball Team
- 12 greatly pleased all fans and Iowans by winning the
- 13 Missouri Valley Conference Championship for the second
- 14 consecutive year and by being chosen as the number
- 15 five seed in the Midwest Region for the NCAA
- 16 tournament; and
- 17 WHEREAS, the Iowa State Cyclones Women's Basketball
- 18 Team made the citizens of Iowa justly proud by
- 19 completing a successful season with a school record 25
- 20 wins, by finished second in the Big 12 Conference

21 regular season standings, and by being chosen as the
 22 number four seed in the Mideast Region for the NCAA
 23 tournament; and
 24 WHEREAS, the Iowa Hawkeyes Women's Basketball Team
 25 delighted the citizens of this state by being the
 26 regular season Big Ten Conference champs, by being
 27 chosen as the number four seed in the West Region for
 28 the NCAA tournament, and by being invited to
 29 participate in the NCAA tournament for the third
 30 consecutive year; NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate
 2 extends its congratulations to the Drake Bulldogs,
 3 Iowa State Cyclones, and Iowa Hawkeyes Women's
 4 Basketball Teams, and their coaches, Lisa Bluder, Bill
 5 Fennelly, and Angie Lee, respectively, on their
 6 successful seasons and expresses its appreciation for
 7 the pride and excitement the teams brought to the
 8 citizens of Iowa.

Senator Rife moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote and the resolution was adopted.

SPECIAL GUESTS

Senators Rife and Hammond introduced the Iowa State University Women's Basketball Team and their coach, National Coach of the Year Runner-Up, Bill Fennelly. Athletic Director Gene Smith was also present.

Senator Szymoniak introduced the Drake University Women's Basketball Team and their coach, Lisa Bluder.

MOTION TO RECONSIDER WITHDRAWN

House File 2495

Senator Gronstal withdrew the following motion to reconsider filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2495 passed the Senate on April 1, 1998.

MICHAEL E. GRONSTAL

Senator Lundby took the chair at 3:42 p.m.

President Kramer took the chair at 3:45 p.m.

BUSINESS PENDING

Senate File 2415

The Senate resumed consideration of Senate File 2415, a bill for an act relating to agricultural finance and providing an appropriation and taxation exemption, and providing an effective date, previously deferred.

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. 2415), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 2:

Dearden McCoy

Absent or not voting, 1:

Fink

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 Iverson asked and received unanimous consent that House Files 2049, 2495, and Senate File 2415 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2335

Senator King called up for consideration Senate File 2335, a bill for an act relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and providing a penalty, amended by the House, and moved that the Senate concur in House amendment S-5348 filed March 24, 1998.

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

Senator King 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. 2335), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Fink Fraise

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

UNFINISHED BUSINESS
(Deferred March 31, 1998)

House File 2487

The Senate resumed consideration of House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date, deferred on March 31, 1998.

Senator Halvorson offered amendment S-5454, filed by him on March 31, 1998, to pages 1 and 3 of the bill, and moved its adoption.

Amendment S-5454 lost by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon 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. 2487), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Fink

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 Neuhauser until she returns, on request of Senator Hansen.

HOUSE AMENDMENT CONSIDERED

Senate File 2338

Senator Schuerer called up for consideration Senate File 2338, a bill for an act relating to the entities responsible for assisting in international adoptions, amended by the House, and moved that the Senate concur in House amendment S-5347 filed March 24, 1998.

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

Senator Schuerer 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. 2338), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Fink

Neuhauser

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

UNFINISHED BUSINESS

House File 2136

On motion of Senator Gaskill, House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Iverson offered amendment S-5404, filed by him on March 30, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5404 was adopted by a voice vote.

Senator Gaskill moved that the bill be read the last time now and placed upon 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Fink Neuhauser

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2335, 2338, House Files 2487 and 2136** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 March 31, 1998, amended and passed the following bill in which the **concurrence of the Senate** is asked:

Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date (S-5468).

ALSO: That the House has on April 1, 1998, amended and passed the following bills in which the **concurrence of the Senate** is asked:

Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system (S-5479).

Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers (S-5474).

ALSO: That the House has on April 1, 1998, passed the following bills in which the **concurrence of the House** was asked:

Senate File 2294, a bill for an act relating to the payment of snowmobile and all-terrain vehicle title fees.

Senate File 2364, a bill for an act relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

Senate File 2399, a bill for an act providing for the merger of a limited partnership with other business entities.

ALSO: That the House has on April 1, 1998, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 721, a bill for an act relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 107, by committee on Rules and Administration, a senate resolution honoring Senator William D. Palmer.

Read first time and placed on calendar.

Senate Resolution 108, by committee on Rules and Administration, a senate resolution honoring Senator Mary Neuhauser.

Senate Resolution 109, by committee on Rules and Administration, a senate resolution honoring Senator Patrick J. Deluhery for his years of legislative service.

Read first time and placed on calendar.

Senate Resolution 110, by committee on Rules and Administration, a senate resolution honoring Senator Don E. Gettings.

Read first time and placed on calendar.

Senate Resolution 111, by committee on Rules and Administration, a senate resolution honoring Senator Tom Vilsack.

Read first time and placed on calendar.

Senate Resolution 112, by committee on Rules and Administration, a senate resolution honoring Senator Wilmer Rensink.

Read first time and placed on calendar.

Senate Resolution 113, by committee on Rules and Administration, a senate resolution honoring Senator Michael W. Connolly for his years of legislative service.

Read first time and placed on calendar.

Senate Resolution 114, by committee on Rules and Administration, a senate resolution honoring Senator John W. Jensen for his years of legislative service.

Read first time and placed on calendar.

Senate Resolution 115, by committee on Rules and Administration, a senate resolution honoring Senator Don E. Gettings for his years of legislative service.

Read first time and placed on calendar.

Senate Resolution 116, by committee on Rules and Administration, a senate resolution honoring Senator Rod N. Halvorson for his years of legislative service.

Read first time and placed on calendar.

Senate Resolution 117, by committee on Rules and Administration, a senate resolution honoring Senator Andy McKean for his years of legislative service.

Read first time and placed on calendar.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 1, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2119 – Relating to the corn promotion board, by increasing the ceiling on the state assessment of corn subject to a special referendum and authorizing the receipt of rents, royalties, and license fees by the board.

S.F. 2162 – Relating to the definition of the federal truth in lending act in the Iowa consumer credit code.

S.F. 2174 – Relating to agriculture by amending and eliminating provisions to reflect current practices, and transferring provisions.

S.F. 2189 – Relating to the number of bank offices which may be established by a bank within a municipal corporation or urban complex.

S.F. 2192 – Relating to motor vehicle damage disclosure statements.

S.F. 2267 – Concerning the release of information by the Department of Transportation to governmental employees.

S.F. 2301 – Relating to the operation and regulation of banks and making technical corrections.

S.F. 2319 – Revising the definition of the practice of land surveying.

S.F. 2340 – Relating to the Iowa Egg Council and to an assessment on the sale of eggs for the support of the council.

S.F. 2350 – Establishing a state employee deferred compensation trust fund.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 1, 1998, 8:06 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Bartz, Behn, Black, Fraise, Gettings, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Ziemann.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 9:04 a.m.

BUSINESS AND LABOR RELATIONS

Convened: April 1, 1998, 9:40 a.m.

Members Present: Rife, Chair; King, Vice Chair; Dearden, Ranking Member; Behn, Freeman, Gettings, Jensen, Palmer, Schuerer, and Zieman.

Members Absent: Horn (excused).

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 9:44 a.m.

EDUCATION

Convened: April 1, 1998, 9:40 a.m.

Members Present: Redfern, Chair; Rehberg, Vice Chair; Connolly, Ranking Member; Angelo, Boettger, Fink, Gaskill, Kibbie, Neuhauser, Redwine, Rensink, Szymoniak, and Tinsman.

Members Absent: Dvorsky and Kramer (both excused).

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 9:50 a.m.

JUDICIARY

Convened: April 1, 1998, 1:07 p.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Boettger, Fraise, Halvorson, Hammond, Hansen, King, McKibben, and Redfern.

Members Absent: Angelo, Drake, Harper, and Tinsman (all excused).

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 1:11 p.m.

LOCAL GOVERNMENT

Convened: April 1, 1998, 10:31 a.m.

Members Present: Behn, Chair; Boettger, Vice Chair; Fraise, Ranking Member; Angelo, Bartz, Black, Connolly, Dearden, Gaskill, Hansen, McKean, Redwine, and Zieman.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointee.

Adjourned: 10:34 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: April 1, 1998, 11:10 a.m.

Members Present: Bartz, Chair; Angelo, Vice Chair; Fink, Ranking Member; Black, Borlaug, Dearden, Deluhery, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Recommended confirmation of governor's appointees. Passed three resolutions.

Adjourned: 11:16 a.m.

STATE GOVERNMENT

Convened: April 1, 1998, 10:37 a.m.

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 11:00 a.m.

TRANSPORTATION

Convened: April 1, 1998, 10:03 a.m.

Members Present: Drake, Chair; Borlaug, Vice Chair; McCoy, Ranking Member; Connolly, Douglas, Fraise, Gettings, Halvorson, Jensen, McKean, and McKibben.

Members Absent: Freeman and Rittmer (both excused).

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 10:08 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2414

APPROPRIATIONS: Borlaug, Chair; Rittmer and Vilsack

House File 2533

APPROPRIATIONS: Rehberg, Chair; Horn and McLaren

House File 2539

APPROPRIATIONS: Maddox, Chair; Dvorsky and McLaren

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on April 1, 1998:

AGRICULTURE

Mark W. Leonard – Agricultural Development Authority
Leslie S. Miller – Agricultural Development Authority
Lois A. Schnoor – Agricultural Development Authority

Terry W. Evans – Iowa Grain Indemnity Fund Board

Roger E. Howell – State Soil Conservation Committee
Madeline J. Meyer – State Soil Conservation Committee

BUSINESS AND LABOR

Earl W. Seymour – Employment Appeal Board

Dean E. Hicks – Iowa Workforce Development Board
Pat M. Marshall – Iowa Workforce Development Board
Earnest L. Nelson – Iowa Workforce Development Board
Norma J. Schmoker – Iowa Workforce Development Board

EDUCATION

Carlton W. Callison – State Board of Education
Kay E. Wagner – State Board of Education

James E. Ehmen – Board of Educational Examiners

Kathryn A. Thieleke – Iowa Higher Education Loan Authority

Clark A. Yeager – School Budget Review Committee

JUDICIARY

Don B. Grove – Director of the Iowa State Civil Rights Commission

Haywood Belle – Board of Corrections

Lorna M. Burnside – Criminal and Juvenile Justice Planning Advisory Council
Betty Jean Clark – Criminal and Juvenile Justice Planning Advisory Council

Richard R. Phillips – Criminal and Juvenile Justice Planning Advisory Council
David M. Roederer – Criminal and Juvenile Justice Planning Advisory Council
Ronald D. Stehl – Criminal and Juvenile Justice Planning Advisory Council
Marvin L. Van Haaften – Criminal and Juvenile Justice Planning Advisory Council
Carol D. Wood – Criminal and Juvenile Justice Planning Advisory Council

Charles W. Larson – Board of Parole

LOCAL GOVERNMENT

Dennis A. Plautz – City Development Board

NATURAL RESOURCES AND ENVIRONMENT

James M. Holcomb – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Greg J. Hayes – Renewable Fuels and Coproducts Advisory Committee

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Lois H. Eichacker – Iowa Economic Development Board
Eugene L. Larson – Iowa Economic Development Board

David W. Mackaman – Small Business Advisory Council
Eugene W. Pierce, III – Small Business Advisory Council
Helen Saylor – Small Business Advisory Council

STATE GOVERNMENT

Linda Hopkins – Accountancy Examining Board
Susan J. Loy – Accountancy Examining Board
John M. Sklenar – Accountancy Examining Board

Jim C. Hester – Commission on the Status of African-Americans
Isaiah J. Johnson – Commission on the Status of African-Americans
Camille V. Scully – Commission on the Status of African-Americans

Robert L. Cramer – Alcoholic Beverages Commission

Jack N. Nystrom – Administrator of the Alcoholic Beverages Division

Carolyn E. Olsen – Architectural Examining Board
Norman H. Rudi – Architectural Examining Board

Alan L. Thompson – Board of Barber Examiners

Dr. Ronald C. Evans – Board of Chiropractic Examiners

Susanne E. Wolrab – Board of Cosmetology Arts and Sciences Examiners

Dr. Thomas L. Bjorge – Board of Dental Examiners
Dr. George F. North – Board of Dental Examiners
Dr. Fred A. Riddle, Jr. – Board of Dental Examiners

Jean A. Anderson – Board of Dietetic Examiners

Susan E. Lagneau – Iowa Emergency Response Commission

Dwayne C. Garber – Engineering and Land Surveying Examining Board
Diana E. Hoogestraat – Engineering and Land Surveying Examining Board

Geraldine M. Leinen – Iowa Ethics and Campaign Disclosure Board
Bernard L. McKinley – Iowa Ethics and Campaign Disclosure Board

Michael D. Smith – Board for the Licensing and Regulation of Hearing Aid Dealers

Michael A. Logan – Investment Board of the IPERS

Jon F. Crose – Landscape Architectural Examining Board
Grace E. Nelson – Landscape Architectural Examining Board
Linda E. Sornsen – Landscape Architectural Examining Board

Emma M. Chance – Lottery Board
Gary Hughes – Lottery Board

Dr. James M. Caterine – Board of Medical Examiners
Mary C. Hodges – Board of Medical Examiners
Dr. Dale R. Holdiman – Board of Medical Examiners
Dr. Teresa A. Mock – Board of Medical Examiners

James W. Barr – Board of Mortuary Science Examiners
Ricard R. Porter – Board of Mortuary Science Examiners

Pamela E. Bradley – Board of Nursing Examiners
Merlin D. Hulse – Board of Nursing Examiners
Richard A. Petersen – Board of Nursing Examiners

Claudia J. Boeding – State Board of Examiners for Nursing Home Administrators
Marilyn J. Finch – State Board of Examiners for Nursing Home Administrators
Terri J. Gunderson – State Board of Examiners for Nursing Home Administrators

Jane F. Ecklund – Board of Optometry Examiners
Dr. Robert H. Sharp – Board of Optometry Examiners

G. Kay Bolton – Board of Pharmacy Examiners
Michael J. Seifert – Board of Pharmacy Examiners

Diana R. Brower – Board of Physical and Occupational Therapy Examiners
Eric G. Jacobs – Board of Physical and Occupational Therapy Examiners

Dr. Gregory J. Valkosky – Board of Podiatry Examiners

Roger A. Halvorson – Administrator of Professional Licensing and Regulation

Dr. Daniel E. Courtney – Board of Psychology Examiners

Connie L. Schmett – Board of Psychology Examiners

Jack P. Ketterer – Administrator of the Racing and Gaming Division of the Department of Inspections and Appeals

Richard E. Bruce – Real Estate Appraiser Examining Board

John "Jack" W. Seuntjens – Real Estate Appraiser Examining Board

Terry W. Rogers – Real Estate Commission

William J. Motz – State Board for Respiratory Care

William P. McCarty – Board of Social Work Examiners

Janice K. McCoy – Board of Social Work Examiners

Alan K. Heidecker – Board of Speech Pathology and Audiology Examiners

Kenneth L. Lowder – Board of Speech Pathology and Audiology Examiners

Randy G. Brown – Executive Director of the Commission of Veterans Affairs

Jack J. Dack – Commandant of the Iowa Veterans Home

Muriel E. Allan – Commission of Veterans Affairs

Robert B. Leeman – Commission of Veterans Affairs

Dr. Donald R. Jacobi – Iowa Board of Veterinary Medicine

TRANSPORTATION

Thomas E. Gustafson – Iowa Law Enforcement Academy Council

Gerald R. Hinzman – Iowa Law Enforcement Academy Council

Paul H. Wieck, II – Commissioner of Public Safety

Gordon C. Kokenge – State Transportation Commission

Daniel H. Wiedemeier – State Transportation Commission

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees assigned to standing committees for investigation were placed on the Individual Confirmation Calendar with recommendations for confirmation on April 1, 1998:

AGRICULTURE

Bruce A. Yungclas – Iowa Grain Indemnity Fund Board

BUSINESS AND LABOR RELATIONS

Richard P. Moore – Public Employment Relations Board

STATE GOVERNMENT

Jacquelyne I. Allen – State Racing and Gaming Commission

COMMITTEE REPORTS**RULES AND ADMINISTRATION**

Final Bill Action: SENATE RESOLUTION 107, a resolution honoring Senator William D. Palmer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 108, a resolution honoring Senator Mary Neuhauser.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 109, a resolution honoring Senator Patrick J. Deluhery for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 110, a resolution honoring Senator Don E. Gettings.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 111, a resolution honoring Senator Tom Vilsack.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 112, a resolution honoring Senator Wilmer Rensink.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 113, a resolution honoring Senator Michael W. Connolly for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 114, a resolution honoring Senator John W. Jensen for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 115, a resolution honoring Senator Don E. Gettings for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 116, a resolution honoring Senator Rod N. Halvorson for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 117, a resolution honoring Senator Andy McKean for his years of legislative service.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5469	H.F. 2164	Patty Judge
S-5470	H.F. 2164	Patty Judge
S-5471	H.F. 2282	Derryl McLaren
S-5472	H.F. 2335	Tom Vilsack
S-5473	S.F. 2415	Bill Fink
S-5474	S.F. 2052	House
S-5475	H.F. 2533	Patricia Harper
S-5476	S.F. 2415	Derryl McLaren
		John P. Kibbie
S-5477	H.F. 2335	H. Kay Hedge

John P. Kibbie
Derryl McLaren
Eugene S. Fraise
Derryl McLaren
H. Kay Hedge
John P. Kibbie
Eugene S. Fraise

S-5478

H.F. 2335

S-5479

S.F. 530

House

S-5480

H.F. 2496

Steven D. Hansen

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:38 p.m., until 9:00 a.m., Thursday, April 2, 1998.

23 BE IT FURTHER RESOLVED, That an official copy of
24 this Resolution be prepared and presented to Sergeant-
25 at-Arms Bill Krieg and his wife Ruth.

Senator Szymoniak moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

Senator Szymoniak presented Bill Krieg, Senate Sergeant-at-Arms, who introduced his wife Ruth, son John, and daughter-in-law Patty, who were present on the Senate floor.

Mr. Krieg addressed the Senate with brief remarks and the Senate rose in honor of the Kriegs.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until his arrival, on request of Senator Horn.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2001.

Senate Joint Resolution 2001

On motion of Senator Jensen, Senate Joint Resolution 2001, a joint resolution relating to the interior renovation of the state capitol and requiring that certain portions be accessible to persons with disabilities, consistent with federal requirements by the year 2002, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jensen offered amendment S-5428, filed by the committee on Appropriations on March 30, 1998, to page 1 of the bill and moved its adoption.

Amendment S-5428 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.J.R. 2001), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dvorsky Palmer

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 Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2004.

Senate Joint Resolution 2004

On motion of Senator McKibben, Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, was taken up for consideration.

Senator Hedge took the chair at 9:41 a.m.

The Senate stood at ease at 9:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:06 a.m., President pro tempore Redfern presiding.

QUORUM CALL

Senator Iverson 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

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 April 1, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources (S-5487).

Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements (S-5485).

Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date (S-5486).

Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy (S-5484).

Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision (S-5483).

ALSO: That the House has on April 1, 1998, amended and adopted the following resolution in which the concurrence of the Senate is asked:

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors (S-5488).

ALSO: That the House has on April 1, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 2, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2329, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families (S-5489).

ALSO: That the House has on April 2, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2541, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce.

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

House File 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

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

ALSO: That the House has on April 2, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2170, a bill for an act relating to licensing sanctions against individuals who default on debt owed to or collected by the college student aid commission.

Senate File 2186, a bill for an act relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:11 a.m., until 1:00 p.m.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Leo Beauchamp, Washington – For his dedicated service as a lobbyist for the Iowa Firemen's Association. Senator Douglas (3/31/98).

Nick Collison, Iowa Falls – For being named the player of the year in Class 2A by the Iowa Basketball Coaches Association. Also, for being named as first team, all-state Class 2A basketball player. Senator Iverson (4/1/98).

Michael Linderman, Iowa Falls – For being named as second team, all-state Class 2A basketball player. Senator Iverson (4/1/98).

Prentice Lofstedt, Iowa Falls – For being named as first team, all-state Class 2A basketball player. Senator Iverson (4/1/98).

Marcy Machacek, Alburnett – For being named "Iowa Mother of the Year." Senator Rehberg (3/31/98).

John and Romona Muse, West Des Moines – For celebrating their 50th wedding anniversary. Senator Szymoniak (4/4/98).

PLACEMENTS ON
INDIVIDUAL CONFIRMATION CALENDAR

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Jack J. Dack, as the Commandant of the Iowa Veterans Home, be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

TOM FLYNN

MADAM PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Charles W. Larson, to the Board of Parole, be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar."

ROBERT E. DVORSKY

AMENDMENTS FILED

S-5481	H.F. 2530	Robert E. Dvorsky
S-5482	H.F. 2530	Robert E. Dvorsky
S-5483	S.F. 2400	House
S-5484	S.F. 2378	House

S-5485	S.F. 2066	House
S-5486	S.F. 2330	House
S-5487	S.F. 347	House
S-5488	S.J.R. 9	House
S-5489	S.F. 2329	House
S-5490	S.J.R. 2004	Tom Vilsack

AFTERNOON SESSION

The Senate reconvened at 1:54 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

President Kramer took the chair at 2:04 p.m.

The vote revealed 37 present, 13 absent, and a quorum present.

PRESENTATION OF VISITORS

Senator Iverson welcomed the Honorable Dan Petersen, former member of the House from Muscatine County, Muscatine, Iowa.

The Chair welcomed thirty-two fifth grade students from Cody Elementary School, Pleasant Valley, Iowa, accompanied by Sonia Vogel, Dave Langtimn, and Todd Hawley, who were present in the Senate gallery. Senators Rittmer and Tinsman.

The Chair welcomed fifth grade students from Jensen Elementary School, Urbandale, Iowa, accompanied by Meredith Smith, who were present in the Senate gallery. Senator Maddox.

BUSINESS PENDING

Senate Joint Resolution 2004

The Senate resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Senator Vilsack offered amendment S-5490, filed by him from the floor to pages 3 and 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5490 be adopted?" (S.J.R. 2004), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

McCoy

Amendment S-5490 lost.

PRESENTATION OF VISITORS

The Chair welcomed fifth and sixth grade students from Maquoketa Valley School, Delhi, Iowa, accompanied by Kathy Jurgens, Claudia Keith, and Marty Tumey. Senator Flynn.

BUSINESS PENDING

Senate Joint Resolution 2004

The Senate resumed consideration of Senate Joint Resolution 2004.

Senator Vilsack offered amendment S-5493, filed by him from the floor to pages 3 and 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5493 be adopted?" (S.J.R. 2004), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rife

Amendment S-5493 lost.

The Senate stood at ease at 3:02 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:27 p.m., President Kramer presiding.

Senator Flynn asked and received unanimous consent that action on **Senate Joint Resolution 2004** be deferred.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2411.

Senate File 2411

On motion of Senator Boettger, Senate File 2411, a bill for an act to legalize the transfer of certain property by the joint county system of

Black Hawk and Buchanan counties to the Independence community school district, and providing an effective date, was taken up for consideration.

Senator Boettger moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2411), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

MOTION TO RECONSIDER WITHDRAWN

Senate File 2410

Senator McLaren withdrew the motion to reconsider Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision, filed by him on March 30, 1998, and found on page 960 of the Senate Journal.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings until he arrives, on request of Senator Horn.

HOUSE AMENDMENT CONSIDERED

Senate File 2085

Senator Douglas called up for consideration Senate File 2085, a bill for an act relating to the responsibilities of the department of transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction, amended by the House, and moved that Senate concur in House amendment S-5444 filed March 31, 1998.

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

Senator Douglas 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. 2085), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

HOUSE AMENDMENT CONSIDERED

Senate File 2023

Senator Jensen called up for consideration Senate File 2023, a bill for an act relating to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses, amended by the House, and moved that the Senate concur in House amendment S-5303 filed March 23, 1998.

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. 2023), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

UNFINISHED BUSINESS

House File 2175

On motion of Senator Behn, House File 2175, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Behn offered amendment S-5465, filed by Senators Behn and Bartz on April 1, 1998, to pages 2-3 of the bill, and moved its adoption.

Amendment S-5465 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he returns, on request of Senator Kibbie.

BUSINESS PENDING

House File 2175

The Senate resumed consideration of House File 2175.

Senator Behn moved that the bill be read the last time now and placed upon 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. 2175), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 1:

Lundby

Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2410, 2085, 2411, Senate Joint Resolution 2001, and House File 2175** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2168

On motion of Senator Rensink, House File 2168, a bill for an act relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

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. 2168), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Gettings Vilsack

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

UNFINISHED BUSINESS

House File 2281

On motion of Senator Angelo, House File 2281, a bill for an act providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Angelo moved that the bill be read the last time now and placed upon 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. 2281), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden

Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Gettings Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2168 and 2281 be immediately messaged to the House.

BUSINESS PENDING

Senate Joint Resolution 2004

The Senate resumed consideration of Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, previously deferred.

Senator Flynn offered amendment S-5495, filed by him from the floor to pages 1-4 and to the title page of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5495 be adopted?" (S.J.R. 2004), the vote was:

Ayes, 17:

Black	Connolly	Dearden	Deluhery
Dvorsky	Flynn	Fraise	Gronstal
Hammond	Hansen	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Fink
Freeman	Gaskill	Halvorson	Harper
Hedge	Iverson	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 4:

Gettings	Jensen	Rife	Vilsack
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Amendment S-5495 lost.

Senator McKibben 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 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

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 section to new Article XIII:

ARTICLE XIII.

EXPENDITURE LIMITATION.

GENERAL FUND EXPENDITURE LIMITATION. Section 1.

1. For the purposes of this section:

a. "Adjusted revenue estimate" means the most recent revenue estimate determined before January 1, or a later and lesser revenue estimate determined before adjournment of the regular session of the General Assembly, for the general fund for the following fiscal year as determined by a revenue estimating conference which shall be

established by the General Assembly by law, adjusted by subtracting estimated refunds payable from that estimated revenue and adding any available surplus in accordance with subsection 5.

b. "General fund" means the principal operating fund of the state which shall be established by the General Assembly by law.

c. "New revenues" means moneys which are received by the state due to increased tax rates or fees or newly created taxes or fees over and above those moneys which are received due to state taxes or fees which are in effect as of January 1 following the most recent state revenue estimating conference. "New revenues" also includes moneys received by the general fund due to new transfers over and above those moneys received by the general fund due to transfers which are in effect as of January 1 following the most recent state revenue estimating conference. The state revenue estimating conference shall determine the eligibility of transfers to the general fund which are to be considered as new revenue in determining the state general fund expenditure limitation.

2. A state general fund expenditure limitation is created and calculated in subsection 3, for each fiscal year beginning on or after July 1 following the effective date of this section.

3. Except as otherwise provided in this section, the state general fund expenditure limitation for a fiscal year shall be ninety-nine percent of the adjusted revenue estimate.

4. The state general fund expenditure limitation shall be used by the Governor in the preparation of the budget and by the General Assembly in the budget process. If a new revenue source is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the adjusted revenue estimate shall be ninety-five percent of the amount remaining after subtracting estimated refunds payable from the projected revenue from that source. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from that source.

5. Any surplus existing at the end of a fiscal year which exceeds ten percent of the adjusted revenue estimate of that fiscal year shall be included in the adjusted revenue estimate for the following fiscal year. Any surplus equal to ten percent or less of the adjusted revenue estimate of the fiscal year may be included in the adjusted revenue

estimate for the following fiscal year if approved in a bill receiving the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly. For purposes of this section, "surplus" means the cumulative excess of revenues and other financing sources over expenditures and other financing uses for the general fund at the end of a fiscal year.

6. The scope of the expenditure limitation under subsection 3 shall not include federal funds, donations, constitutionally dedicated moneys, and moneys in expenditures from a state retirement system.

7. The Governor shall submit and the General Assembly shall pass a budget which does not exceed the state general fund expenditure limitation.

8. The Governor shall not submit and the General Assembly shall not pass a budget which in order to balance assumes reversion of any part of the total of the appropriations included in the budget.

9. The state shall use consistent standards, in accordance with generally accepted accounting principles, for all state budgeting and accounting purposes.

10. The General Assembly shall enact laws to implement this section.

Sec. 2. 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 sections to new Article XIII:

ARTICLE XIII.

THREE-FIFTHS MAJORITY FOR TAX LAW CHANGES.

THREE-FIFTHS MAJORITY TO INCREASE TAXES. Section 1. A bill containing provisions enacting, amending, or repealing the state income tax or enacting, amending, or repealing the state sales and use taxes, in which the aggregate fiscal impact of those provisions relating to those taxes results in a net increase in state tax revenues, as determined by the General Assembly, shall require the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly for passage. This section does not apply to income tax or sales and use taxes imposed at the option of a local government.

THREE-FIFTHS MAJORITY TO ENACT NEW STATE TAX. Sec. 2. A bill that establishes a new state tax to be imposed by the state shall require the affirmative votes of at least three-fifths of the whole membership of each house of the General Assembly for passage.

ENFORCEMENT OF THREE-FIFTHS MAJORITY REQUIREMENT.

Sec. 3. A lawsuit challenging the proper enactment of a bill pursuant to section 1 or 2 shall be filed no later than one year following the enactment. Failure to file such a lawsuit within the one-year time limit shall negate the three-fifths majority requirement as it applies to the bill.

Each bill to which section 1 or 2 applies shall include a separate provision describing the requirements for enactment prescribed by section 1 or 2.

IMPLEMENTATION. Sec. 4. The General Assembly shall enact laws to implement sections 1 through 3.

Sec. 3. The foregoing proposed amendments to the Constitution of the State of Iowa are 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 them 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. 2004), the vote was:

Yeas, 32:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Freeman	Gaskill	Gronstal	Halvorson
Hansen	Hedge	Horn	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Nays, 16:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Flynn	Fraise	Hammond
Harper	Judge	Kibbie	McCoy
Neuhauser	Palmer	Rife	Szymoniak

Absent or not voting, 2:

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

HOUSE AMENDMENT CONSIDERED

Senate File 2391

Senator McKean called up for consideration Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, amended by the House in House amendment S-5468 filed April 1, 1998.

Senator McKean offered amendment S-5494, filed by him from the floor to pages 1, 13, and 14 of amendment S-5468, and moved its adoption.

Amendment S-5494 was adopted by a voice vote.

Senator McKean offered amendment S-5492, filed by him from the floor to pages 3 and 4 of amendment S-5468, and moved its adoption.

Amendment S-5492 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on amendment S-5468 and **Senate File 2391** be **deferred**.

MOTIONS TO RECONSIDER WITHDRAWN

Senate File 2023

The following motions to reconsider filed from the floor were withdrawn:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2023 passed the Senate on April 2, 1998.

ROD N. HALVORSON

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2023 passed the Senate on April 2, 1998.

JOHN W. JENSEN

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2023** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 April 2, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2353, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs (S-5491).

ALSO: That the House has on April 2, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2201, a bill for an act relating to security for damages arising from the abandonment of natural gas pipelines.

APPENDIX**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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 2nd day of April, 1998:

Senate Files 2112, 2153, 2269, 2310, 2356, 2371, and 2397.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2324 – Relating to the allocation of cost-share moneys as financial incentives to encourage summer construction of permanent soil and water conservation practices.

S.F. 2341 – Relating to Hepatitis Type B immunizations of children and providing an applicability provision and an effective date.

H.F. 530 – Concerning assistive devices by requiring a warranty, and providing for replacement of assistive devices and consumer remedies.

H.F. 2292 – Relating to permits for aquifer storage and recovery and making penalties applicable.

H.F. 2429 – Relating to the regulation of physical exercise clubs.

H.F. 2435 – Relating to the entrepreneurs with disabilities program.

H.F. 2438 – Relating to the regulation of commercial feed.

H.F. 2456 – Changing the designation of the judiciary in the code from the judicial department to the judicial branch.

H.F. 2492 – Relating to drainage districts, by extending the period for financing repairs and improvements.

H.F. 2502 – Relating to the statewide notification center and providing for alternative staff and the information requirements associated with the notice of an excavation.

H.F. 2516 – Providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 2, 1998, when the vote was taken on amendment S-5490 to Senate Joint Resolution 2004. Had I been present, I would have voted "aye."

MATT McCOY

CERTIFICATE OF RECOGNITION

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

Ruth and Bill Krieg, Des Moines – For celebrating their 50th wedding anniversary. Senator Borlaug (4/4/98).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 2, 1998, 11:30 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: Black (excused).

Committee Business: Amended and passed SF 2111. Amended and passed HF 2539.

Adjourned: 1:30 p.m.

COMMERCE

Convened: April 2, 1998, 11:15 a.m.

Members Present: Jensen, Chair; Schuerer, Vice Chair; Deluhery, Ranking Member; Bartz, Douglas, Flynn, Gronstal, Hansen, King, Lundby, Maddox, McCoy, Palmer, Redfern, and Rife.

Members Absent: None.

Committee Business: Recommended confirmation of governor's appointees.

Adjourned: 11:20 a.m.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees assigned to standing committees for investigation were placed on the En Bloc Calendar with recommendations for confirmation on April 2, 1998:

COMMERCE

Patricia A. Berding – Credit Union Review Board
Diane L. Kollasch – Credit Union Review Board

GOVERNOR'S APPOINTEES PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees assigned to standing committees for investigation were placed on the Individual Confirmation Calendar with recommendations for confirmation on April 2, 1998:

COMMERCE

Richard H. Opie – Chairperson of the Iowa Telecommunications and Technology Commission
Mary A. Nelson – Iowa Telecommunications and Technology Commission

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate Joint Resolution 2004 passed the Senate on April 2, 1998.

MICHAEL E. GRONSTAL

MADAM PRESIDENT: I move to reconsider the vote by which Senate Joint Resolution 2004 passed the Senate on April 2, 1998.

LARRY McKIBBEN

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5497.

Final Vote: Ayes, 23: McLaren, Kramer, Flynn, Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy,

Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, 1:
Hammond. Absent or not voting, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5491	S.F. 2353	House
S-5492	S.F. 2391	Andy McKean
S-5493	S.J.R. 2004	Tom Vilsack
S-5494	S.F. 2391	Andy McKean
S-5495	S.J.R. 2004	Tom Flynn
S-5496	H.F. 2335	Tom Vilsack
S-5497	H.F. 2539	Appropriations
S-5498	S.F. 540	Jack Rife Dick L. Dearden
S-5499	S.F. 2284	Michael E. Gronstal

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:56 p.m.,
until 10:00 a.m., Monday, April 6, 1998.

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 6, 1998

The Senate met in regular session at 10:08 a.m., President Kramer presiding.

Prayer was offered by Reverend Linda Hansen Bibb and Reverend Stephen Bibb, pastors of the United Methodist Church, Corwith, Iowa.

The Journal of Thursday, April 2, 1998, was approved.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2496** be referred from the Unfinished Business Calendar to the committee on **Appropriations**.

QUORUM CALL

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

Senator Hedge took the chair at 10:18 a.m.

The vote revealed 32 present, 18 absent, and a quorum present.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **House File 2539**.

House File 2539

On motion of Senator Maddox, House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 10:31 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:46 a.m., President Kramer presiding.

Senator Iverson asked and received unanimous consent that action on **House File 2539** be deferred.

HOUSE AMENDMENT CONSIDERED**Senate File 2391**

Senator McKean called up for consideration Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, amended by the House in House amendment S-5468 filed April 1, 1998.

Senator Gronstal offered amendment S-5500, filed by him from the floor to pages 11 and 12 of amendment S-5468, and moved its adoption.

Amendment S-5500 was adopted by a voice vote.

Senator Rife asked and received unanimous consent that action on amendment S-5468 and **Senate File 2391** be deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Vilsack and Palmer until they return, on request of Senator Gronstal.

UNFINISHED BUSINESS

Senate File 540

On motion of Senator Iverson, Senate File 540, a bill for an act relating to workers' compensation by repealing the second injury compensation Act, eliminating the second injury fund, providing for the resolution of claims against the fund, including the imposition of an employer surcharge, providing for employee compensation for certain subsequent injuries, and providing an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Dearden called up the motion to reconsider amendment S-3651, filed by Senator Palmer from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3651 to Senate File 540 was adopted by the Senate on April 21, 1997.

WILLIAM D. PALMER

The motion prevailed by a voice vote and amendment S-3651 by Senator Palmer to page 2 of the bill was taken up for reconsideration.

Senator Dearden asked and received unanimous consent that action on amendment S-3651 be deferred.

Senator Dearden called up the following motion to reconsider amendment S-3648, filed by him from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-3648 to Senate File 540 was adopted by the Senate on April 21, 1997.

DICK L. DEARDEN

The motion prevailed by a voice vote and amendment S-3648 by Senators Dearden and Kibbie to page 2 of the bill was taken up for reconsideration.

Senator Dearden asked and received unanimous consent that action on amendment S-3648 be deferred.

Senator Rife offered amendment S-5498 filed by Senators Rife and Dearden on April 2, 1998, striking everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S-5498 was adopted by a voice vote.

With the adoption of amendment S-5498, the Chair ruled the following amendments out of order:

Amendment S-3651 filed by Senator Palmer on April 21, 1997, to page 2 of the bill, previously deferred;

Amendment S-3648 filed by Senators Dearden and Kibbie on April 21, 1997, to page 2 of the bill, previously deferred; and

Amendment S-5014 filed by the committee on Business and Labor Relations on February 3, 1998, to page 1 of the bill.

Senator Rife moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 540), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg

Rensink
Szymoniak

Rife
Tinsman

Rittmer
Zieman

Schuerer

Nays, none.

Absent or not voting, 3:

Lundby

Palmer

Vilsack

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

PRESENTATION OF VISITORS

The Chair welcomed sixty fifth grade students from Audubon Middle School, Audubon, Iowa, who were present in the gallery. Senator Boettger.

HOUSE AMENDMENT CONSIDERED

Senate File 2400

Senator Bartz called up for consideration Senate File 2400, a bill for an act relating to the powers and duties of county treasurers and including an applicability date provision, amended by the House, and moved that the Senate concur in House amendment S-5483 filed April 2, 1998.

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

Senator Bartz 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. 2400), the vote was:

Ayes, 47:

Angelo
Boettger
Deluhery
Fink
Gaskill

Bartz
Borlaug
Douglas
Flynn
Gettings

Behn
Connolly
Drake
Fraise
Gronstal

Black
Dearden
Dvorsky
Freeman
Halvorson

Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

Lundby	Palmer	Vilsack
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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 2235

Senator McKibben called up for consideration Senate File 2235, a bill for an act concerning judicial administration, amended by the House, and moved that the Senate concur in House amendment S-5346 filed March 24, 1998.

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

Senator McKibben 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. 2235), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren

Neuhauser
Rensink
Szymoniak

Redfern
Rife
Tinsman

Redwine
Rittmer
Zieman

Rehberg
Schuerer

Nays, none.

Absent or not voting, 3:

Lundby

Palmer

Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 540, 2400, and 2235 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby until her arrival, on request of Senator Freeman.

UNFINISHED BUSINESS

House File 2120

On motion of Senator Boettger, House File 2120, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Boettger offered amendment S-5278, filed by the committee on Human Resources on March 18, 1998, to page 2 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5278 be adopted?" (H.F. 2120), the vote was:

Ayes, 32:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Fink	Fraise	Freeman	Gaskill
Gettings	Hansen	Hedge	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKibben
McLaren	Redfern	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Nays, 14:

Connolly	Dearden	Deluhery	Dvorsky
Flynn	Gronstal	Halvorson	Hammond
Harper	Horn	McKean	Neuhauser
Redwine	Szymoniak		

Absent or not voting, 4:

Lundby	Palmer	Rife	Vilsack
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Amendment S-5278 was adopted.

Senator Schuerer offered amendment S-5450, filed by Senators Schuerer, et al., on March 31, 1998, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5450 lost by a voice vote.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5449, filed by him on March 31, 1998, to page 2 of the bill.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2120), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge

Horn	Iverson	Judge	Kibbie
King	Kramer	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 4:

Jensen	Maddox	Rife	Schuerer
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Absent or not voting, 3:

Lundby	Palmer	Rittmer
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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 2325

Senator Deluhery called up for consideration Senate File 2325, a bill for an act amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties, amended by the House, and moved that the Senate concur in House amendment S-5437 filed March 31, 1998.

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. 2325), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge

Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Lundby Palmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2120** and **Senate File 2325** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2416.

Senate File 2416

On motion of Senator Maddox, Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties, was taken up for consideration.

The Senate stood at ease at 1:19 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:32 p.m., President Kramer presiding.

(Senate File 2416 was deferred.)

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bartz until he returns, on request of Senator Boettger; Senator Gettings until he returns, on request of Senator Fraise.

BUSINESS PENDING

House File 2539

The Senate resumed consideration of House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates, previously deferred.

Senator Maddox offered amendment S-5497, filed by the committee on Appropriations on April 2, 1998, to pages 10-12, 29, and 31 of the bill.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5507, filed by him from the floor to amendment S-5497.

Senator Maddox called for a division of amendment S-5497: lines 1-6 as division S-5497A; lines 7-18 as division S-5497B; and lines 19-24 as division S-5497C.

Senator Maddox moved the adoption of division S-5497A.

A record roll call was requested.

On the question "Shall amendment S-5497 division A be adopted?" (H.F. 2539), the vote was:

Ayes, 24:

Angelo
Douglas
Hedge

Behn
Drake
Iverson

Boettger
Freeman
Jensen

Borlaug
Gaskill
King

Kramer	Lundby	Maddox	McKibben
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Zieman

Nays, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Absent or not voting, 4:

Bartz	Gettings	McLaren	Rife
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Amendment S-5497 division A was adopted.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5497 division B.

Senator Maddox moved the adoption of amendment S-5497 division C, which motion prevailed by a voice vote and amendment S-5497 division C was adopted.

Senator Dvorsky offered amendment S-5514, filed by him from the floor to pages 1 and 24 of the bill and moved its adoption.

Amendment S-5514 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5513, filed by Senators Dvorsky, et al., from the floor to page 4 of the bill and moved its adoption.

A non-record roll call was requested.

The ayes were 22, nays 26.

Amendment S-5513 lost.

PRESENTATION OF VISITORS

The Chair welcomed twenty-five twelfth grade students from Ruthven-Ayrshire High School, Ruthven, Iowa, accompanied by Jon Josephson. Senator Kibbie.

BUSINESS PENDING

House File 2539

The Senate resumed consideration of House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Senator Harper offered amendment S-5520, filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5520 lost by a voice vote.

Senator Dvorsky offered amendment S-5515, filed by Senators Dvorsky and Hammond from the floor to pages 13 and 35 of the bill.

Senator Maddox raised the point of order that amendment S-5515 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5515 out of order.

Senator Dvorsky offered amendment S-5521, filed by him from the floor to page 20 of the bill, and moved its adoption.

Amendment S-5521 lost.

Senator Halvorson offered amendment S-5522, filed by him from the floor to page 26 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5522 be adopted?" (H.F. 2539), the vote was:

Ayes, 18:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Harper
Horn	Judge	Kibbie	Neuhauser
Palmer	Szymoniak		

Nays, 30:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Vilsack	Zieman		

Absent or not voting, 2:

Bartz Gettings

Amendment S-5522 lost.

Senator Black offered amendment S-5516, filed by him from the floor to page 28 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5516 be adopted?" (H.F. 2539), the vote was:

Ayes, 19:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Palmer	Vilsack	

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Zieman

Absent or not voting, 3:

Bartz

Gettings

Rittmer

Amendment S-5516 lost.

Senator Dvorsky offered amendment S-5517, filed by him from the floor to page 33 of the bill, and moved its adoption.

Amendment S-5517 lost by a voice vote.

Senator Vilsack offered amendment S-5523, filed by him from the floor to pages 33-35 of the bill.

Senator Maddox raised the point of order that amendment S-5523 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5523 out of order.

Senator Vilsack asked and received unanimous consent that action on **House File 2539** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 2066

Senator Behn called up for consideration Senate File 2066, a bill for an act relating to child support for a child completing high school graduation or equivalency requirements, amended by the House, and moved that the Senate concur in House amendment S-5485 filed by April 2, 1998.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment.

BUSINESS PENDING

House File 2539

The Senate resumed consideration of House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates, previously deferred.

Senator Hammond offered amendment S-5518, filed by her from the floor to page 34 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5518 be adopted?" (H.F. 2539), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Bartz

Amendment S-5518 lost.

Senator Vilsack offered amendment S-5525, filed by Senators Vilsack, et al., from the floor to page 34 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5525 be adopted?" (H.F. 2539), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Bartz	McKibben	Rittmer
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Amendment S-5525 lost.

Senator Hammond offered amendment S-5529, filed by Senators Hammond, et al., from the floor to page 35 of the bill.

Senator Maddox raised the point of order that amendment S-5529 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5529 out of order.

Senator Dvorsky offered amendment S-5512, filed by Senators Dvorsky and Vilsack from the floor to page 37 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5512 be adopted?" (H.F. 2539), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Bartz

Amendment S-5512 lost.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5505, filed by him from the floor to page 38 of the bill.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5506, filed by him from the floor to page 32 of the bill.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Judge for the remainder of the day, on request of Senator Gronstal; Senator Gettings until he returns, on request of Senator Fraise.

BUSINESS PENDING

House File 2539

The Senate resumed consideration of House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

Senator Maddox offered amendment S-5511, filed by him from the floor to page 34 of the bill.

Senator Connolly raised the point of order that amendment S-5511 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5511 in order.

Senator Maddox moved the adoption of amendment S-5511, which motion prevailed by a voice vote, and amendment S-5511 was adopted.

Senator Vilsack offered amendment S-5532, filed by him from the floor to page 34 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5532 be adopted?" (H.F. 2539), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Bartz	Gettings	Judge
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Amendment S-5532 lost.

Senator Hammond offered amendment S-5534, filed by Senators Hammond, Connolly, and Fink from the floor to page 35 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5534 be adopted?" (H.F. 2539), the vote was:

Ayes, 19:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Harper
Horn	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 28:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hansen	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 3:

Bartz	Gettings	Judge
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Amendment S-5534 lost.

Senator Maddox moved that the bill be read the last time now and placed upon 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. 2539), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Borlaug	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Halvorson	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg

Rensink
Szymoniak

Rife
Tinsman

Rittmer
Vilsack

Schuerer
Zieman

Nays, 3:

Connolly

Hammond

McCoy

Absent or not voting, 3:

Bartz

Gettings

Judge

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 Joint Resolution 2004

Senator Gronstal withdrew the motion to reconsider Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes, filed by him on April 2, 1998, and found on page 1050 of the Senate Journal.

Senator McKibben withdrew the motion to reconsider Senate Joint Resolution 2004, filed by him on April 2, 1998, and found on page 1050 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2539** and **Senate Joint Resolution 2004** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Linda Hopkins, Accountancy Examining Board

Susan J. Loy, Accountancy Examining Board

John M. Sklenar, Accountancy Examining Board

Jim C. Hester, Commission on the Status of African-Americans

Isaiah J. Johnson, Commission on the Status of African-Americans

Leslie S. Miller, Agricultural Development Authority

Lois A. Schnoor, Agricultural Development Authority

Jack N. Nystrom, Administrator of the Alcoholic Beverages Division

Carolyn E. Olsen, Architectural Examining Board

Norman H. Rudi, Architectural Examining Board

Dr. Ronald C. Evans, Board of Chiropractic Examiners

Dennis A. Plautz, City Development Board

Don B. Grove, Director of the Iowa State Civil Rights Commission

Lois H. Eichacker, Commission on Community Action Agencies

Susanne E. Wolrab, Board of Cosmetology Arts and Sciences Examiners

Lorna M. Burnside, Criminal and Juvenile Justice Planning Advisory Council

Betty Jean Clark, Criminal and Juvenile Justice Planning Advisory Council

Richard R. Phillips, Criminal and Juvenile Justice Planning Advisory Council

Ronald D. Stehl, Criminal and Juvenile Justice Planning Advisory Council

Marvin L. Van Haften, Criminal and Juvenile Justice Planning Advisory Council

Carol D. Wood, Criminal and Juvenile Justice Planning Advisory Council

Mary L. Negaard, Commission on the Deaf

Dr. Thomas L. Bjorge, Board of Dental Examiners

Dr. George F. North, Board of Dental Examiners

Dr. Fred A. Riddle, Jr., Board of Dental Examiners

Jean A. Anderson, Board of Dietetic Examiners

Lois H. Eichacker, Iowa Economic Development Board

Eugene L. Larson, Iowa Economic Development Board

Carlton W. Callison, State Board of Education

Kay E. Wagner, State Board of Education

James E. Ehmen, Board of Educational Examiners

Susan E. Lagneaux, Iowa Emergency Response Commission

Earl W. Seymour, Employment Appeal Board

Dwayne C. Garber, Engineering and Land Surveying Examining Board

Diana E. Hoogestraat, Engineering and Land Surveying Examining Board

Geraldine M. Leinen, Iowa Ethics and Campaign Disclosure Board

Bernard L. McKinley, Iowa Ethics and Campaign Disclosure Board

Michael D. Smith, Board for the Licensing and Regulation of Hearing Aid Dealers

Kathryn A. Thieleke, Iowa Higher Education Loan Authority

Michael A. Logan, Investment Board of the IPERS

Jon F. Crose, Landscape Architectural Examining Board

Grace E. Nelson, Landscape Architectural Examining Board

Linda E. Sornsen, Landscape Architectural Examining Board

Thomas E. Gustafson, Iowa Law Enforcement Academy Council

Emma M. Chance, Lottery Board

Gary Hughes, Lottery Board

Dr. James M. Caterine, Board of Medical Examiners

Dr. Dale R. Holdiman, Board of Medical Examiners

Dr. Teresa A. Mock, Board of Medical Examiners

James W. Barr, Board of Mortuary Science Examiners

Ricard R. Porter, Board of Mortuary Science Examiners

Pamela E. Bradley, Board of Nursing Examiners

Merlin D. Hulse, Board of Nursing Examiners

Richard A. Petersen, Board of Nursing Examiners

Claudia J. Boeding, State Board of Examiners for Nursing Home Administrators

Marilyn J. Finch, State Board of Examiners for Nursing Home Administrators

Jane F. Ecklund, Board of Optometry Examiners

Dr. Robert H. Sharp, Board of Optometry Examiners

G. Kay Bolton, Board of Pharmacy Examiners

Michael J. Seifert, Board of Pharmacy Examiners

Diana R. Brower, Board of Physical and Occupational Therapy Examiners

Dr. Gregory J. Valkosky, Board of Podiatry Examiners

Roger A. Halvorson, Administrator of Professional Licensing and Regulation

Dr. Daniel E. Courtney, Board of Psychology Examiners

Connie L. Schmett, Board of Psychology Examiners

Paul H. Wieck, II, Commissioner of Public Safety

Jack P. Ketterer, Administrator of the Racing and Gaming Division of the Department of Inspections and Appeals

Richard E. Bruce, Real Estate Appraiser Examining Board

John W. "Jack" Seuntjens, Real Estate Appraiser Examining Board

Terry W. Rogers, Real Estate Commission

Greg J. Hayes, Renewable Fuels and Coproducts Advisory Committee

William J. Motz, State Board for Respiratory Care

Clark A. Yeager, School Budget Review Committee

David W. Mackaman, Small Business Advisory Council

Helen Saylor, Small Business Advisory Council

William P. McCarty, Board of Social Work Examiners

Janice K. McCoy, Board of Social Work Examiners

Roger E. Howell, State Soil Conservation Committee

Madeline J. Meyer, State Soil Conservation Committee

Alan K. Heidecker, Board of Speech Pathology and Audiology
Examiners

Kenneth L. Lowder, Board of Speech Pathology and Audiology
Examiners

Gordon C. Kokenge, State Transportation Commission

Daniel H. Wiedemeier, State Transportation Commission

Muriel E. Allan, Commission of Veterans Affairs

Robert B. Leeman, Commission of Veterans Affairs

Dr. Donald R. Jacobi, Iowa Board of Veterinary Medicine

Kathryn M. Burt, Commission on the Status of Women

Lisa L. Green, Commission on the Status of Women

Matthew R. Wissing, Commission on the Status of Women

Dean E. Hicks, Iowa Workforce Development Board

Earnest L. Nelson, Iowa Workforce Development Board

Norma J. Schmoker, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed
by the Senate.

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

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluher
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson

Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz	Gettings	Judge
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

MOTION TO RECONSIDER WITHDRAWN

House File 2336

Senator Vilsack withdrew the motion to reconsider House File 2336, a bill for an act relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct, filed by him on March 23, 1998, found on page 848 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2336** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy until he returns, on request of Senator Kramer; Senator Palmer until he returns, on request of Senator Horn.

BUSINESS PENDING

Senate File 2391

The Senate resumed consideration of Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders.

after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date, and House amendment S-5468, previously deferred.

Senator Rife offered amendment S-5528, filed by him from the floor to pages 1 and 14 of amendment S-5468, and moved its adoption.

A non-record roll call was requested.

The ayes were 20, nays 23.

Amendment S-5528 lost.

President pro tempore Redfern took the chair at 6:13 p.m.

Senator Rife offered amendment S-5531, filed by him from the floor to pages 1 and 13 of amendment S-5468, and moved its adoption.

Amendment S-5531 lost by a voice vote.

Senator Rife offered amendment S-5535, filed by him from the floor to page 1 of amendment S-5468, and moved its adoption.

A non-record roll call was requested.

The ayes were 8, nays 33.

Amendment S-5535 lost.

Senator Rehberg offered amendment S-5527, filed by Senators Rehberg, Schuerer, and Rife from the floor to pages 1, 13, and 14 of amendment S-5468, and moved its adoption.

A non-record roll call was requested.

The ayes were 18, nays 28.

Amendment S-5527 lost.

Senator McKean 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 McKean 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. 2391), the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Gaskill	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 2:

Freeman	Rife
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Absent or not voting, 4:

Bartz	Gettings	Judge	Palmer
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2066 and 2391 be immediately messaged to the House.

BUSINESS PENDING

Senate File 2416

The Senate resumed consideration of Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties, previously deferred.

President Kramer took the chair at 6:58 p.m.

Senator Maddox offered amendment S-5508, filed by Senators Maddox and Deluhery from the floor to pages 4, 15, 16, 44-46, and 59 of the bill, and moved its adoption.

Amendment S-5508 was adopted by a voice vote.

Senator Lundby offered amendment S-5536, filed by Senators Lundby, et al., from the floor to pages 46 and 62 of the bill and moved its adoption.

Senator Maddox asked and received unanimous consent that action on amendment S-5536 be deferred.

Senator Maddox withdrew his request.

Senator Maddox called for a division of amendment S-5536: lines 1-6 as division S-5536A; and lines 7-24 as division S-5536B.

Senator Maddox moved the adoption of amendment S-5536 division A, which motion prevailed by a voice vote and S-5536 division A was adopted.

Senator Lundby moved the adoption of amendment S-5536 division B.

A non-record roll call was requested.

The ayes were 17, nays 29.

Amendment S-5536 division B lost.

Senator Lundby offered amendment S-5539, filed by her from the floor to pages 15 and 16 of the bill, and moved its adoption.

Amendment S-5539 lost by a voice vote.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2416), the vote was:

Ayes, 39:

Angelo	Behn	Black	Boettger
Borlaug	Dearden	Deluhery	Douglas
Drake	Dvorsky	Flynn	Freeman
Gaskill	Gettings	Gronstal	Hansen
Harper	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 7:

Connolly	Fink	Fraise	Halvorson
Horn	Kibbie	Rittmer	

Present, 1:

Hammond

Absent or not voting, 3:

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

Senator Iverson asked and received unanimous consent that Senate File 2416 be immediately messaged to the House.

INTRODUCTION OF BILL

Senate File 2417, by committee on Appropriations, a bill for an act establishing a railroad revolving loan fund and making an appropriation.

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

INTRODUCTION OF RESOLUTIONS

Senate Resolution 118, by Szymoniak, a resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

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

Senate Resolution 119, by Szymoniak, a resolution congratulating Ms. Ruth Ann Gaines for being named the Iowa Teacher of the Year for 1998.

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

Senate Concurrent Resolution 112, by committee on Natural Resources and Environment, a concurrent resolution expressing support of conservation efforts in the Mississippi Blufflands.

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

Senate Concurrent Resolution 113, by committee on Natural Resources and Environment, a concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state.

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

Senate Concurrent Resolution 114, by committee on Natural Resources and Environment, a concurrent resolution requesting that the legislative council establish an interim study committee to

consider increasing the percent of oxygen by weight in motor vehicle fuel.

Read first time and placed on calendar.

HOUSE MESSAGES RECEIVED

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 April 2, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

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

ALSO: That the House has on April 3, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2185, a bill for an act providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

Senate File 2254, a bill for an act relating to charges for room and board by certain prisoners.

Senate File 2261, a bill for an act relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

Senate File 2372, a bill for an act relating to the standard uniforms of sheriffs and deputy sheriffs.

Senate File 2407, a bill for an act relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

ALSO: That the House has on April 3, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2188, a bill for an act relating to debt collection (S-5504).

Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date (S-5503).

Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date (S-5502).

ALSO: That the House has on April 3, 1998, 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 creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

House File 2169, a bill for an act raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator and providing for an increase in the amount of assets in a minor ward's conservatorship eligible for an order for termination of the conservatorship and for delivery of the conservatorship assets to certain custodians.

House File 2211, a bill for an act relating to the liability for and payment of certain costs and other expenses relating to certain inmates, prisoners, and escapees.

House File 2262, a bill for an act to permit out-of-state peace officers to act within this state pursuant to agreements with state or local authorities.

House File 2394, a bill for an act providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle.

ALSO: That the House has on April 6, 1998, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements.

ALSO: That the House has on April 6, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus (S-5533).

Senate File 2376, a bill for an act relating to the operation of the lottery (S-5524).

Senate File 2404, a bill for an act relating to cooperatives organized under Code chapter 501 (S-5537).

Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district (S-5530).

ALSO: That the House has on April 6, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 2072, a bill for an act providing for the appointment of an additional member to the family development and self-sufficiency council.

Senate File 2218, a bill for an act relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

Senate File 2337, a bill for an act to allow distribution of the presentence investigation report under certain circumstances.

Senate File 2351, a bill for an act relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

Senate File 2383, a bill for an act relating to amusement ride rider safety, providing a penalty, and providing an effective date.

ALSO: That the House has on April 6, 1998, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 382, a bill for an act relating to the validity of certain marriages.

House File 2162, a bill for an act relating to nonsubstantive Code corrections and including a retroactive applicability provision.

House File 2271, a bill for an act relating to obsolete and unnecessary provisions of the Code.

House File 2424, a bill for an act providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

House File 2454, a bill for an act relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

House File 2473, a bill for an act providing for mediation in disputes involving agricultural producers.

House File 2528, a bill for an act establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 6th day of April, 1998:

Senate Files 2288 and 2338.

MARY PAT GUNDERSON
Secretary of the Senate

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 6th day of April, 1998:

House Files 2339, 2468, 2482, 2490, and 2523.

ELIZABETH ISAACSON
Chief Clerk of the House

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 6, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2112 – Concerning the sunset provision relating to the employment security administrative contribution surcharge and providing an effective date.

S.F. 2153 – Relating to affidavits of candidacy filed by candidates for public office.

S.F. 2269 – Providing for the conversion of the existing advisory boards for athletic training and massage therapy into full regulatory examining boards.

S.F. 2310 – Relating to engineering licensure requirements for applicants with certain educational qualifications.

S.F. 2356 – Relating to revolving funds to be administered by the Department of General Services and providing for funding for the revolving funds.

S.F. 2371 – Relating to infectious and contagious diseases affecting livestock and providing penalties.

S.F. 2397 – Relating to the operation and regulation of certain insurance companies, miscellaneous provisions relating to small group health care coverage, the ability of certain insurers to bring an action in certain instances, and the elimination of countersigning resident agent provisions.

H.F. 2392 – Relating to permitting the display of new motor trucks by nonresident motor vehicle dealers at qualified events in this state, establishing a fee, and providing an effective date.

H.F. 2402 – Amending the crime of burglary in the first degree to include commission of sexual abuse as a possible element of the offense.

H.F. 2443 – Relating to state workers' compensation coverage for students at a community college participating in school-to-work programs.

H.F. 2465 – Relating to workers' compensation by changing the name of the division and personnel responsible, providing for the commencement of compensation during a healing period, and providing for reporting requirements.

H.F. 2478 – Relating to confidentiality in the mediation process.

H.J.R. 2003 – Approving the request by the state public defender to establish the Fort Dodge satellite public defender office as a separate local public defender office.

PETITION

The following petition was presented and placed on file by:

Senator Fink, from two hundred and forty-four residents of Warren County, favoring legislation on the passage of House File 2005.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 2, 1998, when the votes were taken on House Files 2168, 2175, and 2281. Had I been present, I would have voted "aye." Also, I was necessarily absent from the Senate chamber on April 2, 1998, when the vote was taken on Senate Joint Resolution 2004. Had I been present, I would have voted "nay."

TOM VILSACK

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 16, 1998

DEPARTMENT OF HUMAN SERVICES

Annual Report as required by Section 331.438[4b(13)].

SOLID WASTE FEES AND INCENTIVES
STUDY COMMITTEE

Final Report

February 18, 1998

STATE LIBRARY OF IOWA
USE OF IOWA COMMUNICATIONS NETWORK

Annual Report

February 23, 1998

IOWA DEPARTMENT OF HUMAN RIGHTS
IOWA CRIMINAL AND JUVENILE JUSTICE PLAN

1998 Update, pursuant to Iowa Code Chapter 216A, subchapter 9.

February 24, 1998

DEPARTMENT OF HUMAN SERVICES

Annual Report of Savings for FY '97, in accordance with Section 8D.10 of the Code of Iowa.

February 25, 1998

IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
OFFICE OF RENEWABLE FUELS AND CO-PRODUCTS

Semi-Annual Report – Summary of Activities FY '98 – July 1, 1997 to December 31, 1997.

March 3, 1998

STATE LIBRARY OF IOWA

1996-1997 Iowa Public Library Statistics.

DEPARTMENT OF HUMAN SERVICES

The report required by House File 702, Section 20, Enhanced Residential Care Facility for Persons with Mental Retardation reimbursement rates.

SUPREME COURT OF IOWA

Final Report of the Equality in the Courts Task Force.

March 5, 1998

IOWA DEPARTMENT OF PUBLIC HEALTH

Vital Statistics of Iowa 1996, pursuant to Iowa Code Section 144.5(5).

March 9, 1998

MUNICIPAL FIRE AND POLICE RETIREMENT
SYSTEM OF IOWA

Annual Report FY ended June 30, 1997, in accordance with Iowa Code 411.5.

March 11, 1998

CHMIS
Iowa Community Health Management Information System

Annual Report according to Senate File 2069.

March 12, 1998

IOWA DEPARTMENT OF TRANSPORTATION

A copy of the "1997 Iowa Airport Sufficiency Ratings" as required by Section 328.12(11) of the Code of Iowa.

March 17, 1998

IOWA DEPARTMENT FOR THE BLIND

Purchase of Products with Recycled Content as required by Section 216B.3(12d).

March 17, 1998

HUMAN SERVICES RESTRUCTURING TASK FORCE

Final Report.

March 18, 1998

DEPARTMENT OF GENERAL SERVICES

A report on State Driver License History.

March 26, 1998

DEPARTMENT OF HUMAN SERVICES

Registered Child Care Homes pilot project reports as required by Senate File 541, Section 4.

April 1, 1998

STATE APPEAL BOARD

Denied General Claims by the State Appeal Board.

ICN

Fiscal Year 1997 Annual Report.

IOWA COLLEGE STUDENT AID COMMISSION

Annual Report 1996-1997.

CERTIFICATES OF RECOGNITION

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

Frank and Margareth Cheng, Coralville – For establishing the Cheng Family Chinese Cultural Endowment Program in the Iowa City Community School District. Senator Dvorsky (4/6/98).

Shawn Driscoll, Kalona – For achieving the rank of Eagle Scout. Senator Hedge (4/19/98).

SUBCOMMITTEE ASSIGNMENTS

House File 2496

APPROPRIATIONS: Rittmer, Chair; Halvorson and Lundby

House File 2498

APPROPRIATIONS: Lundby, Chair; McCoy and McLaren

House File 2541

WAYS AND MEANS: Drake, Chair; Connolly and Douglas

House File 2542

WAYS AND MEANS: Judge, Chair; Hedge and McLaren

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2417 (SF 2111), a bill for an act establishing a railroad revolving loan fund and making an appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none. Absent or not voting, 1: Black.

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 2417, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Final Bill Action: *SENATE CONCURRENT RESOLUTION 112, a concurrent resolution expressing support of conservation efforts in the Mississippi Blufflands.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 14: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, none. Absent or not voting, 1: Dvorsky.

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 and Environment Committee on Senate Concurrent Resolution 112, and they were attached to the committee report.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 113 (SSB 2217), a concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 14: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Ziemann. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 114 (SSB 2216), a concurrent resolution requesting that the legislative council establish an interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 14: Bartz, Angelo, Fink, Black, Borlaug, Dearden, Deluhery, Freeman, Gaskill, Hedge, Judge, McKibben, Rehberg, and Zieman. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate Amendment to Senate File 2391, the following correction was made:

AMENDMENT S-5494:

1. Page 1, line 4, the number "37" was changed to the number "35".

MARY PAT GUNDERSON
Secretary of the Senate

AMENDMENTS FILED

S-5500	S.F. 2391	Michael E. Gronstal
S-5501	H.F. 2400	Steve King
S-5502	S.F. 2312	House
S-5503	S.F. 2311	House
S-5504	S.F. 2188	House
S-5505	H.F. 2539	Matt McCoy
S-5506	H.F. 2539	Matt McCoy
S-5507	H.F. 2539	Robert E. Dvorsky
S-5508	S.F. 2416	O. Gene Maddox Patrick J. Deluhery
S-5509	S.C.R. 114	Merlin E. Bartz
S-5510	H.F. 2166	Allen Borlaug Neal Schuerer
S-5511	H.F. 2539	O. Gene Maddox
S-5512	H.F. 2539	Robert E. Dvorsky Tom Vilsack

S-5513	H.F. 2539	Robert E. Dvorsky Dennis H. Black Rod Halvorson Patty Judge Steven D. Hansen Tom Flynn Dick L. Dearden Mike Connolly Elaine Szymoniak Bill Fink Matt McCoy Johnie Hammond Mary Neuhauser Don Gettings Eugene S. Fraise Wally E. Horn Patrick J. Deluhery Patricia Harper John P. Kibbie Tom Vilsack Michael E. Gronstal
S-5514	H.F. 2539	Robert E. Dvorsky
S-5515	H.F. 2539	Robert E. Dvorsky Johnie Hammond
S-5516	H.F. 2539	Dennis H. Black
S-5517	H.F. 2539	Robert E. Dvorsky
S-5518	H.F. 2539	Johnie Hammond
S-5519	H.F. 2166	Neal Schuerer
S-5520	H.F. 2539	Patricia Harper
S-5521	H.F. 2539	Robert E. Dvorsky
S-5522	H.F. 2539	Rod Halvorson
S-5523	H.F. 2539	Tom Vilsack
S-5524	S.F. 2376	House
S-5525	H.F. 2539	Tom Vilsack Johnie Hammond Patrick J. Deluhery Patricia Harper Matt McCoy Dennis H. Black William D. Palmer John P. Kibbie

		Rod Halvorson
		Tom Flynn
		Patty Judge
		Robert E. Dvorsky
S-5526	H.F. 2275	Johnie Hammond
S-5527	S.F. 2391	Kitty Rehberg
		Neal Schuerer
		Jack Rife
S-5528	S.F. 2391	Jack Rife
S-5529	H.F. 2539	Johnie Hammond
		Bill Fink
		Robert E. Dvorsky
		Mike Connolly
		Mary Neuhauser
		Elaine Szymoniak
		Tom Flynn
		Rod Halvorson
		John P. Kibbie
		Patrick J. Deluhery
		Patty Judge
		Michael E. Gronstal
		Eugene S. Fraise
		Patricia Harper
S-5530	S.F. 2405	House
S-5531	S.F. 2391	Jack Rife
S-5532	H.F. 2539	Tom Vilsack
S-5533	S.F. 2161	House
S-5534	H.F. 2539	Johnie Hammond
		Mike Connolly
		Bill Fink
S-5535	S.F. 2391	Jack Rife
S-5536	S.F. 2416	Mary A. Lundby
		Steve King
		Mike Connolly
		Michael E. Gronstal
S-5537	S.F. 2404	House
S-5538	H.F. 2275	Nancy Boettger
S-5539	S.F. 2416	Mary A. Lundby

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:45 p.m., until 9:00 a.m., Tuesday, April 7, 1998.

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 7, 1998

The Senate met in regular session at 9:59 a.m., President Kramer presiding.

Prayer was offered by the Reverend Brian Eslinger, pastor of the Unitarian Universalist Fellowship, Ames, Iowa.

The Journal of Monday, April 6, 1998, was approved.

SPECIAL GUESTS

Senator Hedge introduced the following guests representing the Sixty-third Annual Tulip Time Festival:

Queen Gina Bandstra, who introduced the members of her court: Suzanne Van Roekel, Angie Harms, Leah De Boef, and Sharesa Olson.

Queen Gina invited the members of the Senate to attend the Tulip Time Festival in Pella on May 7, 8, and 9.

The Queen, her attendants, and their parents distributed the famous Dutch cookies to the Senators and staff.

PRESENTATION OF VISITORS

The Chair welcomed fifty-five fifth grade students from West Marshall Middle School, State Center, Iowa, accompanied by Carol Eddy. Senator McKibben.

COMMITTEE REPORT

AGRICULTURE

Final Bill Action: HOUSE FILE 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5543.

Final Vote: Ayes, 10: Rensink, Gaskill, Judge, Angelo, Behn, Black, Hedge, Rehberg, Rife, and Zieman. Nays, 3: Fraise, Kibbie, and Vilsack. Absent or not voting, 2: Bartz and Gettings.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2494** be referred from the Regular Calendar to the committee on **Ways and Means**, to be returned to the Regular Calendar no later than 8:00 a.m., Wednesday, April 8, 1998.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz until he arrives, on request of Senator Angelo.

HOUSE AMENDMENT CONSIDERED

Senate File 2329

Senator Hammond called up for consideration Senate File 2329, a bill for an act expanding the compensation available from the crime victim compensation program to victims of crime and their families, amended by the House, and moved that the Senate concur in House amendment S-5489 filed April 2, 1998.

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

Senator Hammond 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:

Ayes, 49:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Bartz

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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision (S-5540).

ALSO: That the House has on April 6, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2380, a bill for an act relating to the election of a local exchange carrier to be price-regulated.

HOUSE AMENDMENT CONSIDERED

Senate File 2330

Senator McKean called up for consideration Senate File 2330, a bill for an act relating to the filing of civil litigation by prisoners and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5486 filed April 2, 1998.

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

Senator McKean 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. 2330), the vote was:

Ayes, 48:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Bartz Lundby

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 2378

Senator McKibben called up for consideration Senate File 2378, a bill for an act relating to real estate titles involving bankruptcy, amended by the House, and moved that the Senate concur in House amendment S-5484 filed April 2, 1998.

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

Senator McKibben 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. 2378), the vote was:

Ayes, 49:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Bartz

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 530

Senator Drake called up for consideration Senate File 530, a bill for an act relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system, amended by the House, and moved that the Senate concur in House amendment S-5479 filed April 1, 1998.

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

Senator Drake 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. 530), the vote was:

Ayes, 47:

Angelo	Behn	Boettger	Borlaug
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

PRESENTATION OF VISITORS

The Chair welcomed thirty fourth and fifth grade students from Grand Elementary School, Boxholm, Iowa, accompanied by Linda Hartman. Senator Behn.

MOTIONS TO RECONSIDER WITHDRAWN**House File 334**

Senator Gronstal withdrew the motion to reconsider House File 334, a bill for an act relating to certain franchise agreements by establishing a duty of good faith, providing for alternative dispute resolution, providing for venue and choice of law, and repealing existing franchise provisions, filed by him on March 24, 1998, and found on page 888 of the Senate Journal.

Senator Jensen withdrew the motion to reconsider House File 334, filed by him on March 24, 1998, and found on page 888 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 530, 2329, 2330, 2378** and **House File 334** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:15 a.m., until 2:00 p.m.

APPENDIX**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 2015, 2113, 2136, 2257, 2294, 2308, and 2357.

MARY PAT GUNDERSON
Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2308, the following correction was made:

1. Page 3, line 33, the words "PARAGRAPH DIVIDED." were changed to the words "PARAGRAPH DIVIDED."

MARY PAT GUNDERSON
Secretary of the Senate

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 6, 1998, when the votes were taken on Senate Files 2391, 2416, and House File 2539. Had I been present, I would have voted "aye."

PATTY JUDGE

REPORT OF COMMITTEE MEETING**APPROPRIATIONS SUBCOMMITTEE ON OVERSIGHT AND COMMUNICATIONS**

Convened: April 7, 1998, 8:04 a.m.

Members Present: Rife, Chair; King, Vice Chair; Neuhauser, Ranking Member; Deluhery and Jensen.

Members Absent: None.

Committee Business: Outside testimony regarding IowaAccess.

Adjourned: 9:00 a.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2513

WAYS AND MEANS: McKibben, Chair; Douglas and Szymoniak

AMENDMENTS FILED

S-5540	S.F. 2296	House
S-5541	S.F. 2320	Jack Rife
		Wally E. Horn
S-5542	H.F. 2533	Elaine Szymoniak
		Dick L. Dearden
		Matt McCoy
		William D. Palmer
		Steven D. Hansen
S-5543	H.F. 2494	Agriculture
S-5544	S.F. 2311	O. Gene Maddox

AFTERNOON SESSION

The Senate reconvened at 2:13 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

President Kramer took the chair at 2:31 p.m.

The vote revealed 40 present, 10 absent, and a quorum present.

PRESENTATION OF VISITORS

The Chair welcomed twenty-four sixth grade students from Lenox Community School, Lenox, Iowa, accompanied by Mrs. Janet Reed. Senator Angelo.

The Chair welcomed a group of home school students from Benton County, accompanied by Gail Shoemen. Senator Schuerer.

HOUSE AMENDMENT CONSIDERED

Senate File 2320

Senator Rife called up for consideration Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, amended by the House in House amendment S-5359 filed March 24, 1998.

Senator Rife offered amendment S-5541, filed by Senators Rife and Horn from the floor to amendment S-5359.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5546, filed by him from the floor, to amendment S-5541 to House amendment S-5359.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5548, filed by him from the floor, to amendment S-5541 to House amendment S-5359.

Senator Schuerer offered amendment S-5549, filed by him from the floor to amendment S-5541 to House amendment S-5359, and moved its adoption.

Amendment S-5549 was adopted by a voice vote.

Senator McKean asked and received unanimous consent that action on amendment S-5541 and **Senate File 2320** be deferred.

UNFINISHED BUSINESS
(Deferred March 31, 1998)

House File 2164

The Senate resumed consideration of House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program, and amendment S-5335 by Senator Iverson to page 2 and the title page of the bill, previous deferred.

Senator Fraise asked and received unanimous consent to withdraw amendment S-5467, filed by Senators Fraise and Gettings on April 1, 1998, to amendment S-5335.

Senator Fraise asked and received unanimous consent to withdraw amendment S-5466, filed by Senators Fraise and Gettings on April 1, 1998, to amendment S-5335.

Senator Judge asked and received unanimous consent to withdraw amendment S-5469, filed by her on April 1, 1998, to amendment S-5335.

Senator Judge asked and received unanimous consent to withdraw amendment S-5470, filed by her on April 1, 1998, to amendment S-5335.

Senator Gronstal raised the point of order that amendment S-5335 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5335 in order.

Senator Iverson moved the adoption of amendment S-5335.

Amendment S-5335 was adopted by a voice vote.

Senator Redwine moved that the bill be read the last time now and placed upon 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. 2164), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Bartz	Jensen	Lundby	Rife
Rittmer			

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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services (S-5551).

Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint (S-5547).

Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling (S-5550).

ALSO: That the House has on April 7, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2534, a bill for an act providing for township trustees, by providing for their representation by county attorneys.

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

House File 2543, a bill for an act relating to the state inheritance tax by exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision.

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

House File 2544, a bill for an act relating to the protection of and provision of safe living environments for certain individuals including providing safe assisted living facilities.

Read first time and referred to committee on **Appropriations**.

CONFIRMATION OF GOVERNOR'S APPOINTMENT
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Charles W. Larson, as Chairperson of the Board of Parole, placed on the Individual Confirmation Calendar on April 2, 1998, and found on page 1030 of the Senate Journal.

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

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

Ayes, 46:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 2:

Gronstal Rife

Absent or not voting, 2:

Bartz Rittmer

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Patricia A. Berding, Credit Union Review Board

Diane L. Kollasch, Credit Union Review Board

Polly A. Adam, Commission on the Deaf

Joseph H. Harper, Iowa Railway Finance Authority

Randy G. Brown, Executive Director of the Commission of Veteran Affairs

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Bartz	Rehberg	Rife
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

UNFINISHED BUSINESS
(Deferred March 23, 1998)

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, and amendment S-5259 by Senator Iverson to page 1 of the bill, deferred March 23, 1998.

Senator Gronstal offered amendment S-5339, filed by him on March 23, 1998, to amendment S-5259 and moved its adoption.

A non-record roll call was requested.

The ayes were 20, nays 28.

Amendment S-5339 lost.

Senator Gronstal offered amendment S-5499, filed by him on April 2, 1998, to amendment S-5259.

Senator Black asked and received unanimous consent that action on amendment S-5499 and **Senate File 2284** be deferred.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, and amendment S-5541 by Senators Rife and Horn to House amendment S-5359, previously deferred.

Senator McKean offered amendment S-5557, filed by Senators McKean and Hansen from the floor to amendment S-5541 to House

amendment S-5359, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5557 to amendment S-5541 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:

Angelo	Bartz	Behn	Black
Boettger	Drake	Dvorsky	Freeman
Halvorson	Hammond	Hansen	Harper
Hedge	Jensen	King	Lundby
McKean	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Schuerer	Vilsack
Zieman			

Nays, 25:

Borlaug	Connolly	Dearden	Deluhery
Douglas	Fink	Flynn	Fraise
Gaskill	Gettings	Gronstal	Horn
Iverson	Judge	Kibbie	Kramer
Maddox	McCoy	McKibben	McLaren
Palmer	Rife	Rittmer	Szymoniak
Tinsman			

Absent or not voting, none.

Amendment S-5557 lost.

Senator Rife moved the adoption of amendment S-5541.

A record roll call was requested.

On the question "Shall amendment S-5541 to amendment S-5359 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	Connolly	Dearden	Deluhery
Fink	Flynn	Fraise	Gaskill

Gettings	Hansen	Horn	Iverson
Judge	Kibbie	Kramer	Lundby
Maddox	McLaren	Palmer	Rehberg
Rife	Rittmer	Tinsman	

Nays, 27:

Angelo	Bartz	Behn	Black
Boettger	Douglas	Drake	Dvorsky
Freeman	Gronstal	Halvorson	Hammond
Harper	Hedge	Jensen	King
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rensink	Schuerer
Szymoniak	Vilsack	Zieman	

Absent or not voting, none.

Amendment S-5541 lost.

Senator Rife asked and received unanimous consent that action on amendment S-5359 and Senate File 2320 be deferred.

The Senate stood at ease at 4:47 p.m. until the fall of the gavel.

The Senate resumed session at 6:07 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 30 present, 20 absent, and a quorum present.

UNFINISHED BUSINESS

House File 667

On motion of Senator Neuhauser, House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S-5293, filed by the committee on Judiciary on March 19, 1998, to pages 15 and 28 of the bill.

With the withdrawal of amendment S-5293, amendment S-5457 filed by Senator Neuhauser on April 1, 1998, to amendment S-5293 was out of order.

Senator Neuhauser offered amendment S-5556, filed by her from the floor to pages 1-5, 11, 15-18, 26, 28, and 32 of the bill.

President pro tempore Redfern took the chair at 6:26 p.m.

Senator King offered amendment S-5561, filed by him from the floor to amendment S-5556, and moved its adoption.

Amendment S-5561 was adopted by a voice vote.

Senator King offered amendment S-5559, filed by him from the floor to amendment S-5556, and moved its adoption.

A non-record roll call was requested.

The ayes were 15, nays 26.

Amendment S-5559 lost.

Senator King offered amendment S-5560, filed by him from the floor to amendment S-5556.

Senator King asked and received unanimous consent that action on amendment S-5560 be deferred.

Senator King offered amendment S-5562, filed by him from the floor to amendment S-5556, and moved its adoption.

Amendment S-5562 was adopted by a voice vote.

Senator King moved the adoption of amendment S-5560, previously deferred.

Amendment S-5560 lost by a voice vote.

Senator Neuhauser moved the adoption of amendment S-5556.

Amendment S-5556 was adopted by a voice vote.

Senator Neuhauser moved that the bill be read the last time now and placed upon 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. 667), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Vilsack
Zieman			

Nays, none.

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.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2282.

House File 2282

On motion of Senator Redwine, House File 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Douglas asked and received unanimous consent to withdraw amendment S-5458, filed by her on April 1, 1998, to pages 1, 3, 4, and 6 of the bill.

Senator King asked and received unanimous consent that action on **House File 2282** be deferred.

UNFINISHED BUSINESS**House File 2335**

On motion of Senator Rensink, House File 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Vilsack offered amendment S-5558, filed by Senators Vilsack and McLaren from the floor to pages 1-10, 12, 14, and 15 of the bill, and moved its adoption.

Amendment S-5558 was adopted by a voice vote.

With the adoption of amendment S-5558, the Chair ruled the following amendments out of order:

S-5420 filed by Senator Rensink on March 30, 1998, to pages 1-3 and 9 of the bill;

S-5282 by the committee on Agriculture to pages 1, 4, 5, 7, 9, 10, and 14 of the bill;

S-5447 filed by Senator Vilsack on March 31, 1998, to pages 1-8, 10, and 15 of the bill;

S-5472 filed by Senator Vilsack on April 1, 1998, to amendment S-5447; and

S-5496 filed by Senator Vilsack on April 2, 1998, to pages 1-10, 14, and 15 of the bill.

Senator Hedge asked and received unanimous consent to withdraw amendment S-5448, filed by Senators Hedge, et al., on March 31, 1998, to page 8 of the bill.

Senator Hedge asked and received unanimous consent to withdraw amendment S-5477, filed by Senators Hedge, et al., on April 1, 1998, to page 8 of the bill.

Senator McLaren asked and received unanimous consent to withdraw amendment S-5478, filed by Senators McLaren, et al., on April 1, 1998, to page 8 of the bill.

Senator Gronstal asked and received unanimous consent that action on **House File 2335** be deferred.

The Senate stood at ease at 7:56 p.m. until the fall of the gavel.

The Senate resumed session at 8:45 p.m., President Kramer presiding.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2166.

House File 2166

On motion of Senator Schuerer, House File 2166, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schuerer offered amendment S-5281, filed by the committee on Ways and Means on March 18, 1998, to pages 4, 6-11, and 14 of the bill.

Senator Borlaug called for a division of amendment S-5281: pages 1, 2, and page 3, lines 1-13 and lines 29-34 as division S-5281A; page 3, lines 14-28 as division S-5281B.

Senator Borlaug moved the adoption of amendment S-5281 division A.

Amendment S-5281 division A was adopted.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5281 division B.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5419, filed by Senators Borlaug and Schuerer on March 30, 1998, to pages 10 and 11 of the bill.

Senator Schuerer asked and received unanimous consent to withdraw amendment S-5519, filed by him on April 6, 1998, to page 2 of the bill.

Senator Borlaug offered amendment S-5381, filed by Senators Borlaug and Schuerer on March 25, 1998, to page 10 of the bill.

Senator Tinsman asked and received unanimous consent that action on amendment S-5381 be deferred.

Senator Borlaug offered amendment S-5510, filed by senators Borlaug and Schuerer on April 6, 1998, to page 11 of the bill, and moved its adoption.

Amendment S-5510 lost by a voice vote.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5418, filed by Senators Borlaug and Schuerer on March 30, 1998, to page 11 of the bill.

Senator Tinsman offered amendment S-5566, filed by Senators Tinsman and Boettger from the floor to amendment S-5381, and moved its adoption.

Amendment S-5566 was adopted by a voice vote.

Senator Borlaug moved the adoption of amendment S-5381.

Amendment S-5381 was adopted by a voice vote.

Senator Schuerer moved that the bill be read the last time now and placed upon 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, 38:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Hammond	Hansen	Harper	Hedge
Iverson	Jensen	Judge	King
Kramer	Lundby	Maddox	McKean
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Rittmer	Schuerer	Tinsman
Vilsack	Zieman		

Nays, 7:

Dearden	Gronstal	Halvorson	Horn
Kibbie	McCoy	Rensink	

Absent or not voting, 5:

Gettings	McLaren	Palmer	Rife
Szymoniak			

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

BUSINESS PENDING

House File 2335

The Senate resumed consideration of House File 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date, 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. 2335), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Gettings	McLaren	Palmer	Rife
Szymoniak			

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 667, 2335, 2166, and 2164 be immediately messaged to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2280, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates (S-5563).

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: April 7, 1998, 8:06 a.m.

Members Present: Rensink, Chair; Gaskill, Vice Chair; Judge, Ranking Member; Angelo, Behn, Black, Fraise, Hedge, Kibbie, Rehberg, Rife, Vilsack, and Ziemann.

Members Absent: Bartz and Gettings (both excused).

Committee Business: Amended and passed HF 2494.

Adjourned: 9:40 a.m.

APPROPRIATIONS

Convened: April 7, 1998, 11:20 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: None.

Committee Business: Passed SF 2414 and HF 2496. Amended and passed HF 2498.

Recessed: 1:20 p.m.

Reconvened: 4:54 p.m.

Adjourned: 6:00 p.m.

WAYS AND MEANS

Convened: April 7, 1998, 1:28 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak.

Members Absent: Vilsack (excused).

Committee Business: Subcommittee assignments. Passed HF 2494 and HF 2541. Amended and passed HF 2542.

Adjourned: 1:50 p.m.

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 7, 1998, when the votes were taken on Senate Files 530, 2329, 2330, 2378, House File 2164, the confirmation of Charles W. Larson, and the En Bloc Confirmation Calendar. Had I been present, I would have voted "aye."

Also, I was necessarily absent from the Senate chamber on April 6, 1998, when the votes were taken on Senate Files 2391 and 2416; the En Bloc Confirmation Calendar; House File 2539 and amendments S-5497, S-5518, and S-5532. Had I been present, I would have voted "aye." On amendments S-5512, S-5516, S-5522, S-5525, and S-5534 to House File 2539, I would have voted "nay."

MERLIN E. BARTZ

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5541 to Senate File 2320 failed to be adopted by the Senate on April 7, 1998.

MICHAEL E. GRONSTAL

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: SENATE FILE 2414, a bill for an act relating to a workforce recruitment initiative and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: McLaren, Kramer, Behn, Black, Borlaug, Douglas, Freeman, Hedge, Horn, Jensen, Lundby, Maddox, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, 4: Flynn, Harper, McCoy, and Neuhauser. Pass, 3: Dvorsky, Halvorson, and Hammond. Absent or not voting, 1: Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak. Nays, 1: Connolly. Absent or not voting, 1: Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2541, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak. Nays, none. Absent or not voting, 1: Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5555.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, and Szymoniak. Nays, none. Absent or not voting, 2: Redfern and Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5545	S.F. 2320	Steven D. Hansen
S-5546	S.F. 2320	Neal Schuerer
S-5547	S.F. 2339	House
S-5548	S.F. 2320	Neal Schuerer
S-5549	S.F. 2320	Neal Schuerer
S-5550	S.F. 2387	House
S-5551	S.F. 2331	House

S-5552	S.F. 2052	Steven D. Hansen
S-5553	S.F. 2414	Tom Vilsack John P. Kibbie Patty Judge Robert E. Dvorsky Steven D. Hansen Michael E. Gronstal Rod Halvorson Wally E. Horn Bill Fink Dennis H. Black
S-5554	S.F. 2409	Tom Flynn
S-5555	H.F. 2542	Ways and Means
S-5556	H.F. 667	Mary Neuhauser
S-5557	S.F. 2320	Andy McKean Steven D. Hansen
S-5558	H.F. 2335	Tom Vilsack Derryl McLaren
S-5559	H.F. 667	Steve King
S-5560	H.F. 667	Steve King
S-5561	H.F. 667	Steve King
S-5562	H.F. 667	Steve King
S-5563	S.F. 2280	House
S-5564	H.F. 2282	Rod Halvorson
S-5565	H.F. 2282	Steve King
S-5566	H.F. 2166	Maggie Tinsman Nancy Boettger
S-5567	H.F. 2494	Jerry Behn Stewart Iverson, Jr. Wilmer Rensink H. Kay Hedge Merlin E. Bartz John P. Kibbie

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:31 p.m., until 9:00 a.m., Wednesday, April 8, 1998.

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 8, 1998

The Senate met in regular session at 9:08 a.m., President Kramer presiding.

Prayer was offered by Pastor Leonhardt Gebhardt of St. John's Lutheran Church, Charter Oak, Iowa.

The Journal of Tuesday, April 7, 1998, was approved.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

Read first time and referred to committee on **Appropriations**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she arrives, on request of Senator Kibbie.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 114.

Senate Concurrent Resolution 114

On motion of Senator Bartz, Senate Concurrent Resolution 114, a concurrent resolution requesting that the legislative council establish an interim study committee to consider increasing the percent of oxygen by weight in motor vehicle fuel, was taken up for consideration.

Senator Bartz offered amendment S-5509, filed by him on April 6, 1998, to pages 1 and 2 of the resolution, and moved its adoption.

Amendment S-5509 was adopted by a voice vote.

Senator Bartz moved the adoption of Senate Concurrent Resolution 114, which motion prevailed by a voice vote.

PRESENTATION OF VISITORS

The Chair welcomed Leanne Nieland, Lesley Allensworth, and Emily Kinser, Future Homemakers of America, from Glenwood and Walnut, Iowa, accompanied by Janis Moore and Paulette Madson.

UNFINISHED BUSINESS

(Deferred April 7, 1998)

House File 2282

The Senate resumed consideration of House File 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date, deferred April 7, 1998.

Senator King offered amendment S-5568, filed by Senators King, et al., from the floor, striking everything after the enacting clause of the bill.

Senator Tinsman asked and received unanimous consent that action on amendment S-5568 and **House File 2282** be **deferred**.

UNFINISHED BUSINESS

Senate File 2409

On motion of Senator Borlaug, Senate File 2409, by committee on Ways and Means, a bill for an act relating to a sales tax exemption for certain aircraft and providing an effective date, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Flynn offered amendment S-5554, filed by him on April 7, 1998, to page 1 and the title page of the bill.

Senator Borlaug asked and received unanimous consent that action on amendment S-5554 and **Senate File 2409** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until he arrives, on request of Senator Connolly.

HOUSE AMENDMENT CONSIDERED

Senate File 2376

Senator Lundby called up for consideration Senate File 2376, a bill for an act relating to the operation of the lottery, amended by the House, and moved that the Senate concur in House amendment S-5524 filed April 6, 1998.

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

Senator Lundby 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. 2376), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Redfern	Rehberg	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 4:

Hansen	McKean	Redwine	Rensink
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Absent or not voting, 2:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

- Camille V. Scully, Commission on the Status of African-Americans
- Mark W. Leonard, Agricultural Development Authority
- John C. Wellman, Commission for the Blind
- Haywood Belle, Board of Corrections
- David M. Roederer, Criminal and Juvenile Justice Planning Advisory Council
- Gerald R. Hinzman, Iowa Law Enforcement Academy Council

Eric G. Jacobs, Board of Physical and Occupational Therapy Examiners

Pat M. Marshall, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Douglas Szymoniak

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 Iverson called up the appointment of Bruce A. Yungclas, as a member of the Iowa Grain Indemnity Fund Board, placed on the Individual Confirmation Calendar on April 1, 1998, and found on page 1019 of the Senate Journal.

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

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

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Connolly Szymoniak

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

Senator Iverson called up the appointment of Jacquelyne I. Allen, as a member of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on April 1, 1998, and found on page 1020 of the Senate Journal.

Senator McCoy asked and received unanimous consent to defer on the confirmation of Jacquelyne I. Allen.

Senator Iverson called up the appointment of Jack J. Dack, as Commandant of the Iowa Veterans Home, placed on the Individual Confirmation Calendar on April 2, 1998, and found on page 1030 of the Senate Journal.

Senator Flynn asked and received unanimous consent to defer on the confirmation of Jack J. Dack.

HOUSE AMENDMENT CONSIDERED

Senate File 2311

Senator Maddox called up for consideration Senate File 2311, a bill for an act relating to partnerships by replacing the existing law with

a uniform partnership law and providing penalties and an effective date, amended by the House in House amendment S-5503 filed April 6, 1998.

Senator Maddox offered amendment S-5544, filed by him on April 7, 1998, to House amendment S-5503, and moved its adoption.

Amendment S-5544 was adopted by a voice vote.

Senator Maddox 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 Maddox 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. 2311), the vote was:

Ayes, 47:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Angelo	Dearden	Szymoniak
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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)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2494.

House File 2494

On motion of Senator Rensink, House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date, with report of committee on Agriculture recommending amendment and passage, and report of committee on Ways and Means recommending passage, was taken up for consideration.

The Senate stood at ease at 10:19 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:16 p.m., Senator Hedge presiding.

(Action on House File 2494 was deferred.)

QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

BUSINESS PENDING

House File 2282

The Senate resumed consideration of House File 2282, a bill for an act authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date, and amendment S-5568 by Senators King, et al., striking everything after the enacting clause of the bill, previously deferred.

Senator Connolly offered amendment S-5576, filed by him from the floor to amendment S-5568.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5576.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5571, filed by him from the floor to amendment S-5568.

Senator Tinsman offered amendment S-5570, filed by her from the floor to amendment S-5568, and moved its adoption.

Amendment S-5570 lost by a voice vote.

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

Senator King moved the adoption of amendment S-5568.

A record roll call was requested.

On the question "Shall amendment S-5568 be adopted?" (H.F. 2282), the vote was:

Ayes, 12:

Angelo	Behn	Boettger	Borlaug
Freeman	Hedge	Iverson	Jensen
King	McKean	Rehberg	Schuerer

Nays, 37:

Bartz	Black	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Kramer	Lundby	Maddox	McCoy
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rensink	Rife
Rittmer	Szymoniak	Tinsman	Vilsack
Zieman			

Absent or not voting, 1:

Gettings

Amendment S-5568 lost.

Senator King offered amendment S-5565, filed by him on April 7, 1998, to pages 1 and 3 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5565 be adopted?" (H.F. 2282), the vote was:

Ayes, 11:

Angelo	Behn	Boettger	Borlaug
Freeman	Hedge	Iverson	King
McKean	Rehberg	Schuerer	

Nays, 38:

Bartz	Black	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rensink
Rife	Rittmer	Szymoniak	Tinsman
Vilsack	Zieman		

Absent or not voting, 1:

Jensen

Amendment S-5565 lost.

Senator McLaren asked and received unanimous consent to withdraw amendment S-5471, filed by him on April 1, 1998, to pages 6 and 7 of the bill.

Senator Tinsman asked and received unanimous consent to withdraw amendment S-5569, filed by Senators Tinsman, Douglas, and Rittmer from the floor to page 8 of the bill.

Senator Halvorson asked and received unanimous consent to withdraw amendment S-5564, filed by him on April 7, 1998, to pages 4 and 5 of the bill.

Senator Redwine moved that the bill be read the last time now and placed upon 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. 2282), the vote was:

Ayes, 37:

Angelo	Bartz	Black	Boettger
Borlaug	Connolly	Drake	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Judge	Kibbie
Kramer	Lundby	Maddox	McCoy
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 13:

Behn	Dearden	Deluhery	Douglas
Freeman	Hedge	Horn	Iverson
Jensen	King	McKean	McLaren
Rehberg			

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2311, 2376, Senate Concurrent Resolution 114, and House File 2282** be immediately messaged to the House.

BUSINESS PENDING

House File 2494

The Senate resumed consideration of House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date, previously deferred.

Senator Rensink offered amendment S-5543, filed by the committee on Agriculture on April 7, 1998, striking everything after the enacting clause and to the title page of the bill.

Senator Vilsack offered amendment S-5585, filed by Senators Vilsack and Kibbie from the floor to pages 1 and 37 of amendment S-5543.

Senator Rensink raised the point of order that amendment S-5585 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5585 out of order.

Senator Rensink offered amendment S-5581, filed by Senators Rensink, Judge, and Kibbie from the floor to pages 5-9, 17, 21, 22, 30-32, 34, 36, and 37 of amendment S-5543, and moved its adoption.

Amendment S-5581 was adopted by a voice vote.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 115, by Drake, Maddox, Iverson, Gronstal, Horn, Jensen, Kibbie, and Fink, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

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

HOUSE MESSAGES RECEIVED

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 April 8, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 101, a concurrent resolution recognizing the notable achievements of the Jefferson High School Marching Band from Cedar Rapids, Iowa.

ALSO: That the House has on April 8, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2532, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

Read first time and referred to committee on **State Government**.

House File 2540, a bill for an act relating to the sales, services, and use tax exemption for the sale of tangible personal property which is purchased for lease or rental.

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

House File 2547, a bill for an act establishing the **LowAccess** system and providing for an appropriation.

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

ALSO: That the House has on April 8, 1998, passed the following bills in which the concurrence of the House was asked:

Senate File 490, a bill for an act relating to the consumer fraud law by providing limited immunity from prosecution for providing certain information, authorizing the attorney general to commence an action related to telemarketing, and authorizing the attorney general to establish and accept a civil penalty in settlement of an investigation.

Senate File 540, a bill for an act relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

Senate File 2037, a bill for an act relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

ALSO: That the House has on April 8, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils (S-5587).

Senate File 2274, a bill for an act relating to certain funds paid to or administered by the department of corrections, by making changes to procedures for the charging of payments for goods and services of Iowa prison industries, providing for the nonreversion of revolving farm fund balance investment proceeds, and making changes relating to the distribution and accounting for inmate earnings from private employers (S-5578).

Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties (S-5586).

Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date (S-5579).

Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions (S-5580).

The Senate stood at ease at 2:54 p.m. until the fall of the gavel.

The Senate resumed session at 2:58 p.m., President Kramer presiding.

BUSINESS PENDING

House File 2494

The Senate resumed consideration of House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date, and amendment S-5543 by the committee on Agriculture striking everything after the enacting clause of the bill.

Senator Vilsack offered amendment S-5588, filed by Senators Vilsack, et al., from the floor to page 6 of amendment S-5543.

Senator Bartz took the chair at 3:12 p.m.

President Kramer took the chair at 3:34 p.m.

Senator Vilsack moved the adoption of amendment S-5588.

Amendment S-5588 lost by a voice vote.

Senator Kibbie offered amendment S-5574, filed by Senators Kibbie, et al., from the floor to pages 9, 17, and 37 of amendment S-5543, and moved its adoption.

Amendment S-5574 was adopted by a voice vote.

Senator Lundby offered amendment S-5577, filed by Senators Lundby and McKean from the floor to page 12 of amendment S-5543, and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 27.

Amendment S-5577 lost.

Senator Lundby offered amendment S-5583, filed by her from the floor to page 14 of amendment S-5543, and moved its adoption.

Amendment S-5583 lost by a voice vote.

Senator Behn offered amendment S-5567, filed by Senators Behn, et al., on April 7, 1998, to page 17 of amendment S-5543, and moved its adoption.

Amendment S-5567 was adopted by a voice vote.

Senator Kibbie offered amendment S-5573, filed by Senators Kibbie, et al., from the floor to page 30 of amendment S-5543, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5573 to amendment S-5543 be adopted?" (H.F. 2494), the vote was:

Ayes, 19:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Hammond	Hansen	Harper
Horn	Kibbie	Lundby	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 30:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Freeman	Gaskill
Gronstal	Halvorson	Hedge	Iverson
Jensen	Judge	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 1:

Drake

Amendment S-5573 lost.

Senator Vilsack offered amendment S-5584, filed by Senators Vilsack, et al., from the floor to pages 32-34 of amendment S-5543, and moved its adoption.

Amendment S-5584 lost by a voice vote.

Senator Vilsack asked and received unanimous consent to withdraw amendment S-5575, filed by Senators Vilsack, et al., from the floor to page 6 of amendment S-5543.

Senator Rensink moved the adoption of amendment S-5543.

A non-record roll call was requested.

The ayes were 46, nays 0.

Amendment S-5543 was adopted.

President pro tempore Redfern took the chair at 6:25 p.m.

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. 2494), the vote was:

Ayes, 36:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Dvorsky	Flynn	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hedge
Iverson	Jensen	Judge	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 14:

Connolly	Dearden	Deluhery	Fink
Fraise	Hammond	Hansen	Harper
Horn	Kibbie	Lundby	Neuhauser
Palmer	Vilsack		

Absent or not voting, none.

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

Senator Iverson asked and received unanimous consent that **House File 2494** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 April 8, 1998, 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 2321, a bill for an act relating to the confidentiality of certain records and reports held by the labor commissioner.

Senate File 2391, a bill for an act allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, and providing an effective date.

ALSO: That the House has on April 8, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2109, a bill for an act relating to mobile home dealers (S-5589).

Senate File 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding (S-5592).

Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability (S-5594).

ALSO: That the House has on April 8, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2259, a bill for an act relating to search warrant applications.

ALSO: That the House has on April 8, 1998, passed the following bills in which the concurrence of the Senate is asked:

House File 2548, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation, providing for the program's repeal, and including an effective and applicability date provision.

Read first time and referred to committee on Appropriations.

House File 2553, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Read first time and referred to committee on Appropriations.

ALSO: That the House has on April 8, 1998, insisted on its amendment to **Senate File 2295**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date, and that the members of the Conference Committee on the part of the House are: The Representative from Washington, Representative Greiner, Chair; the Representative from Ringgold, Representative Dolecheck; the Representative from Plymouth, Representative Klemme; the Representative from Kossuth, Representative Mertz; and the Representative from Dubuque, Representative Murphy.

ALSO: That the House has on April 8, 1998, 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 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates (S-5593).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 116, by Szymoniak, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2295** on the part of the Senate: Senators Hedge, Chair; McLaren, Behn, Black, and Judge.

APPENDIX**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

Convened: April 8, 1998, 2:55 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg.

Members Absent: Lundby and Maddox (both excused).

Committee Business: Passed SR 119, SCR 115, and SCR 116.

Adjourned: 2:57 p.m.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was received:

April 8, 1998

Mary Pat Gunderson
Secretary of the Senate
State Capitol Building
LOCAL

Dear Ms. Gunderson:

Terry Evans is no longer a representative of the grain industry and is ineligible to fill the required position on the Grain Indemnity Fund Board. Therefore, I am withdrawing his name for consideration by the Senate.

Sincerely,
TERRY E. BRANSTAD
Governor

COMMITTEE REPORTS**APPROPRIATIONS**

Final Bill Action: HOUSE FILE 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5582.

Final Vote: Ayes, 25: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby,

Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.
Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 115, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Lundby and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE CONCURRENT RESOLUTION 116, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Lundby and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 119, a resolution congratulating Ms. Ruth Ann Gaines for being named the Iowa Teacher of the Year for 1998.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Lundby and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5568

H.F. 2282

Steve King
Nancy Boettger
Allen Borlaug
Jeff Angelo
Lyle E. Ziemann

		Jerry Behn
		Neal Schuerer
		Andy McKean
		Kitty Rehberg
		Mary Lou Freeman
S-5569	H.F. 2282	Maggie Tinsman
		JoAnn Douglas
		Sheldon Rittmer
S-5570	H.F. 2282	Maggie Tinsman
S-5571	H.F. 2282	Mike Connolly
S-5572	H.F. 2498	Rod Halvorson
S-5573	H.F. 2494	John P. Kibbie
		Dick L. Dearden
		Bill Fink
		Elaine Szymoniak
		Mary Neuhauser
		Mike Connolly
		Robert E. Dvorsky
		Patricia Harper
		Steven D. Hansen
		Tom Flynn
		Eugene S. Fraise
		Dennis H. Black
		Patrick J. Deluhery
S-5574	H.F. 2494	John P. Kibbie
		Dick L. Dearden
		Bill Fink
		Dennis H. Black
		Patty Judge
		Michael E. Gronstal
		Eugene S. Fraise
		Wally E. Horn
		Elaine Szymoniak
		Mary Neuhauser
		Matt McCoy
		Mike Connolly
		Robert E. Dvorsky
		Patricia Harper
		Patrick J. Deluhery
		Tom Flynn
		Steven D. Hansen

S-5575	H.F. 2494	Johnie Hammond Tom Vilsack Mike Connolly Robert E. Dvorsky Patricia Harper Tom Flynn Steven D. Hansen Eugene S. Fraise Patrick J. Deluhery John P. Kibbie Dick L. Dearden Bill Fink Elaine Szymoniak Mary Neuhauser Johnie Hammond
S-5576	H.F. 2282	Mike Connolly
S-5577	H.F. 2494	Mary A. Lundby Andy McKean
S-5578	S.F. 2274	House
S-5579	S.F. 2368	House
S-5580	S.F. 2377	House
S-5581	H.F. 2494	Wilmer Rensink Patty Judge John P. Kibbie
S-5582	H.F. 2498	Appropriations
S-5583	H.F. 2494	Mary A. Lundby
S-5584	H.F. 2494	Tom Vilsack Mike Connolly Mary Neuhauser Robert E. Dvorsky Eugene S. Fraise John P. Kibbie Johnie Hammond Patricia Harper Dick L. Dearden Bill Fink Elaine Szymoniak
S-5585	H.F. 2494	Tom Vilsack John P. Kibbie
S-5586	S.F. 2316	House
S-5587	S.F. 2200	House

S-5588	H.F. 2494	Tom Vilsack Mike Connolly Bill Fink Dick L. Dearden Mary Neuhauser Robert E. Dvorsky Eugene S. Fraise Johnie Hammond Elaine Szymoniak Patricia Harper Steven D. Hansen Tom Flynn John P. Kibbie Patrick J. Deluhery
S-5589	S.F. 2109	House
S-5590	S.F. 2409	Allen Borlaug
S-5591	H.F. 2533	Dennis H. Black
S-5592	S.F. 2277	House
S-5593	H.F. 2539	House
S-5594	S.F. 2292	House

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:37 p.m., until 9:00 a.m., Thursday, April 9, 1998.

JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 9, 1998

The Senate met in regular session at 9:24 a.m., Senator Lundby presiding.

Prayer was offered by the Reverend Rich Milliken, Pastor of the Christian Church, Grinnell, Iowa.

The Journal of Wednesday, April 8, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Black and Vilsack until they arrive, on request of Senator Gronstal.

PRESENTATION OF VISITOR

Senator Szymoniak introduced Katarzyna Maria Piekarska, member of the Polish Parliament, who was visiting the Iowa Senate. Ms. Piekarska is in the United States as part of the United States Information Agency's International Visitor Program.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:36 a.m., until 10:30 a.m.

RECONVENED

The Senate reconvened at 1:14 p.m., President Kramer presiding.

QUORUM CALL

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

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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district (S-5600).

ALSO: That the House has on April 9, 1998, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2049, a bill for an act relating to redemption by a county of certain parcels sold at property tax sale.

House File 2335, a bill for an act relating to persons holding interests in agricultural land and providing penalties and an effective date.

ALSO: That the House has on April 9, 1998, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 120, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year.

COMPANION BILL RECEIVED

On April 9, 1998, House Concurrent Resolution 120 was received and attached to companion Senate Concurrent Resolution 116 on the Senate calendar.

**CONSIDERATION OF BILL
(Appropriations Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration House File 2498.

House File 2498

On motion of Senator Lundby, House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **House File 2498** be deferred.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden until he returns, on request of Senator Hammond; Senator Rehberg until she arrives, on request of Senator Flynn.

HOUSE AMENDMENTS CONSIDERED**Senate File 2161**

Senator Szymoniak called up for consideration Senate File 2161, a bill for an act relating to the reporting and partner notification requirements relative to the human immunodeficiency virus, amended by the House, and moved that the Senate concur in House amendment S-5533 filed April 6, 1998.

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. 2161), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Halvorson	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 4:

Dvorsky	Gronstal	Hammond	Vilsack
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Absent or not voting, 3:

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

Senate File 2188

Senator Flynn called up for consideration Senate File 2188, a bill for an act relating to debt collection, amended by the House, and moved that the Senate concur in House amendment S-5504 filed April 6, 1998.

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

Senator Flynn 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. 2188), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

McCoy

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

Senate File 2312

Senator Behn called up for consideration Senate File 2312, a bill for an act providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5502 filed April 6, 1998.

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

Senator Behn 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. 2312), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hansen	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 3:

Hammond	Harper	Neuhauser
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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.

UNFINISHED BUSINESS

House File 2400

On motion of Senator King, House File 2400, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator King offered amendment S-5501, filed by him on April 6, 1998, to page 2 of the bill.

President pro tempore Redfern took the chair at 2:04 p.m.

Senator King moved the adoption of amendment S-5501.

Amendment S-5501 was adopted by a voice vote.

Senator Douglas offered amendment S-5459, filed by her on April 1, 1998, to page 2 of the bill.

PRESENTATION OF VISITORS

The Chair welcomed twenty-seven students from West Central Middle School of Redfield, Iowa, accompanied by Stacie Noble and Leslie Wiles. Senator Douglas.

BUSINESS PENDING

House File 2400

The Senate resumed consideration of House File 2400 and amendment S-5459 by Senator Douglas to page 2 of the bill.

President Kramer took the chair at 2:27 p.m.

Senator Douglas moved the adoption of amendment S-5459.

Amendment S-5459 was adopted by a voice vote.

Senator King moved that the bill be read the last time now and placed upon 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, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine

Rehberg
Szymoniak

Rensink
Tinsman

Rife
Zieman

Rittmer

Nays, 1:

Flynn

Absent or not voting, 2:

Schuerer

Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2161, 2188, 2312, and House File 2400 be immediately messaged to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he returns, on request of Senator Gronstal.

BUSINESS PENDING

House File 2498

The Senate resumed consideration of House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, previously deferred.

Senator Lundby offered amendment S-5582, filed by the committee on Appropriations on April 8, 1998, to pages 1, 2, 4, 6, 12-14, and 17-23 of the bill.

Senator Jensen offered amendment S-5605, filed by Senators Jensen, et al., from the floor to amendment S-5582, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5605 to amendment S-5582 be adopted?" (H.F. 2498), the vote was:

Ayes, 33:

Behn	Black	Boettger	Connolly
Dearden	Deluhery	Douglas	Dvorsky
Fink	Flynn	Fraise	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Jensen	Kibbie
Kramer	McCoy	McKibben	Neuhauser
Palmer	Redfern	Rehberg	Rensink
Rife	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 14:

Angelo	Bartz	Freeman	Hansen
Hedge	Iverson	Judge	King
Lundby	Maddox	McKean	McLaren
Redwine	Rittmer		

Absent or not voting, 3:

Borlaug	Drake	Vilsack
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Amendment S-5605 was adopted.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5603, filed by her from the floor to amendment S-5582.

Senator Jensen offered amendment S-5596, filed by him from the floor to amendment S-5582, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5596 to amendment S-5582 be adopted?" (H.F. 2498), the vote was:

Ayes, 12:

Behn	Boettger	Borlaug	Drake
Flynn	Gaskill	Harper	Jensen
Kramer	Rehberg	Rensink	Zieman

Nays, 36:

Angelo	Black	Connolly	Dearden
Deluhery	Douglas	Dvorsky	Fink
Fraise	Freeman	Gettings	Gronstal
Halvorson	Hammond	Hansen	Hedge
Horn	Iverson	Judge	Kibbie
King	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rife
Rittmer	Schuerer	Szymoniak	Tinsman

Absent or not voting, 2:

Bartz Vilsack

Amendment S-5596 lost.

The Senate stood at ease at 2:57 p.m. until the fall of the gavel.

The Senate resumed session at 3:03 p.m., President Kramer presiding.

Senator McCoy offered amendment S-5608, filed by him from the floor to amendment S-5582, and moved its adoption.

Amendment S-5608 lost by a voice vote.

Senator Black offered amendment S-5604, filed by him from the floor to amendment S-5582, and moved its adoption.

Amendment S-5604 was adopted by a voice vote.

Senator Halvorson offered amendment S-5607, filed by Senators Halvorson and Rittmer from the floor to amendment S-5582, and moved its adoption.

Amendment S-5607 was adopted by a voice vote.

Senator Lundby moved the adoption of amendment S-5582.

Amendment S-5582 was adopted by a voice vote.

Senator Hammond offered amendment S-5598, filed by her from the floor to page 11 of the bill, and moved its adoption.

Amendment S-5598 was adopted by a voice vote.

Senator Halvorson offered amendment S-5572, filed by him on April 8, 1998, to pages 20 and 23 of the bill.

Senator Lundby 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 Bartz took the chair at 3:25 p.m.

Senator Hedge offered amendment S-5601, filed by Senators Hedge, et al., from the floor to pages 23 and 24 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the day, on request of Senator Fraise.

BUSINESS PENDING

House File 2498

The Senate resumed consideration of House File 2498 and amendment S-5601 by Senators Hedge, et al., to pages 23 and 24 of the bill.

Senator Hedge moved the adoption of amendment S-5601.

A record roll call was requested.

On the question "Shall amendment S-5601 be adopted?" (H.F. 2498), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Angelo	Bartz	Behn	Boettger
Borlaug	Fraise	Freeman	Halvorson
Hedge	Horn	Jensen	Judge
Kibbie	King	Lundby	McKean
McKibben	McLaren	Redwine	Rehberg
Schuerer	Tinsman	Zieman	

Nays, 25:

Black	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Gaskill	Gronstal	Hammond
Hansen	Harper	Iverson	Kramer
Maddox	McCoy	Neuhauser	Palmer
Redfern	Rensink	Rittmer	Szymoniak
Vilsack			

Absent or not voting, 2:

Gettings	Rife
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Amendment S-5601 lost.

President Kramer took the chair at 4:23 p.m.

Senator Lundby offered amendment S-5602, filed by her from the floor to pages 24 and 25 of the bill, and moved its adoption.

Amendment S-5602 was adopted by a voice vote.

Senator Lundby moved that the bill be read the last time now and placed upon 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. 2498), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Hammond	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben

McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 3:

Gronstal	Halvorson	Hansen
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Absent or not voting, 2:

Gettings	Rife
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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 Borlaug for the remainder of the day, on request of Senator Jensen.

HOUSE AMENDMENT CONSIDERED

Senate File 2404

Senator Rensink called up for consideration Senate File 2404, a bill for an act relating to cooperatives organized under Code chapter 501, amended by the House, and moved that the Senate concur in House amendment S-5537 filed April 6, 1998.

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

Senator Rensink 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. 2404), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink

Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Alan L. Thompson, Board of Barber Examiners

James M. Holcomb, Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

Dr. James M. Cunningham, Board of Physician Assistant Examiners

Jerry D. Stilwell, Prevention of Disabilities Policy Council

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King

Kramer	Lundby	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Borlaug	Gettings	Maddox	Rife
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 2331

Senator Angelo called up for consideration Senate File 2331, a bill for an act to provide for the sharing of certain habilitative and treatment resources with the department of human services, amended by the House, and moved that the Senate concur in House amendment S-5551 filed April 7, 1998.

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

Senator Angelo 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. 2331), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gronstal
Halvorson	Hammond	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern

Redwine
Schuerer
Zieman

Rehberg
Szymoniak

Rensink
Tinsman

Rife
Vilsack

Nays, none.

Absent or not voting, 5:

Borlaug
Rittmer

Drake

Gettings

Lundby

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 2052

Senator Bartz called up for consideration Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers, amended by the House in House amendment S-5474 filed April 1, 1998.

Senator Bartz offered amendment S-5599, filed by him from the floor to amendment S-5474, and moved its adoption.

Amendment S-5599 was adopted by a voice vote.

Senator Hansen offered amendment S-5552, filed by him on April 7, 1998, to amendment S-5474.

Senator Bartz asked and received unanimous consent that action on amendment S-5552 and Senate File 2052 be deferred.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2417.

Senate File 2417

On motion of Senator Freeman, Senate File 2417, a bill for an act establishing a railroad revolving loan fund and making an appropriation, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2417), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Rife

Absent or not voting, 3:

Borlaug	Gettings	Redfern
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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 Iverson asked and received unanimous consent to take up for consideration House File 2119.

House File 2119

On motion of Senator Douglas, House File 2119, a bill for an act providing for the creation of an Iowa educational savings plan trust, addressing tax aspects, and containing applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Douglas moved that the bill be read the last time now and placed upon 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. 2119), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Borlaug Gettings

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 2353

Senator Tinsman called up for consideration Senate File 2353, a bill for an act relating to an allocation of state aid for purposes of school-based youth services programs, amended by the House, and moved that the Senate concur in House amendment S-5491 filed April 2, 1998.

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

Senator Tinsman 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, 46:

Angelo	Bartz	Behn	Black
Boettger	Dearden	Deluhery	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Present, 1:

Connolly

Absent or not voting, 3:

Borlaug

Douglas

Gettings

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

BUSINESS PENDING

Senate File 2052

The Senate resumed consideration of Senate File 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers, and amendment S-5552 by Senator Hansen to House amendment S-5474, previously deferred.

Senator Hansen moved the adoption of amendment S-5552 and requested a record roll call.

On the question "Shall amendment S-5552 to amendment S-5474 be adopted?" (S.F. 2052), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Kibbie	Kramer
Maddox	McCoy	Neuhauser	Palmer
Redwine	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	Judge
King	Lundby	McKean	McKibben
McLaren	Redfern	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Borlaug	Gettings
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Amendment S-5552 lost.

Senator Bartz 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 Bartz 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. 2052), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Borlaug Gettings

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 Lundby for the remainder of the day, on request of Senator Freeman.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2553.

House File 2553

On motion of Senator McLaren, House File 2553, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations, with report of committee recommending passage, was taken up for consideration.

Senator Neuhauser offered amendment S-5614, filed by her 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-5614 be adopted?" (H.F. 2553), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gronstal	Halvorson	Hammond
Hansen	Harper	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Gaskill	Hedge
Horn	Iverson	Jensen	King
Kramer	Maddox	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 3:

Borlaug	Gettings	Lundby
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Amendment S-5614 lost.

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?" (H.F. 2553), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Schuerer

Absent or not voting, 3:

Borlaug Gettings Lundby

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

UNFINISHED BUSINESS

House File 2517

On motion of Senator Boettger, House File 2517, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children and providing an effective date, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Boettger offered amendment S-5610, filed by Senators Boettger, et al., from the floor to pages 1-14 and the title page of the bill, and moved its adoption.

Amendment S-5610 was adopted by a voice vote.

Senator Hammond offered amendment S-5617, filed by her from the floor to page 7 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5617 be adopted?" (H.F. 2517), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	King	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Present, 1:

Kramer

Absent or not voting, 4:

Borlaug	Gettings	Jensen	Lundby
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Amendment S-5617 lost.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2517), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery

Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Judge	Kibbie	King	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Present, 1:

Kramer

Absent or not voting, 4:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2052, 2331, 2353, 2404, 2417, and House Files 2119, 2498, 2517 and 2553 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 April 9, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2538, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

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

ALSO: That the House has on April 9, 1998, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates (S-5609).

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 2023, 2085, 2170, 2185, and 2186.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2288 – Relating to the sales and use tax on optional service or warranty contracts and to the sales and use tax exemption on certain computers, equipment, machinery, and fuel, relating to the definition of manufacturer for purposes of the exemption, and providing a retroactive applicability date.

S.F. 2338 – Relating to adoptions including the process for adoption of a deceased person and relating to the entities responsible for assisting in international adoptions and providing an effective date.

H.F. 2339 – Relating to limits on coverage of the remedial account of the Iowa Comprehensive Petroleum Underground Storage Tank Fund, the minimum copayment provisions in regard to the remedial account, and creating a no further action fund.

H.F. 2468 – Establishing an electronic benefits transfer program in the department of human services.

H.F. 2482 – Relating to certain criminal acts committed on or against the property of railway corporations and providing and applying penalties.

H.F. 2490 – Relating to the administration of the insurance account of the comprehensive petroleum underground storage tank fund, creating an underground storage tank insurance board, an underground storage tank insurance fund, and transferring assets and liabilities of the insurance account of the comprehensive petroleum underground storage tank fund.

H.F. 2523 – Relating to the reimbursement of certain providers of services under the medical assistance program.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing the Senate Amendment to House File 2494, the following corrections were made:

1. Page 39, lines 23 and 24, the words and numbers "Sections 9, 10, 13, 26, 28, 37, 100, 101 through 40, 44, 45" were changed to the words and numbers "Sections 9, 10, 14, 27, 29, 38, 39, 40 through 43, 48, 49".
2. Page 39, lines 26 and 27, the words and numbers "Sections 11, 101, 14, 15, 17 through 20, 22, 25, 29, 30, and 32 through 34" were changed to the words and numbers "Sections 11, 13, 15, 16, 18 through 21, 23, 26, 30, 31, and 33 through 35".

MARY PAT GUNDERSON
Secretary of the Senate

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 9, 1998, 10:12 a.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Black, Douglas, Dvorsky, Freeman, Halvorson, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rife, Rittmer, and Vilsack.

Members Absent: Behn, Borlaug, Hammond, Rensink, and Tinsman (all excused).

Committee Business: Passed HF 2553.

Adjourned: 11:30 a.m.

SUBCOMMITTEE ASSIGNMENTS

House File 2534

WAYS AND MEANS: Douglas, Chair; Freeman and Judge

House File 2540

WAYS AND MEANS: Drake, Chair; Connolly and Douglas

House File 2543

WAYS AND MEANS: Maddox, Chair; Borlaug and Connolly

House File 2553

APPROPRIATIONS: McLaren, Chair; Flynn and Lundby

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 9, 1998, when the vote was taken on House File 2400. Had I been present, I would have voted "aye."

NEAL SCHUERER

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2553, a bill for an act relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

Recommendation: DO PASS.

Final Vote: Ayes, 18: McLaren, Kramer, Flynn, Douglas, Dvorsky, Freeman, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Neuhauser, Rehberg, Rife, Rittmer, and Vilsack. Nays, 2: Black and Halvorson. Absent or not voting, 5: Behn, Borlaug, Hammond, Rensink, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5595	H.F. 2269	Kitty Rehberg
S-5596	H.F. 2498	John W. Jensen
S-5597	S.F. 2387	O. Gene Maddox
S-5598	H.F. 2498	Johnie Hammond
S-5599	S.F. 2052	Merlin E. Bartz
S-5600	S.F. 2268	House
S-5601	H.F. 2498	H. Kay Hedge
		Jerry Behn
		Mary A. Lundby
		Lyle E. Ziemann
		Neal Schuerer
		E. Thurman Gaskill
		John W. Jensen
		Jack Rife
		John P. Kibbie
		Dennis H. Black
		Rod Halvorson
		Eugene S. Fraise
		Kitty Rehberg

		Don Gettings
		Wally E. Horn
S-5602	H.F. 2498	Mary A. Lundby
S-5603	H.F. 2498	Mary A. Lundby
S-5604	H.F. 2498	Dennis H. Black
S-5605	H.F. 2498	John W. Jensen
		Richard F. Drake
		Michael E. Gronstal
		Patrick J. Deluhery
S-5606	S.F. 2414	Allen Borlaug
S-5607	H.F. 2498	Rod Halvorson
		Sheldon Rittmer
S-5608	H.F. 2498	Matt McCoy
S-5609	S.F. 2313	House
S-5610	H.F. 2517	Nancy Boettger
		Elaine Szymoniak
		John Redwine
		Jerry Behn
		Wilmer Rensink
		Maggie Tinsman
		Robert E. Dvorsky
		Johnie Hammond
		Dick L. Dearden
		Patricia Harper
		Lyle E. Zieman
		Neal Schuerer
		Merlin E. Bartz
S-5611	S.F. 2409	Allen Borlaug
S-5612	S.F. 2409	Allen Borlaug
S-5613	S.F. 2296	Allen Borlaug
S-5614	H.F. 2553	Mary Neuhauser
S-5615	S.F. 2414	Johnie Hammond
		Allen Borlaug
		Robert E. Dvorsky
S-5616	H.F. 2538	JoAnn Douglas
S-5617	H.F. 2517	Johnie Hammond

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:57 p.m., until 11:00 a.m., Monday, April 13, 1998.

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 13, 1998

The Senate met in regular session at 11:29 a.m., President Kramer presiding.

Prayer was offered by Bishop Christopher Epting, of the Episcopal Diocese of Iowa.

Harriet Vande Hoef, House Secretary from Harris, Iowa, performed "The Lord's Prayer."

The Journal of Thursday, April 9, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden until he arrives, on request of Senator Gronstal; Senator Neuhauser until she arrives, on request of Senator Hansen; Senator McLaren until he arrives, on request of Senator Iverson; Senator Vilsack until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Robert L. Cramer, Alcoholic Beverages Commission

Mary C. Hodges, Board of Medical Examiners

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden	McLaren	Neuhauser
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Richard P. Moore, as a member of the Public Employment Relations Board, placed on the Individual Confirmation Calendar on April 1, 1998, and found on page 1020 of the Senate Journal.

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

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

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie

King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 1:

Rife

Absent or not voting, 4:

Dearden	McLaren	Neuhauser	Vilsack
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 120, by Jensen and Flynn, a resolution requesting that the Legislative Council authorize an interim study of statewide jail space needs.

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

Senate Concurrent Resolution 117, by Rehberg, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park.

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 9, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities

policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision (S-5618).

HOUSE AMENDMENT CONSIDERED

Senate Joint Resolution 9

Senator Lundby called up for consideration Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors, amended by the House in House amendment S-5488 filed April 2, 1998.

Senator Deluhery asked and received unanimous consent that action on amendment S-5488 and **Senate Joint Resolution 9** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 316

Senator Redwine called up for consideration Senate File 316, a bill for an act relating to the probationary period for deputy sheriffs, amended by the House, and moved that the Senate concur in House amendment S-5299 filed March 23, 1998.

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

Senator Redwine 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, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill

Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden	McLaren	Neuhauser	Vilsack
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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 347

Senator Angelo called up for consideration Senate File 347, a bill for an act relating to the disposal of public nuisances seized by the department of natural resources, amended by the House, and moved that the Senate concur in House amendment S-5487 filed April 2, 1998.

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

Senator Angelo 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. 347), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn

Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden	McLaren	Neuhauser	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 316 and 347** be **immediately messaged** to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 518

Senator Lundby called up for consideration Senate File 518, a bill for an act relating to the administration of state government, by providing for the practices of the department of general services, state procurement, motor vehicles, and state printing, amended by the House, and moved that the Senate concur in House amendment S-5379 filed March 25, 1998.

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

Senator Lundby 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. 518), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden	McLaren	Neuhauser	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senate File 2109

Senator Borlaug called up for consideration Senate File 2109, a bill for an act relating to mobile home dealers, amended by the House, and moved that the Senate concur in House amendment S-5589 filed April 8, 1998.

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

Senator Borlaug 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. 2109), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings

Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 1:

Deluhery

Absent or not voting, 5:

Dearden	McLaren	Neuhauser	Rife
Vilsack			

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

Senate File 2339

Senator McKean called up for consideration Senate File 2339, a bill for an act relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint, amended by the House, and moved that the Senate concur in House amendment S-5547 filed April 7, 1998.

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

Senator Hedge took the chair at 12:31 p.m.

Senator McKean 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, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn

Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 1:

Connolly

Absent or not voting, 4:

Dearden McLaren Neuhauser Vilsack

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

Senate File 2368

Senator Schuerer called up for consideration Senate File 2368, a bill for an act relating to the management of public rights-of-way by local government units, eliminating the power of cities to grant franchises to erect, maintain, and operate plants and systems for telecommunications services within the city, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5579 filed April 8, 1998.

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

Senator Schuerer 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. 2368), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink

Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Dearden	McCoy	Neuhauser	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 518, 2109, 2339, and 2368** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2414.

Senate File 2414

On motion of Senator Borlaug, Senate File 2414, a bill for an act relating to a workforce recruitment initiative and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2414** be **deferred**.

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senate Resolution 113

On motion of Senator Iverson, Senate Resolution 113,

3 A Senate Resolution honoring Senator Michael W. Connolly for his
4 years of legislative service.

5 WHEREAS, Senator Michael W. Connolly will this year
6 complete his tenth year of office in the Senate and
7 twenty years of service to the state of Iowa as a
8 member of the General Assembly; and

9 WHEREAS, Senator Connolly has served honorably and
10 has unselfishly given his time and efforts to further
11 the interests of the state of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and

13 WHEREAS, it is proper that Senator Connolly be
14 honored for his many years of service to the state of
15 Iowa; NOW THEREFORE,

16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Connolly and express its gratitude
18 for the service rendered by him; and

19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Connolly his Senate chair in appreciation for
21 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 113,
which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent to take up
for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Iverson, Senate Resolution 117,

3 A Senate Resolution honoring Senator Andy McKean for
4 his years of legislative service.

5 WHEREAS, Senator Andy McKean will this year
6 complete his sixth year of office in the Senate and
7 twenty years of service to the state of Iowa as a
8 member of the General Assembly; and

9 WHEREAS, Senator McKean has served honorably and
10 has unselfishly given his time and efforts to further
11 the interests of the state of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and

13 WHEREAS, it is proper that Senator McKean be
14 honored for his many years of service to the state of

15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator McKean and express its gratitude
18 for the service rendered by him; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator McKean his Senate chair in appreciation for
21 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

UNFINISHED BUSINESS

House File 2275

On motion of Senator Rensink, House File 2275, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Boettger asked and received unanimous consent to withdraw amendment S-5284, filed by the committee on Human Resources on March 19, 1998, to pages 1, 3, and the title page of the bill.

With the withdrawal of amendment S-5284, the Chair ruled amendment S-5526, filed by Senator Hammond on April 6, 1998, to pages 1-3 of the bill, and amendment S-5538, filed by Senator Boettger on April 6, 1998, to amendment S-5284, out of order.

Senator Flynn offered amendment S-5247, filed by him on March 16, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5247 was adopted by a voice vote.

Senator Rensink offered amendment S-5621, filed by Senators Rensink and Hammond from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5621 was adopted by a voice vote.

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. 2275), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

King	Kramer	Neuhauser	Rife
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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 2387

Senator Maddox called up for consideration Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, amended by the House in House amendment S-5550 filed April 7, 1998.

President Kramer took the chair at 1:26 p.m.

Senator Maddox offered amendment S-5597, filed by him on April 9, 1998, to amendment S-5550, and moved its adoption.

Amendment S-5597 was adopted by a voice vote.

Senator Maddox offered amendment S-5623, filed by him from the floor to amendment S-5550, and moved its adoption.

Amendment S-5623 was adopted by a voice vote.

Senator Maddox 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 Maddox 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. 2387), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

King McKean

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

BUSINESS PENDING**Senate File 2414**

The Senate resumed consideration of Senate File 2414, a bill for an act relating to a workforce recruitment initiative and providing an effective date, previously deferred.

Senator Dearden offered amendment S-5624, filed by Senators Dearden, et al., from the floor to pages 1 and 3 of the bill.

Senator Borlaug raised the point of order that amendment S-5624 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5624 out of order.

Senator Vilsack offered amendment S-5553, filed by Senators Vilsack, et al., on April 7, 1998, to pages 1 and 3 of the bill.

Senator Borlaug raised the point of order that amendment S-5553 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5553 out of order.

Senator Vilsack asked and received unanimous consent that action on **Senate File 2414** be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz until he returns, on request of Senator Behn.

**CONSIDERATION OF BILLS
(Ways and Means Calendar)**

Senator Iverson asked and received unanimous consent to take up for consideration House File 2542.

House File 2542

On motion of Senator Judge, House File 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Judge offered amendment S-5555, filed by the committee on Ways and Means on April 7, 1998, to page 10 of the bill, and moved its adoption.

Amendment S-5555 was adopted by a voice vote.

Senator Judge moved that the bill be read the last time now and placed upon 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. 2542), the vote was:

Ayes, 46:

Angelo	Behn	Black	Boettger
Connolly	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Bartz	Borlaug	Jensen	McKibben
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Iverson asked and received unanimous consent to take up for consideration House File 2541.

House File 2541

On motion of Senator Drake, House File 2541, a bill for an act relating to the use tax exemption for vehicles used substantially in interstate commerce, with report of committee recommending passage, 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?" (H.F. 2541), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

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

UNFINISHED BUSINESS**House File 2348**

On motion of Senator Szymoniak, House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Hammond offered amendment S-5388, filed by Senators Hammond, Harper, and Dvorsky on March 25, 1998, to pages 1-3 and 5-7 of the bill.

Senator Bartz took the chair at 2:28 p.m.

Senator Hammond moved the adoption of amendment S-5388 and requested a record roll call.

On the question "Shall amendment S-5388 be adopted?" (H.F. 2348), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rensink			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Absent or not voting, none.

Amendment S-5388 lost.

Senator Szymoniak offered amendment S-5394, filed by Senators Szymoniak, Tinsman, and Boettger on March 26, 1998, to pages 1-6 of the bill.

Senator Hammond asked and received unanimous consent that action on amendment S-5394 be deferred.

Senator Tinsman offered amendment S-5421, filed by her on March 30, 1998, to page 2 of the bill, and moved its adoption.

Amendment S-5421 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5452, filed by him on March 31, 1998, to page 4 of the bill.

Senator Dvorsky asked and received unanimous consent that action on amendment S-5452 be deferred.

Senator Dvorsky offered amendment S-5451, filed by him on March 31, 1998, to page 7 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5451 be adopted?" (H.F. 2348), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Vilsack			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Absent or not voting, none.

Amendment S-5451 lost.

The Senate stood at ease at 3:08 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:46 p.m., President Kramer presiding.

(Action on House File 2348 and amendments S-5394 and S-5452 was deferred.)

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 118, by Jensen, a concurrent resolution requesting the Legislative Council to establish an interim study committee to review the issue of the deregulation and restructuring of the electric utility industry.

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

HOUSE MESSAGES RECEIVED

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 April 13, 1998, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

House File 2120, a bill for an act prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

House File 2175, a bill for an act relating to the creation of, and annexation of property to, a sanitary sewer district.

House File 2400, a bill for an act providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

House File 2472, a bill for an act relating to fines imposed for violations of city or county ordinances or city or county infractions and providing an effective date.

House File 2487, a bill for an act relating to the fines and penalties and other requirements applicable to the sale of alcohol and providing an effective date.

House File 2494, a bill for an act regulating animal feeding operations and making penalties applicable and providing an effective date.

ALSO: That the House has on April 13, 1998, 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 2311, a bill for an act relating to partnerships by replacing the existing law with a uniform partnership law and providing penalties and an effective date.

ALSO: That the House has on April 13, 1998, 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 8, a bill for an act relating to the funding of state mandates (S-5629).

House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer (S-5628).

ALSO: That the House has on April 13, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 466, a bill for an act relating to the theft of video rental property and making penalties applicable.

IMMEDIATELY MESSAGED

Senator Hedge asked and received unanimous consent that **House Files 2275, 2541, and 2542** be **immediately messaged** to the House.

APPENDIX**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 2201, 2218, 2261, 2325, 2335, 2337, 2348, 2351, 2364, 2399, 2400, and 2407.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2015 – Removing cottonwood trees and cotton-bearing poplar trees in cities from a list of items deemed to be nuisances.

S.F. 2023 – Relating to the issuance of United States Armed Forces retired special plates, to the issuance of ex-prisoner of war motor vehicle registration plates to surviving spouses and to the issuance of emergency medical services motor vehicle registration plates and establishing fees.

S.F. 2085 – Relating to the responsibilities of the Department of Transportation, including vehicle equipment and parking regulation, postings of highway weight restrictions, and receipt of plans for city street construction.

S.F. 2113 – Relating to driver and motor vehicle licensing, reporting, and registration.

S.F. 2136 – 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 effective and retroactive applicability dates.

S.F. 2170 – Relating to licensing sanctions against individuals who default on debt owed to or collected by the College Student Aid Commission.

S.F. 2185 – Providing for the purchase of biodegradable hydraulic fluids manufactured from soybeans by state agencies.

S.F. 2186 – Relating to the validity and enforceability in Iowa of an advance directive document executed by a veteran of the armed forces.

S.F. 2257 – Relating to the regulation of and motor vehicle operation on the roads and streets of this state by providing for the classification of the system of roads and streets, authorizing easements on state-controlled lands, providing for the admissibility of official records of the State Department of Transportation, regulating motor vehicles and motor vehicle dealers, authorizing maintenance vehicles to stop or park on the traveled way of the roadway, allowing single trucks a variance on their maximum length, administering of motor vehicle laws by the State Department of Transportation concerning motor vehicle dealer sales, multiyear vehicle and vehicle dealer licensing, requiring the payment of certain civil penalties before issuance of temporary restricted licenses, and modifying the compilation requirements for airport sufficiency ratings.

S.F. 2294 – Relating to the payment of snowmobile and all-terrain vehicle title fees.

S.F. 2308 – Concerning eligible alternative retirement benefit systems for community college employees.

S.F. 2357 – Updating the Iowa Code references to the Internal Revenue Code, exempting certain preneed funeral trust income from taxation, revising the carryback and carryover periods for certain net operating losses, providing refunds, and providing an effective date and retroactive applicability dates.

H.F. 677 – Relating to child custody and visitation including the consideration of parent's criminal history in the awarding of visitation rights and including an exception from mandatory participation in a course by parties to an action involving child custody or visitation.

H.F. 721 – Relating to an insurance premium tax credit for eligible businesses under the new jobs and income program.

H.F. 2168 – Relating to the sale of stock or ownership interest of any corporation formed under the Iowa business development finance Act.

H.F. 2337 – Concerning the method for imposition of the drug abuse resistance education surcharge.

H.F. 2369 – Relating to the human immunodeficiency virus including the testing of an alleged offender for the human immunodeficiency virus, the intentional transmission of the human immunodeficiency virus, making penalties applicable, establishing penalties, and providing for an affirmative defense.

H.F. 2394 – Providing for service of one hundred percent of the maximum sentence by and the suspension of a driver's license of a person charged with homicide by vehicle.

H.F. 2476 – Providing for connection to the Iowa Communications Network by the Quad Cities Graduate Center.

H.F. 2527 – Providing for victim rights, providing for penalties, and an effective date.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2325, the following corrections were made:

1. Page 1, line 5, the words "et. seq." were changed to the words "et seq."
2. Page 17, line 35, the word and number "section 24" were changed to the word and number "section 23".

Pursuant to Senate Rule 21, I report that in enrolling Senate File 2400, the following corrections were made:

1. Page 12, line 11, the words "LIEN HOLDERS" were changed to the word "LIENHOLDERS".
2. Page 13, line 3, the words "twenty-four hours notice" were changed to the words "twenty-four hours' notice".
3. Page 14, lines 8 and 9, the words and numbers "Sections 12, 18 through 21, and 23 through 26" were changed to the words and numbers "Sections 10, 16 through 20, and 22 through 25".

MARY PAT GUNDERSON
Secretary of the Senate

STUDY BILL RECEIVED

SSB 2218 Judiciary

A concurrent resolution requesting the Legislative Council to establish a sentencing commission.

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2387 passed the Senate on April 13, 1998.

ROD HALVORSON

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5597 to amendment S-5550 to Senate File 2387 was adopted by the Senate on April 13, 1998.

O. GENE MADDOX

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 13, 1998, when the votes were taken on House Files 2541 and 2542. Had I been present, I would have voted "aye."

MERLIN E. BARTZ

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 13, 1998, when the votes were taken on Senate Files 316, 347, 518, 2109, 2339, 2368 and the confirmation of Richard Moore. Had I been present, I would have voted "aye."

TOM VILSACK

SUBCOMMITTEE ASSIGNMENTS

SSB 2218

JUDICIARY: McKean, Chair; Hammond and Maddox

House File 2538

WAYS AND MEANS: Redfern, Chair; Freeman and Palmer

House File 2544

APPROPRIATIONS: Rittmer, Chair; Flynn and Tinsman

House File 2545

APPROPRIATIONS: Kramer, Chair; Hammond and Tinsman

House File 2548

APPROPRIATIONS: Borlaug, Chair; Harper and Rehberg

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 13, 1998, 5:50 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Douglas, Dvorsky, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, Neuhauser, Rehberg, Rensink, and Rife.

Members Absent: Black, Borlaug, Freeman, Lundby, McCoy, Rittmer, Tinsman, and Vilsack (all excused).

Committee Business: Amended and passed HF 2533. Approved SSB 2209.

Adjourned: 6:05 p.m.

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: *SENATE FILE 2418 (SSB 2209), a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: McLaren, Kramer, Flynn, Behn, Douglas, Dvorsky, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, Neuhauser, Rehberg, Rensink, and Rife. Nays, none. Absent or not voting, 8: Black, Borlaug, Freeman, Lundby, McCoy, Rittmer, Tinsman, and Vilsack.

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 2418, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5631.

Final Vote: Ayes, 17: McLaren, Kramer, Flynn, Behn, Douglas, Dvorsky, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, Neuhauser, Rehberg, Rensink, and Rife. Nays, none. Absent or not voting, 8: Black, Borlaug, Freeman, Lundby, McCoy, Rittmer, Tinsman, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF BILL

Senate File 2418, by committee on Appropriations, a bill for an act a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of

information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

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

AMENDMENTS FILED

S-5618	S.F. 2410	House
S-5619	S.F. 2414	Michael E. Gronstal
S-5620	S.F. 2414	Robert E. Dvorsky Johnie Hammond Tom Flynn Allen Borlaug
S-5621	H.F. 2275	Wilmer Rensink Johnie Hammond
S-5622	S.F. 2414	Tom Vilsack
S-5623	S.F. 2387	O. Gene Maddox
S-5624	S.F. 2414	Dick L. Dearden Matt McCoy Mike Connolly Bill Fink William D. Palmer Patrick J. Deluhery Mary Neuhauser Patty Judge Michael E. Gronstal Don Gettings Eugene S. Fraise Tom Vilsack Wally E. Horn Johnie Hammond Patricia Harper Robert E. Dvorsky John P. Kibbie
S-5625	H.F. 2496	Bill Fink
S-5626	S.F. 2405	Jeff Angelo
S-5627	S.F. 2414	Tom Vilsack
S-5628	H.F. 2290	House

S-5629	H.F. 8	House
S-5630	H.F. 2348	Robert E. Dvorsky
S-5631	H.F. 2533	Appropriations

ADJOURNMENT

On motion of Senator Hedge, the Senate adjourned at 5:52 p.m., until 9:00 a.m., Tuesday, April 14, 1998.

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 14, 1998

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by Father Michael Hess of Dowling High School, West Des Moines, Iowa.

Candy Boucher, former Senate Secretary, sang "Amazing Grace."

The Journal of Monday, April 13, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 April 13, 1998, passed the following bill in which the **concurrence** of the House was asked:

Senate File 492, a bill for an act relating to unemployment compensation benefits concerning proof of whether a person has voluntarily quit employment.

ALSO: That the House has on April 13, 1998, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the House was asked:

House File 2517, a bill for an act establishing a healthy and well kids in Iowa (HAWK-I) program to provide health insurance to eligible children, providing for a repeal, and providing an effective date.

MOTION TO RECONSIDER WITHDRAWN**Senate File 2387**

Senator Halvorson withdrew the motion to reconsider Senate File 2387, a bill for an act relating to adoption procedural requirements including those related to investigations, reports, and counseling, filed by him on April 13, 1998, and found on page 1205 of the Senate Journal.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED****House Concurrent Resolution 15**

Senator Redfern called up for consideration House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5378 to Senate amendment H-8069 filed March 25, 1998, and found on page 917 of the Senate Journal.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

ADOPTION OF RESOLUTIONS

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 115.

Senate Concurrent Resolution 115

On motion of Senator Iverson, Senate Concurrent Resolution 115, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 115, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 113.

Senate Concurrent Resolution 113

On motion of Senator Bartz, Senate Concurrent Resolution 113, a concurrent resolution requesting the establishment of a conference to study the protection of the Loess Hills areas of this state, was taken up for consideration.

President pro tempore Redfern took the chair at 9:21 a.m.

Senator Bartz moved the adoption of Senate Concurrent Resolution 113, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he arrives, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED (Deferred April 13, 1998)

Senate Joint Resolution 9

Senator Lundby called up for consideration Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors, amended by the House, and moved that the Senate concur in House amendment S-5488 filed April 2, 1998.

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

Senator Lundby 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.

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

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:

Section 5 of Article II of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

DISQUALIFIED PERSONS. Sec. 5. A person adjudged mentally incompetent to vote or convicted of any felony shall not be entitled to the privilege of an elector.

Sec. 2. The foregoing 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 the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the bill pass?" (S.J.R. 9), the vote was:

Yeas, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, none.

Absent or not voting, 1:

Vilsack

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

President Kramer took the chair at 9:30 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2405

Senator Rife called up for consideration Senate File 2405, a bill for an act providing for the joint construction or acquisition, furnishing, operation, and maintenance of public buildings by a county, city, and school district, amended by the House in House amendment S-5530 filed April 6, 1998.

Senator Angelo offered amendment S-5626, filed by him on April 13, 1998, to House amendment S-5530.

Senator Rehberg raised the point of order that amendment S-5626 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5626 out of order.

Senator Rife 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 Rife 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. 2405), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman

Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Iverson	Jensen	Judge	Kibbie
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, none.

Absent or not voting, 4:

Horn	King	McLaren	Vilsack
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolutions 113 and 115, Senate Joint Resolution 9, Senate File 2405, and House Concurrent Resolution 15** be immediately messaged to the House.

UNFINISHED BUSINESS

Senate File 2360

On motion of Senator Maddox, Senate File 2360, by committee on Ways and Means, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes; providing penalties; and including effective and retroactive applicability date provisions, placed on the Unfinished Business Calendar on March 19, 1998, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5295, filed by him on March 23, 1998, to page 1 and the title page of the bill.

Senator Maddox offered amendment S-5172, filed by him on March 10, 1998, to pages 1, 2, 10, 11, 18, and 19 of the bill and moved its adoption.

Amendment S-5172 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5390, filed by him on March 26, 1998, to pages 3 and 38 of the bill.

Senator Maddox offered amendment S-5187, filed by him on March 11, 1998, to pages 15, 38, and to the title page of the bill.

PRESENTATION OF VISITORS

The Chair welcomed fifty-two fifth grade students from BCLUW Middle School, Union, Iowa, accompanied by Mr. Simpson and Mr. Ehn. Senator Iverson and Senator Jensen.

The Chair welcomed tenth and eleventh grade students from West Marshall High School, State Center, Iowa, accompanied by Mrs. Betsy Buck. Senator McKibben.

BUSINESS PENDING

Senate File 2360

The Senate resumed consideration of Senate File 2360, and amendment S-5187 by Senator Maddox to pages 15, 38, and to the title page of the bill.

Senator Fraise raised the point of order that amendment S-5187 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5187 in order.

Senator Maddox moved the adoption of amendment S-5187.

Amendment S-5187 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5241, filed by Senators Dvorsky and Maddox on March 12, 1998, to pages 15 and 38 of the bill.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5384, filed by him on March 25, 1998, to page 22 of the bill.

Senator Maddox asked and received unanimous consent that **House File 2530** be substituted for **Senate File 2360**.

House File 2530

On motion of Senator Maddox, House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Maddox asked and received unanimous consent that action on **House File 2530** be deferred.

UNFINISHED BUSINESS (Deferred April 8, 1998)

Senate File 2409

The Senate resumed consideration of Senate File 2409, a bill for an act relating to a sales tax exemption for certain aircraft and providing an effective date, and amendment S-5554 by Senator Flynn to page 1 and to the title page of the bill, deferred April 8, 1998.

Senator Borlaug offered amendment S-5611, filed by him on April 9, 1998, to amendment S-5554, and moved its adoption.

Amendment S-5611 was adopted by a voice vote.

Senator Flynn moved the adoption of amendment S-5554.

Amendment S-5554 was adopted by a voice vote.

Senator Borlaug offered amendment S-5612, filed by him on April 9, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5612 was adopted by a voice vote.

PRESENTATION OF VISITORS

The Chair welcomed seventeen high school students from Creston High School, Creston, Iowa, accompanied by Jodi Emerson. Senator Angelo.

BUSINESS PENDING

Senate File 2409

The Senate resumed consideration of Senate File 2409.

Senator Borlaug offered amendment S-5590, filed by him on April 8, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5590 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?" (S.F. 2409), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 5:

Dearden
Palmer

Dvorsky

Hammond

Neuhauser

Absent or not voting, 1:

Vilsack

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

Senator Iverson asked and received unanimous consent that **Senate File 2409** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2280

Senator Rittmer called up for consideration Senate File 2280, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates, amended by the House in House amendment S-5563 filed April 7, 1998.

Senator Rittmer offered amendment S-5633, filed by him from the floor to pages 3 and 4 of House amendment S-5563.

PRESENTATION OF VISITORS

The Chair welcomed the fifth grade class from Winterset Elementary School, Winterset, Iowa, accompanied by Connie Maw and Karin Van Werden. Senator Douglas.

The Chair welcomed sixth grade students from the Des Moines Jewish Academy, accompanied by principal Kathleen Ricker. Senator Judge.

The Chair welcomed forty-eight fifth grade students from Grant Elementary from Oskaloosa, Iowa, accompanied by Mrs. Mattix and Mrs. Johnson. Senator Hedge.

BUSINESS PENDING

Senate File 2280

The Senate resumed consideration of Senate File 2280 and amendment S-5633 by Senator Rittmer to pages 3 and 4 of House amendment S-5563.

Senator Rittmer moved the adoption of amendment S-5633 to House amendment S-5563.

Amendment S-5633 was adopted by a voice vote.

Senator Rittmer 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 Rittmer 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. 2280), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, none.

Absent or not voting, 1:

Vilsack

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

Senator Iverson asked and received unanimous consent that **Senate File 2280** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 April 14, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date (S-5637).

Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties (S-5636).

ALSO: That the House has on April 14, 1998, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2542, a bill for an act regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

ALSO: That the House has on April 14, 1998, 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 2052, a bill for an act relating to programs involving government finance, by providing for the issuance of private activity

bonds to administer programs by governmental entities, including the Iowa agricultural development authority and political subdivisions, and providing program assistance to beginning farmers.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:43 a.m., until 1:15 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:21 p.m., President pro tempore Redfern presiding.

QUORUM CALL

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

The vote revealed 30 present, 20 absent, and a quorum present.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders (S-5641).

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Palmer until he arrives, on request of Senator Kibbie; Senator McKibben until he arrives, on request of Senator Rehberg; Senators Hammond, Dvorsky, and Neuhauser until they arrive, on request of Senator Dearden; Senator Harper until she arrives, on request of Senator Gaskill.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2412.

Senate File 2412

On motion of Senator McLaren, Senate File 2412, a bill for an act relating to linked investment deposits by providing a low-interest loan program to assist persons involved in value-added agricultural processing, was taken up for consideration.

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. 2412), the vote was:

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hansen
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McKean	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 2:

Lundby McCoy

Absent or not voting, 7:

Dvorsky	Hammond	Harper	McKibben
Neuhauser	Palmer	Vilsack	

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

Senator Iverson asked and received unanimous consent that Senate File 2412 be immediately messaged to the House.

HOUSE AMENDMENTS CONSIDERED

Senate File 2200

Senator Angelo called up for consideration Senate File 2200, a bill for an act relating to the expenses, powers, and duties of county agricultural extension councils, amended by the House, and moved that the Senate concur in House amendment S-5587 filed April 8, 1998.

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

Senator Angelo 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. 2200), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2268

Senator Angelo called up for consideration Senate File 2268, a bill for an act relating to rural water services by authorizing rural water districts to enter into agreements with other governmental entities to provide for the ownership, acquisition, construction, and equipping of sewer systems, and authorizing the issuance of revenue obligations to finance the projects and providing procedures for detaching property from one district and attaching it to another district, amended by the House, and moved that the Senate concur in House amendment S-5600 filed April 9, 1998.

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

Senator Angelo 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. 2268), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

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

Senate File 2277

Senator Bartz called up for consideration Senate File 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding, amended by the House in House amendment S-5592 filed April 8, 1998.

Senator Bartz offered amendment S-5635, filed by him from the floor to amendment S-5592, and moved its adoption.

Amendment S-5635 was adopted by a voice vote.

Senator Bartz 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 Bartz 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. 2277), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Rife Vilsack

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

Senator Iverson asked and received unanimous consent that Senate File 2277 be immediately messaged to the House.

UNFINISHED BUSINESS
(Deferred April 7, 1998)

Senate File 2284

The Senate resumed consideration of Senate File 2284, a bill for an act relating to rural improvement zones, amendment S-5259 by Senator Iverson to page 1 of the bill, and amendment S-5499 by Senator Gronstal to amendment S-5259, deferred April 7, 1998.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-5499 to amendment S-5259.

Senator Gronstal asked and received unanimous consent to withdraw the following amendments:

S-5314 filed by him on March 23, 1998, to page 1 of the bill;

S-5315 filed by him on March 23, 1998, to page 1 of the bill;

S-5316 filed by him on March 23, 1998, to page 1 of the bill;

S-5317 filed by him on March 23, 1998, to page 1 of the bill;

S-5318 filed by him on March 23, 1998, to page 1 of the bill;

S-5319 filed by him on March 23, 1998, to page 1 of the bill;

S-5320 filed by him on March 23, 1998, to page 1 of the bill;

S-5321 filed by him on March 23, 1998, to page 1 of the bill;

S-5322 filed by him on March 23, 1998, to page 1 of the bill;

S-5325 filed by him on March 23, 1998, to page 1 of the bill;

S-5326 filed by him on March 23, 1998, to page 1 of the bill;
 S-5327 filed by him on March 23, 1998, to page 1 of the bill;
 S-5328 filed by him on March 23, 1998, to page 1 of the bill;
 S-5329 filed by him on March 23, 1998, to page 1 of the bill;
 S-5330 filed by him on March 23, 1998, to page 1 of the bill;
 S-5331 filed by him on March 23, 1998, to page 1 of the bill;
 S-5332 filed by him on March 23, 1998, to page 1 of the bill;
 S-5333 filed by him on March 23, 1998, to page 1 of the bill; and
 S-5334 filed by him on March 23, 1998, to page 1 of the bill.

Senator Iverson offered amendment S-5313, filed by him on March 23, 1998, to amendment S-5259, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5313 to amendment S-5259 be adopted?" (S.F. 2284), the vote was:

Ayes, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Gettings	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Rehberg

Absent or not voting, 2:

Rife Vilsack

Amendment S-5313 was adopted.

Senator Iverson moved the adoption of amendment S-5259.

Amendment S-5259 was adopted by a voice vote.

With the adoption of amendment S-5259, the Chair ruled amendment S-5261 filed by Senators Black and Rehberg on March 17, 1998, to page 1 of the bill, and amendment S-5294 filed by Senator Hedge on March 23, 1998, to page 1 of the bill, out of order.

Senator Maddox moved that the bill be read the last time now and placed upon its passage, 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, 35:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Dearden	Douglas
Drake	Fink	Flynn	Freeman
Gaskill	Gettings	Hedge	Horn
Iverson	Jensen	Kibbie	King
Kramer	Maddox	McCoy	McKean
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, 11:

Connolly	Deluhery	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Judge	Neuhauser	Palmer	

Absent or not voting, 4:

Dvorsky Lundby McKibben Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2200, 2268, and 2284** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2496

On motion of Senator Rittmer, House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates, with report of committee without recommendation, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Halvorson asked and received unanimous consent that action on **House File 2496** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration **Senate File 2413**.

Senate File 2413

On motion of Senator Freeman, Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons, was taken up for consideration.

Senator Freeman asked and received unanimous consent to withdraw amendment S-5461, filed by Senators Freeman and Judge on April 1, 1998, to pages 1 and 2 of the bill.

Senator Freeman offered amendment S-5639, filed by her from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5639 was adopted by a voice vote.

Senator Jensen asked and received unanimous consent to withdraw amendment S-5445, filed by him on March 31, 1998, to pages 1 and 4 of the bill.

Senator Freeman offered amendment S-5640, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5640 was adopted by a voice vote.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2413), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Rife Vilsack

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 Iverson called up the appointment of Jacquelyne I. Allen, as a member of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on April 1, 1998, and found on page 1020 of the Senate Journal, deferred April 8, 1998.

Senator Bartz took the chair at 2:58 p.m.

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

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

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 6:

Dearden	Deluhery	McCoy	Palmer
Rife	Szymoniak		

Absent or not voting, none.

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

UNFINISHED BUSINESS (Deferred April 13, 1998)

Senate File 2414

The Senate resumed consideration of Senate File 2414, a bill for an act relating to a workforce recruitment initiative and providing an effective date, deferred April 13, 1998.

Senator Hammond asked and received unanimous consent to withdraw amendment S-5615, filed by Senators Hammond, Borlaug, and Dvorsky on April 9, 1998, to page 1 of the bill.

Senator Dvorsky offered amendment S-5620, filed by Senators Dvorsky, et al., on April 13, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5620 was adopted by a voice vote.

Senator Vilsack offered amendment S-5627, filed by him on April 13, 1998, to pages 2 and 3 of the bill.

Senator Borlaug raised the point of order that amendment S-5627 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5627 out of order.

Senator Vilsack asked and received unanimous consent that action on **Senate File 2414** be deferred.

The Senate stood at ease at 3:43 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:53 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 1998 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 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date (S-5658).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until he arrives, on request of Senator Gronstal.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 667

Senator Neuhauser called up for consideration House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date, amended by the Senate, further amended by the House in House amendment S-5658 to Senate amendment H-8997 filed April 14, 1998.

Senator Iverson asked and received unanimous consent that action on amendment S-5658 to Senate amendment H-8997 and **House File 667** be deferred.

HOUSE AMENDMENT CONSIDERED

Senate File 2377

Senator Neuhauser called up for consideration Senate File 2377, a bill for an act relating to the sixth judicial district pilot probation revocation project and providing for effective dates and for repeal of the pilot project provisions, amended by the House, and moved that the Senate concur in House amendment S-5580 filed April 8, 1998.

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

Senator Neuhauser 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. 2377), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge

Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

McCoy Szymoniak

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 Szymoniak until she arrives, on request of Senator Fink.

BUSINESS PENDING

House File 2530

The Senate resumed consideration of House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, previously deferred.

Senator Dvorsky offered amendment S-5634, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 18, nays 25.

Amendment S-5634 lost.

Senator Halvorson offered amendment S-5638, filed by him from the floor to page 1 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 19, nays 25.

Amendment S-5638 lost.

Senator Connolly offered amendment S-5460, filed by him on April 1, 1998, to pages 2 and 37 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5460 be adopted?" (H.F. 2530), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Black	Boettger	Borlaug	Connolly
Dearden	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Kramer
Lundby	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 23:

Angelo	Bartz	Behn	Douglas
Drake	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Rife

Amendment S-5460 was adopted.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5481, filed by him on April 2, 1998, to pages 15 and 37 of the bill.

Senator Borlaug asked and received unanimous consent that action on **House File 2530** be deferred.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 119, by committee on Judiciary, a concurrent resolution requesting the Legislative Council to establish a sentencing commission.

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

HOUSE MESSAGES RECEIVED

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 April 14, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2557, a bill for an act relating to employment background checks by care facilities and services, creating a single contact repository, and making an appropriation.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on April 14, 1998, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2275, a bill for an act relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

ALSO: That the House has on April 13, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or

fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates (S-5654).

ALSO: That the House has on April 14, 1998, 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 2280, 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, the department of human rights, the governor's alliance on substance abuse, and the commission of veterans affairs, and providing effective dates.

BUSINESS PENDING

House File 2530

The Senate resumed consideration of House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, previously deferred.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5482, filed by him on April 2, 1998, to page 15 of the bill.

Senator Maddox offered amendment S-5644, filed by him from the floor to page 21 of the bill, and moved its adoption.

Amendment S-5644 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that action on **House File 2530** be deferred.

BUSINESS PENDING

House File 2496

The Senate resumed consideration of House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates, previously deferred.

President pro tempore Redfern took the chair at 5:41 p.m.

Senator Kibbie offered amendment S-5666, filed by Senators Kibbie, et al., 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-5666 be adopted?" (H.F. 2496), the vote was:

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Lundby	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, none.

Amendment S-5666 lost.

President Kramer took the chair at 5:45 p.m.

Senator Vilsack offered amendment S-5661, filed by Senators Vilsack, et al., from the floor to pages 4, 7, 85, 91, 92, and 95 of the bill.

Senator Vilsack asked and received unanimous consent that action on amendment S-5661 and House File 2496 be deferred.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2153.

House File 2153

On motion of Senator Drake, House File 2153, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing effective and applicability date provisions, with report of committee recommending passage, 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?" (H.F. 2153), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

BUSINESS PENDING

House File 2496

The Senate resumed consideration of House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates, and amendment S-5661 by Senators Vilsack, et al., to pages 4, 7, 85, 91, 92, and 95 of the bill, previously deferred.

Senator Vilsack asked and received unanimous consent to withdraw amendment S-5661.

Senator Connolly offered amendment S-5657, filed by him from the floor to pages 5 and 77 of the bill, and moved its adoption.

Amendment S-5657 lost by a voice vote.

Senator Halvorson offered amendment S-5649, filed by him from the floor to pages 12, 13, and 81 of the bill, and moved its adoption.

Amendment S-5649 lost by a voice vote.

Senator Vilsack offered amendment S-5662, filed by Senators Vilsack, et al., from the floor to pages 19 and 40 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5662 be adopted?" (H.F. 2496), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson

Hammond	Hansen	Harper	Horn
Judge	Kibbie	Lundby	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 26:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 1:

McCoy

Amendment S-5662 lost.

Senator Hansen offered amendment S-5480, filed by him on April 1, 1998, to page 20 of the bill, and moved its adoption.

Amendment S-5480 was adopted by a voice vote.

Senator Dvorsky offered amendment S-5655, filed by Senators Dvorsky, et al., from the floor to page 28 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5655 be adopted?" (H.F. 2496), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	Redfern	Redwine

Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

McCoy	McLaren
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Amendment S-5655 lost.

Senator Connolly offered amendment S-5656, filed by Senators Connolly, Kibbie, and Dvorsky from the floor to pages 36 and 79 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5656 be adopted?" (H.F. 2496), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

McLaren

Amendment S-5656 lost.

Senator Rittmer offered amendment S-5643, filed by Senators Rittmer, Kibbie, and Drake from the floor to pages 51-55, 58, and 87 of the bill, and moved its adoption.

Amendment S-5643 was adopted by a voice vote.

Senator Maddox took the chair at 7:03 p.m.

Senator Hansen offered amendment S-5665, filed by Senators Hansen, et al., from the floor to page 78 of the bill.

Senator Hansen asked and received unanimous consent that action on amendment S-5665 be deferred.

Senator Gronstal offered amendment S-5663, filed by him from the floor to pages 79 and 80 of the bill, moved its adoption, and requested a non-record roll call.

The ayes were 20, nays 26.

Amendment S-5663 lost.

Senator Fink offered amendment S-5625, filed by him on April 13, 1998, to page 80 of the bill.

Senator Gronstal asked that action on amendment S-5625 and House File 2496 be deferred.

Senator Gronstal withdrew his request.

Senator Fink moved the adoption of amendment S-5625.

Amendment S-5625 was adopted by a voice vote.

Senator Halvorson offered amendment S-5664, filed by Senators Halvorson and Hammond from the floor to page 82 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5664 be adopted?" (H.F. 2496), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 29:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hansen	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, none.

Amendment S-5664 lost.

Senator Connolly offered amendment S-5673, filed by him from the floor to page 81 of the bill, and moved its adoption.

Amendment S-5673 was adopted by a voice vote.

Senator Halvorson offered amendment S-5653, filed by him from the floor to pages 86 and 92 of the bill.

Senator Halvorson called for a division of amendment S-5653: page 1, lines 3-33 as division S-5653A; page 1, lines 34-50 and page 2 as division S-5653B.

President Kramer took the chair at 8:21 p.m.

Senator Halvorson moved the adoption of division S-5653A.

Division S-5653A was adopted by a voice vote.

Senator Halvorson asked and received unanimous consent to withdraw division S-5653B.

Senator Halvorson offered amendment S-5648, filed by him from the floor to pages 88-91 of the bill, and moved its adoption.

Amendment S-5648 lost by a voice vote.

Senator Halvorson asked and received unanimous consent to withdraw amendment S-5652, filed by him from the floor to pages 88-91 and 95 of the bill.

Senator Halvorson offered amendment S-5671, filed by him from the floor to pages 88-90 of the bill, and moved its adoption.

Amendment S-5671 lost by a voice vote.

Senator Halvorson offered amendment S-5651, filed by him from the floor to page 95 of the bill, and moved its adoption.

Amendment S-5651 lost by a voice vote.

Senator Halvorson offered amendment S-5672, filed by him from the floor to page 95 of the bill, and moved its adoption.

Amendment S-5672 lost by a voice vote.

Senator Hansen moved the adoption of amendment S-5665 by Senators Hansen, et al., to page 78 of the bill, previously deferred.

Amendment S-5665 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gettings for the remainder of the day, on request of Senator Fraise.

BUSINESS PENDING

House File 2496

The Senate resumed consideration of House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

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. 2496), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2377, 2413, and House Files 2153 and 2496 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2406

Senator Boettger called up for consideration Senate File 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment area boards and the Iowa empowerment board, making an appropriation, and providing an effective date, amended by the House in House amendment S-5439 filed March 31, 1998.

Senator Boettger offered amendment S-5670, filed by Senators Boettger, et al., from the floor to pages 1, 4, 5, and 7-12 of House amendment S-5439, and moved its adoption.

Amendment S-5670 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Palmer until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2406

The Senate resumed consideration of Senate File 2406 and House amendment S-5439 as amended.

Senator Boettger 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 Boettger 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. 2406), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Gettings Palmer

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 2539

Senator Maddox called up for consideration House File 2539, a bill for an act relating to and making appropriations to the justice system and providing effective dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S-5593 to Senate amendment H-8958 filed April 8, 1998.

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

Senator Maddox 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. 2539), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 3:

Gronstal	McCoy	Rife
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Absent or not voting, 2:

Gettings Palmer

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2406** and **House File 2539** be **immediately messaged** to the House.

COMMITTEE REPORT

JUDICIARY

Final Bill Action: SENATE CONCURRENT RESOLUTION 119, a concurrent resolution requesting the Legislative Council to establish a sentencing commission.

Recommendation: APPROVED COMMITTEE RESOLUTION.

Final Vote: Ayes, 15: McKean, Maddox, Neuhauser, Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman. Nays, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 119.

Senate Concurrent Resolution 119

On motion of Senator McKean, Senate Concurrent Resolution 119, a concurrent resolution requesting the Legislative Council to establish a sentencing commission, was taken up for consideration.

Senator McKean offered amendment S-5674, filed by him from the floor on April 14, 1998, to page 3 of the resolution, and moved its adoption.

Amendment S-5674 was adopted by a voice vote.

Senator McKean moved the adoption of Senate Concurrent Resolution 119, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent that Senate Concurrent Resolution 119 be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2410

Senator Tinsman called up for consideration Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision, amended by the House in House amendment S-5618 filed April 13, 1998.

Senator Tinsman offered amendment S-5676, filed by her from the floor to pages 1 and 4-7 of House amendment S-5618, and moved its adoption.

Amendment S-5676 was adopted by a voice vote.

Senator Tinsman 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 Tinsman 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. 2410), the vote was:

Ayes, 48:

Angelo
Boettger
Deluhery

Bartz
Borlaug
Douglas

Behn
Connolly
Drake

Black
Dearden
Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Gettings Palmer

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

Senator Iverson asked and received unanimous consent that **Senate File 2410** be **immediately messaged** to the House.

**BUSINESS PENDING
HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 667

Senator Neuhauser called up for consideration House File 667, a bill for an act relating to the Iowa administrative procedure Act and providing an effective and applicability date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5658 to Senate amendment H-8997 filed April 14, 1998, previously deferred.

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

Senator Neuhauser 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. 667), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Gettings Palmer

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 187

Senator Black called up for consideration Senate File 187, a bill for an act relating to the issuance of licenses and the imposition of fees for the fishing, trapping, hunting, pursuing, catching, killing, or taking of wild animals, birds, game, or fish, providing for other properly related matters, and subjecting violators to existing penalties, and providing effective and applicability dates, amended by the House, and moved that the Senate concur in House amendment S-5654 filed April 14, 1998.

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

Senator Black 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. 187), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Flynn	Fraise	Freeman	Gaskill
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

Fink

Absent or not voting, 3:

Gettings Palmer Rife

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 187** and **House File 667** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2419, by committee on Ways and Means, a bill for an act relating to funding of new jobs training programs.

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

HOUSE MESSAGES RECEIVED

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 April 13, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2333, a bill for an act relating to occupational hearing loss recovery, providing definitions, and providing for the apportionment and measurement of hearing loss.

ALSO: That the House has on April 14, 1998, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

Senate File 2365, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts (S-5675).

ALSO: That the House has on April 14, 1998, 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 2277, a bill for an act providing for exceptions to municipal tort liability for skateboarding.

ALSO: That the House has on April 14, 1998, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

House File 2514, a bill for an act relating to motor vehicle operation and motor vehicles, carriers and motor trucks, and penalties and hazardous materials, including weight requirements and transportation of hazardous materials, and providing an effective date.

APPENDIX**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MADAM 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 14th day of April, 1998:

Senate Files 530, 540, 2037, 2072, 2235, 2254, 2259, and 2321.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2364 – Relating to the sales, services, and use taxes exemption for the sales of food and beverages for human consumption by certain organizations, providing refunds, and including effective and retroactive applicability date provisions.

H.F. 2135 – Relating to a mid-America port commission agreement and providing an effective date.

H.F. 2211 – Relating to the liability for and payment of certain costs and other expenses relating to certain inmates, prisoners, and escapees.

REPORTS OF COMMITTEE MEETINGS**JUDICIARY**

Convened: April 14, 1998, 11:45 a.m.

Members Present: McKean, Chair; Maddox, Vice Chair; Neuhauser, Ranking Member; Angelo, Boettger, Drake, Fraise, Halvorson, Hammond, Hansen, Harper, King, McKibben, Redfern, and Tinsman.

Members Absent: None.

Committee Business: Approved SSB 2218.

Adjourned: 11:52 a.m.

WAYS AND MEANS

Convened: April 14, 1998, 12:12 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, and Szymoniak.

Members Absent: Vilsack (excused).

Committee Business: Subcommittee assignments. Passed HF 2513 and HF 2543. Approved SSB 2219.

Adjourned: 12:55 p.m.

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 530, the following correction was made:

1. Page 8, line 13, the word "subsections:" was changed to the word "subsection:".

Pursuant to Senate Rule 21, I report that in enrolling Senate File 2235, the following corrections were made:

1. Page 1, line 17, the words "court appointed" were changed to the words "court-appointed".

2. Page 8, line 29, the words and numbers "Section 101 through 108" were changed to the words and numbers "Sections 1, 2, 7, 8, 9, 10, and 17".

MARY PAT GUNDERSON
Secretary of the Senate

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5460 to House File 2530 was adopted by the Senate on April 14, 1998.

ALLEN BORLAUG

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2387 passed the Senate on April 13, 1998.

O. GENE MADDOX

STUDY BILL RECEIVED

SSB 2219 Ways and Means

Relating to funding of new jobs training programs.

BILL ASSIGNED TO COMMITTEE

President Kramer announced the assignment of the following bill to committee:

H.F. 2547 Appropriations

PRESENTATION OF VISITORS

The Chair welcomed at the request of Senator Kramer, fifty-six fifth grade students from Rex Mathis Elementary, West Des Moines, Iowa, accompanied by Thalya Hanson and Judy Coldiron, who were present in the balcony.

SUBCOMMITTEE ASSIGNMENTS

SSB 2219

WAYS AND MEANS: Maddox, Chair; Douglas and Palmer

House File 2547

APPROPRIATIONS: McLaren, Chair; Harper, Kramer, Neuhauser, and Rife

COMMITTEE REPORTS

WAYS AND MEANS

Final Bill Action: *SENATE FILE 2419 (SSB 2219), a bill for an act relating to funding of new jobs training programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Judge, Maddox, McLaren, Redfern, and Szymoniak. Nays, 1: Hedge. Absent or not voting, 1: Vilsack.

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 Ways and Means Committee on Senate File 2419, and they were attached to the committee report.

ALSO:

Final Bill Action: HOUSE FILE 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, and Szymoniak. Nays, none. Absent or not voting, 2: Redfern and Vilsack.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2543, a bill for an act relating to the state inheritance tax by exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Borlaug, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, and Szymoniak. Nays, none. Absent or not voting, 2: Redfern and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5632	S.F. 2387	O. Gene Maddox
S-5633	S.F. 2280	Sheldon Rittmer
S-5634	H.F. 2530	Robert E. Dvorsky
S-5635	S.F. 2277	Merlin E. Bartz
S-5636	S.F. 2374	House

S-5637	S.F. 2332	House
S-5638	H.F. 2530	Rod Halvorson
S-5639	S.F. 2413	Mary Lou Freeman
S-5640	S.F. 2413	Mary Lou Freeman
S-5641	S.F. 2398	House
S-5642	H.F. 2513	William D. Palmer
S-5643	H.F. 2496	Sheldon Rittmer
		John P. Kibbie
		Richard F. Drake
S-5644	H.F. 2530	O. Gene Maddox
S-5645	S.F. 2418	Jack Rife
S-5646	H.F. 2513	Mike Connolly
S-5647	H.F. 2513	Mike Connolly
S-5648	H.F. 2496	Rod Halvorson
S-5649	H.F. 2496	Rod Halvorson
S-5650	H.F. 2533	Mike Connolly
S-5651	H.F. 2496	Rod Halvorson
S-5652	H.F. 2496	Rod Halvorson
S-5653	H.F. 2496	Rod Halvorson
S-5654	S.F. 187	House
S-5655	H.F. 2496	Robert E. Dvorsky
		Dick L. Dearden
		Steven D. Hansen
		Eugene S. Fraise
S-5656	H.F. 2496	Mike Connolly
		John P. Kibbie
		Robert E. Dvorsky
S-5657	H.F. 2496	Mike Connolly
S-5658	H.F. 667	House
S-5659	H.F. 2533	Tom Vilsack
S-5660	H.F. 2533	Patricia Harper
S-5661	H.F. 2496	Tom Vilsack
		Mike Connolly
		Rod Halvorson
		Johnie Hammond
		Patricia Harper
		Patrick J. Deluhery
		Eugene S. Fraise
		Patty Judge
		John P. Kibbie

S-5662	H.F. 2496	Tom Vilsack Patricia Harper Steven D. Hansen Bill Fink Mike Connolly Robert E. Dvorsky Dick L. Dearden Michael E. Gronstal Dennis H. Black Rod Halvorson Johnie Hammond Elaine Szymoniak Eugene S. Fraise Patty Judge Patrick J. Deluhery Wally E. Horn Don Gettings William D. Palmer John P. Kibbie
S-5663	H.F. 2496	Michael E. Gronstal
S-5664	H.F. 2496	Rod Halvorson Johnie Hammond
S-5665	H.F. 2496	Steven D. Hansen Eugene S. Fraise Patty Judge Patrick J. Deluhery Don Gettings Wally E. Horn William D. Palmer John P. Kibbie Mike Connolly Robert E. Dvorsky Johnie Hammond Patricia Harper Michael E. Gronstal
S-5666	H.F. 2496	John P. Kibbie Rod Halvorson Mike Connolly Bill Fink Robert E. Dvorsky Johnie Hammond

		Patricia Harper
		Steven D. Hansen
		Eugene S. Fraise
		Michael E. Gronstal
		Patty Judge
		Patrick J. Deluhery
		Dennis H. Black
S-5667	S.F. 2414	Tom Vilsack
S-5668	H.F. 2533	Elaine Szymoniak
		Dick L. Dearden
		Matt McCoy
		William D. Palmer
		Steven D. Hansen
S-5669	H.F. 2530	Robert E. Dvorsky
S-5670	S.F. 2406	Nancy Boettger
		John Redwine
		Elaine Szymoniak
		Merlin E. Bartz
		Jerry Behn
		Dick L. Dearden
		Robert E. Dvorsky
		Johnie Hammond
		Patricia Harper
		Wilmer Rensink
		Neal Schuerer
		Maggie Tinsman
		Lyle E. Zieman
S-5671	H.F. 2496	Rod Halvorson
S-5672	H.F. 2496	Rod Halvorson
S-5673	H.F. 2496	Mike Connolly
S-5674	S.C.R. 119	Andy McKean
S-5675	S.F. 2365	House
S-5676	S.F. 2410	Maggie Tinsman

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:14 p.m., until 9:00 a.m., Wednesday, April 15, 1998.

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 15, 1998

The Senate met in regular session at 9:10 a.m., President pro tempore Redfern presiding.

Prayer was offered by the Reverend Robert Connors of the Union Park Christian Church, Des Moines, Iowa. Reverend Connors is the brother of Representative John Connors, and sang "I Go to the Rock."

The Journal of Tuesday, April 14, 1998, was approved.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 119.

Senate Resolution 119

On motion of Senator Dearden, Senate Resolution 119,

1 SENATE RESOLUTION 119
2 BY SZYMONIAK

4 A Senate Resolution congratulating Ms. Ruth Ann Gaines
5 for being named the Iowa Teacher of the Year for 1998.
6 WHEREAS, Ms. Ruth Ann Gaines earned her
7 undergraduate degree from Clark College in Dubuque and
8 her master's degree from the University of California
9 at Santa Barbara; and
10 WHEREAS, Ms. Gaines has worked as a drama teacher
11 at East High School in Des Moines for 27 years; and
12 WHEREAS, Ms. Gaines created a high school mime
13 troupe "Scarlet Vibrations" and an award-winning
14 performance group "Voices of Change," the student

15 members of which write and perform nationally on
16 diversity-related topics; and
17 WHEREAS, Ms. Gaines seeks out students who are
18 academically or personally at-risk, encouraging the
19 students to join the drama program as a means to build
20 self-esteem, and as a result of her efforts, more
21 students are enrolled in the East High School drama
22 program than are enrolled in any other Des Moines high
23 school drama program; and
24 WHEREAS, Ms. Gaines believes that teaching is an
25 art form and daily crafts an atmosphere where each
26 student can achieve their full potential; and
27 WHEREAS, Ms. Gaines has been an activist for
28 cultural and racial understanding, creating both a
29 student and a teacher "leadership council" and
30 conducting numerous workshops for fellow teachers on

Page 2

1 the issues of cultural awareness and diversity; and
2 WHEREAS, Ms. Gaines was nominated for Teacher of
3 the Year by the Principal of East High School and was
4 selected for the award by a panel of judges composed
5 of representatives from the Iowa Department of
6 Education, the Iowa State Education Association, the
7 School Administrators of Iowa, the Parent Teacher
8 Association, and other professionals; and
9 WHEREAS, as Iowa's Teacher of the Year, Ms. Gaines
10 is granted a one-year sabbatical to visit schools and
11 speak to community groups as Iowa's Ambassador for
12 Education during the 1998-1999 school year; and
13 WHEREAS, educators representing 14 national
14 education organizations nationally selected Ms.
15 Gaines from among the teachers of the year in each of
16 the 50 states to be one of four finalists for 1998
17 National Teacher of the Year, to be announced in April
18 1998 by the President of the United States; NOW
19 THEREFORE,
20 BE IT RESOLVED BY THE SENATE, That the Senate
21 honors Ms. Ruth Ann Gaines of East High School in Des
22 Moines for her exemplary work in education, applauds
23 her efforts and achievements in bringing out the best
24 in East High School's students, and congratulates her
25 for her outstanding accomplishment in being named the
26 Iowa Teacher of the Year for 1998.
27 BE IT FURTHER RESOLVED, That an official copy of
28 this Resolution be prepared for presentation to Ms.
29 Ruth Ann Gaines,

with report of committee recommending passage, was taken up for
consideration.

Senator Dearden moved the adoption of Senate Resolution 119, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dearden and Senator Szymoniak introduced Iowa Teacher of the Year Ruth Ann Gaines, from Des Moines, Iowa, who addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation of Ms. Gaines' efforts on behalf of education.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 116.

Senate Concurrent Resolution 116

On motion of Senator Szymoniak, Senate Concurrent Resolution 116, a concurrent resolution congratulating Dr. Joan Roberts for being named the 1997 Iowa Secondary Principal of the Year, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of Senate Concurrent Resolution 116, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Szymoniak introduced Dr. Joan Roberts of North High School, Des Moines, Iowa, Iowa's Secondary Principal of the Year, who addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation of Dr. Roberts' efforts on behalf of education.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Palmer until he arrives, on request of Senator Kibbie; Senator McCoy until he arrives, on request of Senator Dearden; Senator McKibben until he arrives, on request of Senator Rehberg; Senators Kramer, Lundby, and McLaren until they arrive, on request of Senator Iverson.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Hedge called up the following eligible appointees on the En Bloc Confirmation Calendar:

Linda S. Trudeau, Board of Behavioral Science Examiners

Terri J. Gunderson, State Board of Examiners for Nursing Home Administrators

Eugene W. Pierce, III, Small Business Advisory Council

Senator Hedge moved that the foregoing appointees be confirmed by the Senate.

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

Ayes, 41:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	McKean	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 9:

Halvorson	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Palmer
Szymoniak			

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 Iverson called up the appointment of Richard H. Opie, as Chairperson of the Iowa Telecommunications and Technology Commission, placed on the Individual Confirmation Calendar on April 2, 1998, and found on page 1050 of the Senate Journal.

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

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

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	McKean
Neuhauser	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 6:

Kramer	Maddox	McCoy	McKibben
McLaren	Palmer		

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

Senator Iverson called up the appointment of Mary A. Nelson, as a member of the Iowa Telecommunications and Technology Commission, placed on the Individual Confirmation Calendar on April 2, 1998, and found on page 1050 of the Senate Journal.

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

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

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McKean	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Kramer	McCoy	McKibben	McLaren
Palmer			

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

Senator Iverson called up the appointment of Jack J. Dack, as Commandant of the Iowa Veterans Home, placed on the Individual Confirmation Calendar on April 2, 1998, and found on page 1030 of the Senate Journal, deferred April 8, 1998.

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

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

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Lundby	Maddox
McKoy	McKean	McKibben	McLaren

Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Kramer

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

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 120.

House Concurrent Resolution 120

On motion of Senator Szymoniak, House Concurrent Resolution 120,

1 HOUSE CONCURRENT RESOLUTION 120

4 A Concurrent Resolution congratulating Dr. Joan
 5 Roberts for being named the 1997 Iowa Secondary
 6 Principal of the Year.
 7 WHEREAS, Dr. Joan Roberts earned her undergraduate
 8 degree in secondary education from the University of
 9 Northern Iowa and her master's and doctorate degrees
 10 from Drake University; and
 11 WHEREAS, Dr. Roberts has worked within the Des
 12 Moines Independent School District for 20 years,
 13 serving since 1990 as the principal at Des Moines'
 14 North High School; and
 15 WHEREAS, North High School has a diverse
 16 enrollment; and
 17 WHEREAS, North High School has experienced
 18 declining enrollment, high dropout and mobility rates,
 19 and low academic achievement; and
 20 WHEREAS, Dr. Roberts has been an energizing force
 21 at North High School, which has in the past 12 years
 22 doubled its enrollment, reduced its dropout rate to
 23 less than five percent, tripled its enrollment in
 24 advanced courses, and integrated case management and
 25 support services for drug prevention, alcohol
 26 prevention, violence prevention, and teen pregnancy
 27 and parenting into the school program; and

28 WHEREAS, in the past five years, graduates of North
29 High School have earned more scholarship dollars on
30 average than the graduates from any other Des Moines

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1 high school; and
2 WHEREAS, Dr. Roberts has revitalized her school and
3 awakened the pride of North High School's students and
4 their families, brought positive recognition of North
5 High School, and is a tremendous role model for other
6 building principals and for the young women enrolled
7 in North High School; and
8 WHEREAS, Dr. Roberts was nominated by her peers,
9 selected by a committee of Iowa secondary principals,
10 and named the 1997 Iowa Secondary Principal of the
11 Year by the School Administrators of Iowa, and, in
12 addition, has received national recognition as a 1997
13 State Principal of the Year by the National
14 Association of Secondary School Principals; NOW
15 THEREFORE
16 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
17 SENATE CONCURRING, That the General Assembly honors
18 Dr. Joan Roberts of North High School in Des Moines
19 for her exemplary work in education, applauds the
20 achievements realized by the school and its students
21 under her administration, and congratulates her for
22 her outstanding accomplishment in being named the 1997
23 Iowa Secondary Principal of the Year; and
24 BE IT FURTHER RESOLVED, That an official copy of
25 this Concurrent Resolution be prepared for
26 presentation to Dr. Joan Roberts,

was taken up for consideration.

Senator Szymoniak moved the adoption of House Concurrent Resolution 120, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Concurrent Resolution 120 and Senate Concurrent Resolution 116 be immediately messaged to the House.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2513.

House File 2513

On motion of Senator McKibben, House File 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

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 12:20 p.m., President Kramer presiding.

(Action on House File 2513 was deferred.)

QUORUM CALL

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

The vote revealed 34 present, 16 absent, and a quorum present.

HOUSE MESSAGES RECEIVED

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 April 15, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2550, a bill for an act exempting services provided by licensed massage therapists from the state services tax.

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

ALSO: That the House has on April 15, 1998, adopted the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 121, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park.

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

ALSO: That the House has on April 15, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence (S-5681).

ALSO: That the House has on April 15, 1998, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

House File 2166, a bill for an act relating to regulation of food establishments and providing for fees and penalties and providing an effective date.

House File 2496, a bill for an act relating to public retirement systems, and providing effective, implementation, and applicability dates.

ALSO: That the House has on April 15, 1998, 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 2406, a bill for an act establishing a school ready children grant program to be administered by community empowerment

area boards and the Iowa empowerment board, making an appropriation, and providing an effective date.

Senate File 2410, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care, and providing effective dates and an applicability provision.

HOUSE AMENDMENTS CONSIDERED

Senate File 2313

Senator Boettger called up for consideration Senate File 2313, a bill for an act relating to child support, providing penalties, and providing effective dates, amended by the House, and moved that the Senate concur in House amendment S-5609 filed April 9, 1998.

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

Senator Boettger 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. 2313), the vote was:

Ayes, 43:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 7:

Dearden	Douglas	Maddox	McCoy
Palmer	Rife	Vilsack	

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

Senate File 2292

Senator Angelo called up for consideration Senate File 2292, a bill for an act relating to the sex offender registry and providing for the Act's applicability, amended by the House, and moved that the Senate concur in House amendment S-5594 filed April 8, 1998.

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

Senator Angelo 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. 2292), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

Senate File 2398

Senator Angelo called up for consideration Senate File 2398, a bill for an act relating to the confinement and treatment of sex offenders, amended by the House, and moved that the Senate concur in House amendment S-5641 filed April 14, 1998.

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

Senator Bartz took the chair at 12:58 p.m.

Senator Angelo 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. 2398), the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2292, 2313, and 2398 be immediately messaged to the House.

MOTION TO RECONSIDER ADOPTED

Senator Maddox called up the motion to reconsider Senate File 2387 filed by him on April 14, 1998, found on page 1257 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2387) the vote was:

Ayes, 50:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, none.

The motion prevailed and Senate File 2387 was taken up for reconsideration.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

Senate File 2387

On motion of Senator Maddox, Senate File 2387, a bill for an act relating to adoption procedural requirements including those related

to investigations, reports, and counseling, was taken up for reconsideration.

Senator Maddox moved to reconsider the vote by which House amendment S-5550 to Senate File 2387 was adopted by the Senate on April 13, 1998.

The motion prevailed by a voice vote and House amendment S-5550 was taken up for reconsideration.

Senator Maddox called up the motion to reconsider the vote by which amendment S-5597 to House amendment S-5550 to Senate File 2387 was adopted by the Senate on April 13, 1998.

The motion prevailed by a voice vote and amendment S-5597 was taken up for reconsideration.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5597 to House amendment S-5550.

Senator Maddox offered amendment S-5632, filed by him on April 14, 1998, to page 1 of House amendment S-5550, and moved its adoption.

Amendment S-5632 was adopted by a voice vote.

Senator Maddox 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 Maddox 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. 2387), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky

Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rittmer

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

President Kramer took the chair at 1:43 p.m.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2295)

A conference committee report signed by the following Senate and House members was filed April 15, 1998, on Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date:

On the part of the Senate:

H. KAY HEDGE, Chair
JERRY BEHN
DENNIS H. BLACK
PATTY JUDGE
DERRYL MCLAREN

On the part of the House:

SANDRA GREINER, Chair
CECIL DOLECHECK
RALPH KLEMME
PAT MURPHY
DOLORES MERTZ

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2295

Senator Hedge called up the conference committee report on Senate File 2295, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date, filed on April 15, 1998, 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 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?" (S.F. 2295) the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Halvorson

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2295 and 2387 be immediately messaged to the House.

UNFINISHED BUSINESS

House File 2269

On motion of Senator Rensink, House File 2269, a bill for an act relating to permissible physical contact between school employees and students, with report of committee recommending amendment and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator Rehberg offered amendment S-5286, filed by the committee on Education on March 19, 1998, to page 2 and to the title page of the bill.

Senator Rehberg offered amendment S-5595, filed by her on April 9, 1998, to amendment S-5286, and moved its adoption.

Amendment S-5595 was adopted by a voice vote.

Senator Rehberg moved the adoption of amendment S-5286.

Amendment S-5286 was adopted by a voice vote.

Senator Neuhauser offered amendment S-5279, filed by her on March 18, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5279 was adopted by a voice vote.

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. 2269), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby

Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Rittmer

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 Iverson asked and received unanimous consent to take up for consideration House File 2374.

House File 2374

On motion of Senator Hedge, House File 2374, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hedge offered amendment S-5280, filed by the committee on Ways and Means on March 18, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5280 was adopted by a voice vote.

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. 2374), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery

Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

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.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2374 and 2269 be immediately messaged to the House.

The Senate stood at ease at 2:20 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:58 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Hammond, Boettger, and Dvorsky until they arrive, on request of Senator Flynn.

UNFINISHED BUSINESS

House File 2480

On motion of Senator Tinsman, House File 2480, a bill for an act to repeal the future repeal of the interception of communications chapter,

with report of committee recommending passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

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?" (H.F. 2480), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Boettger	Dvorsky	Hammond	Rensink
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

SENATE RECEDES

House File 2136

Senator Gaskill called up for consideration House File 2136, a bill for an act relating to agricultural drainage wells, by extending the date for complying with certain requirements, amended by the Senate, and moved that the Senate recede from its amendment.

A non-record roll call was requested.

The ayes were 24, nays 19.

The motion prevailed and the Senate recessed from its amendment.

Senator Gaskill moved that the bill be read the last time now and placed upon 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, 45:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Lundby

Absent or not voting, 4:

Boettger	Dvorsky	Hammond	Rensink
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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 2290

Senator Angelo called up for consideration House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5628 to Senate amendment H-8758 filed April 13, 1998.

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

Senator Angelo 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. 2290), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Boettger

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2480 and 2136 be immediately messaged to the House.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 8

Senate Rittmer called up for consideration House File 8, a bill for an act relating to the funding of state mandates, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5629 to Senate amendment H-8002 filed April 13, 1998.

A non-record roll call was requested.

The ayes were 19, nays 25.

The motion lost and the Senate **refused to concur** in the House amendment to the Senate amendment.

Senator Iverson asked and received unanimous consent that **House File 8 be immediately messaged** to the House.

BUSINESS PENDING

House File 2513

The Senate resumed consideration of House File 2513, a bill for an act relating to the individual income tax by eliminating the taxation of certain capital gains and providing special treatment of gains from the sales of businesses to descendants, increasing the amount of pension income excluded, increasing certain personal exemption tax credits, and increasing and expanding the tuition and textbook tax credit, exempting sales and services to certain nonprofit hospitals from the sales, services, and use taxes, and relating to the income eligibility requirements for the homestead property tax credit, mobile home tax credit, or reimbursement for rent constituting property taxes paid, and including effective and prospective and retroactive applicability date provisions, previously deferred.

Senator Dvorsky offered amendment S-5684, filed by Senators Dvorsky, et al., from the floor striking everything after the enacting clause and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-5684 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5684 out of order.

Senator Hansen offered amendment S-5682, filed by him from the floor to page 1 and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-5682 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5682 out of order.

Senator Palmer offered amendment S-5642, filed by him on April 14, 1998, to pages 2 and 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5642 be adopted?" (H.F. 2513), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 30:

Angelo	Bartz	Behn	Boettger
Borlaug	Deluhery	Douglas	Drake
Freeman	Gaskill	Hansen	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, none.

Amendment S-5642 lost.

Senator Deluhery offered amendment S-5694, filed by Senators Deluhery, et al., from the floor to pages 2 and 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5694 be adopted?" (H.F. 2513), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Rittmer
Szymoniak	Tinsman	Vilsack	

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Schuerer	Zieman		

Absent or not voting, 1:

Rife

Amendment S-5694 lost.

Senator Connolly offered amendment S-5647, filed by him on April 14, 1998, to pages 2 and 3 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5647 be adopted?" (H.F. 2513), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Cannolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Szymoniak
Tinsman	Vilsack		

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Palmer
Redfern	Redwine	Rehberg	Rensink
Schuerer	Zieman		

Absent or not voting, 2:

Rife Rittmer

Amendment S-5647 lost.

Senator Neuhauser offered amendment S-5697, filed by Senators Neuhauser, et al., 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-5697 be adopted?" (H.F. 2513), the vote was:

Ayes, 22:

Black	Cannolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 25:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean

McKibben
Rehberg
Tinsman

McLaren
Rensink

Redfern
Rife

Redwine
Schuerer

Absent or not voting, 3:

Borlaug

Rittmer

Zieman

Amendment S-5697 lost.

Senator Deluhery offered amendment S-5695, filed by Senators Deluhery, et al., from the floor to page 4 and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-5695 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5695 out of order.

Senator Dvorsky offered amendment S-5685, filed by Senators Dvorsky, et al., from the floor to pages 4, 5, and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-5685 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5685 out of order.

Senator Connolly offered amendment S-5646, filed by him on April 14, 1998, to pages 4, 5, and to the title page of the bill.

Senator McKibben raised the point of order that amendment S-5646 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5646 out of order.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5683, filed by Senators Szymoniak, et al., from the floor to page 4 and to the title page of the bill.

Senator Gronstal offered amendment S-5696, filed by him from the floor to page 8 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5696 be adopted?" (H.F. 2513), the vote was:

Ayes, 23:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 25:

Angelo	Behn	Boettger	Borlaug
Douglas	Freeman	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Drake	Rittmer
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Amendment S-5696 lost.

Senator McKibben moved that the bill be read the last time now and placed upon 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. 2513), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Redfern

Redwine
Schuerer

Rehberg
Tinsman

Rensink
Vilsack

Rittmer
Zieman

Nays, 5:

Dearden
Szymoniak

Dvorsky

Neuhauser

Palmer

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 Iverson asked and received unanimous consent that House File 2513 be immediately messaged to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2533.

House File 2533

On motion of Senator Rehberg, House File 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 6:01 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:59 p.m., President Kramer presiding.

Senator Rehberg offered amendment S-5631, filed by the committee on Appropriations on April 13, 1998, to pages 3, 7, 8, 10-14, 24-27, 29-31, and 36 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until he arrives, on request of Senator Dearden.

BUSINESS PENDING

House File 2533

The Senate resumed consideration of House File 2533 and amendment S-5631 by the committee on Appropriations.

Senator Vilsack offered amendment S-5659, filed by him on April 14, 1998, to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5659 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	King
Kramer	Lundby	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Gettings	Jensen	Maddox	McCoy
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Amendment S-5659 lost.

Senator Vilsack offered amendment S-5703, filed by Senators Vilsack, et al., from the floor to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5703 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 24:

Black	Boettger	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McKibben
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 24:

Angelo	Bartz	Behn	Borlaug
Freeman	Gaskill	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Gettings	McCoy
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Amendment S-5703 lost.

Senator Connolly offered amendment S-5706, filed by him from the floor to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5706 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie

McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Borlaug	Gettings
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Amendment S-5706 lost.

Senator Rehberg offered amendment S-5678, filed by her from the floor to amendment S-5631.

Senator Kibbie called for a division of amendment S-5678: lines 4-7 and line 11 as division S-5678A; lines 8-10 as division S-5678B.

Senator Rehberg moved the adoption of division S-5678A.

Division S-5678A was adopted by a voice vote.

Senator Rehberg moved the adoption of division S-5678B.

A record roll call was requested.

On the question "Shall amendment S-5678 division B to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Nays, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	McCoy	Neuhauser	Palmer
Rensink	Szymoniak	Vilsack	

Absent or not voting, 1:

Gettings

Division S-5678B was adopted.

With the adoption of amendment S-5678 to amendment S-5631, the Chair ruled the following amendments out of order:

S-5700 filed by Senator Connolly from the floor to amendment S-5631;

S-5701 filed by Senator Connolly from the floor to amendment S-5631; and

S-5693 filed by Senator Dvorsky from the floor to amendment S-5631.

Senator Dvorsky asked unanimous consent that action on amendment S-5631 and House File 2533 be deferred.

Senator Dvorsky withdrew his request.

Senator Szymoniak offered amendment S-5668, filed by Senators Szymoniak, et al., on April 14, 1998, to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5668 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 23:

Black	Boettger	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn

Fraise	Freeman	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Palmer
Sinksink	Szymoniak	Vilsack	

Nays, 25:

Angelo	Bartz	Behn	Borlaug
Douglas	Drake	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 2:

Gettings Neuhauser

Amendment S-5668 lost.

Senator Halvorson offered amendment S-5705, filed by Senators Halvorson, et al., from the floor to amendment S-5631, and moved its adoption.

Senator Lundby took the chair at 8:20 p.m.

A record roll call was requested.

On the question "Shall amendment S-5705 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Freeman	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine

Rehberg
Schuerer

Rensink
Tinsman

Rife
Zieman

Rittmer

Absent or not voting, 1:

Gettings

Amendment S-5705 lost.

Senator Redfern asked and received unanimous consent to withdraw amendment S-5699, filed by him from the floor to amendment S-5631.

Senator Redfern offered amendment S-5712, filed by him from the floor to amendment S-5631.

President Kramer took the chair at 8:54 p.m.

Senator Rife asked and received unanimous consent that action on amendment S-5712 and **House File 2533** be deferred.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2418.

Senate File 2418

On motion of Senator Rife, Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates, was taken up for consideration.

Senator Rife offered amendment S-5645, filed by him on April 14, 1998, to pages 2 and 13 of the bill, and moved its adoption.

Amendment S-5645 was adopted by a voice vote.

Senator Rife offered amendment S-5722, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5722 was adopted by a voice vote.

Senator Rife offered amendment S-5723, filed by him from the floor to page 7 of the bill, and moved its adoption.

Amendment S-5723 was adopted by a voice vote.

Senator Flynn offered amendment S-5721, filed by Senators Flynn and Connolly from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5721 was adopted by a voice vote.

Senator Jensen offered amendment S-5713, filed by him from the floor to page 9 and to the title page of the bill.

Senator McCoy asked and received unanimous consent that action on amendment S-5713 be deferred.

Senator Rife offered amendment S-5724, filed by him from the floor to page 11 of the bill, and moved its adoption.

Amendment S-5724 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5713, previously deferred.

Senator Jensen called for a division of amendment S-5713: lines 2 and 3 as division S-5713A; lines 4 and 5 as division S-5713B.

Senator Jensen asked and received unanimous consent to withdraw division S-5713B.

Senator Jensen moved the adoption of division S-5713A.

Division S-5713A was adopted by a voice vote.

Senator Rife moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2418), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gronstal	Halvorson	Hammond
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 3:

Hansen	McCoy	Palmer
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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.

Senator Iverson asked and received unanimous consent that **Senate File 2418 be immediately messaged to the House.**

The Senate stood at ease at 9:53 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:09 p.m., President Kramer presiding.

BUSINESS PENDING

House File 2533

The Senate resumed consideration of House File 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates, amendment S-5631 by the committee on Appropriations to pages 3, 7, 8, 10-14, 24-27, 29-31, and 36 of the bill, and amendment S-5712 by Senator Redfern to amendment S-5631, previously deferred.

Senator Harper offered amendment S-5707, filed by Senators Harper, et al., from the floor to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5707 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 1:

Gettings

Amendment S-5707 lost.

Senator Hammond offered amendment S-5714, filed by her from the floor to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5714 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Gettings Palmer

Amendment S-5714 lost.

The Senate resumed consideration of amendment S-5712 by Senator Redfern to amendment S-5631, previously deferred.

Senator Gronstal raised the point of order that amendment S-5712 was not germane to the bill.

The Chair ruled the point not well taken, and amendment S-5712 in order.

Senator Redfern moved the adoption of amendment S-5712.

Amendment S-5712 was adopted by a voice vote.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5702, filed by Senators Szymoniak, et al., from the floor to amendment S-5631.

Senator Szymoniak offered amendment S-5726, filed by Senators Szymoniak, et al., from the floor to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5726 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Tinsman
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Zieman	

Absent or not voting, 2:

Gettings	Palmer
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Amendment S-5726 lost.

Senator Black offered amendment S-5704, filed by Senators Black, et al., from the floor to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5704 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 20:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Freeman
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Vilsack

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Dearden	Gettings	Lundby	Palmer
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Amendment S-5704 lost.

Senator Connolly offered amendment S-5650, filed by him on April 14, 1998, to amendment S-5631, and moved its adoption.

Amendment S-5650 lost by a voice vote.

Senator Harper offered amendment S-5660, filed by her on April 14, 1998, to amendment S-5631, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5660 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Gettings Palmer

Amendment S-5660 lost.

Senator Rife asked and received unanimous consent to withdraw amendment S-5708, filed by him from the floor to amendment S-5631.

Senator Rife asked and received unanimous consent to withdraw amendment S-5709, filed by him from the floor to amendment S-5631.

Senator Vilsack offered amendment S-5717, filed by him from the floor to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5717 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKibben	Neuhauser	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McLaren	Redfern	Redwine

Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Gettings	Palmer
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Amendment S-5717 lost.

Senator Connolly offered amendment S-5727, filed by him from the floor to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5727 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 18:

Connolly	Dearden	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Szymoniak	Vilsack		

Nays, 30:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Freeman	Gaskill	Hansen	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McKibben
McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 2:

Gettings	Palmer
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Amendment S-5727 lost.

Senator Dvorsky offered amendment S-5720, filed by him from the floor to amendment S-5631, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5720 to amendment S-5631 be adopted?" (H.F. 2533), the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Gettings Palmer

Amendment S-5720 lost.

MOTION TO RECONSIDER

Senator Redfern called up the following motion to reconsider, filed by him from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5712 to House File 2533 was adopted by the Senate on April 15, 1998.

DONALD B. REDFERN

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5712 be adopted?" (H.F. 2533) the vote was:

Ayes, 20:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Szymoniak	Vilsack

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 2:

Gettings Palmer

The motion lost.

The following motion filed by Senator Gronstal from the floor was out of order:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5712 to House File 2533 was adopted by the Senate on April 15, 1998.

MICHAEL E. GRONSTAL

Senator Rehberg moved the adoption of amendment S-5631 by the committee on Appropriations to pages 3, 7, 8, 10-14, 24-27, 29-31, and 36 of the bill.

Amendment S-5631 was adopted by a voice vote.

With the adoption of amendment S-5631, the Chair ruled the following amendments out of order:

S-5591 filed by Senator Black on April 8, 1998, to page 1 of the bill;

S-5542 filed by Senators Szymoniak, et al., on April 7, 1998, to page 11 of the bill; and

S-5475 filed by Senator Harper on April 1, 1998, to page 30 of the bill.

Senator Rehberg moved that the bill be read the last time now and placed upon 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. 2533), the vote was:

Ayes, 40:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Drake
Dvorsky	Flynn	Fraise	Freeman
Gaskill	Halvorson	Hammond	Hansen
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, 8:

Connolly	Dearden	Douglas	Fink
Gronstal	Harper	Rife	Szymoniak

Absent or not voting, 2:

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

Senator Iverson asked and received unanimous consent that House File 2533 be immediately messaged to the House.

HOUSE MESSAGES RECEIVED

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 April 15, 1998, 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 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program (S-5698).

ALSO: That the House has on April 15, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 115, a concurrent resolution urging federal Congressional support for widows and widowers under the federal Railroad Retirement Act of 1974.

ALSO: That the House has on April 15, 1998, adopted the conference committee report and passed **Senate File 2295**, a bill for an act relating to and making appropriations for agriculture and natural resources and providing an effective date.

APPENDIX**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on April 15, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2201 – Relating to security for damages arising from the abandonment of natural gas pipelines.

S.F. 2335 – Relating to the prohibition of sex acts between juveniles and employees and agents at juvenile placement facilities and between prisoners incarcerated in a county jail and employees or agents of a county and providing a penalty.

S.F. 2337 – Allowing distribution of the presentence investigation report under certain circumstances.

S.F. 2348 – Relating to the locations at which shared public school services may be made available to nonpublic school students.

S.F. 2351 – Relating to the time for review of the reorganization of a public utility by the utilities board and providing an effective date.

S.F. 2399 – Providing for the merger of a limited partnership with other business entities.

H.F. 382 – Relating to certain relationships including certain marriages.

H.F. 2162 – Relating to nonsubstantive Code corrections and including a retroactive applicability provision.

REPORTS OF COMMITTEE MEETINGS**APPROPRIATIONS**

Convened: April 14, 1998, 10:16 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: Maddox (excused).

Committee Business: Amended and passed HF 2395 and HF 2545.

Adjourned: 10:51 p.m.

STATE GOVERNMENT

April 15, 1998

Members Present: Rittmer, Chair; Borlaug, Vice Chair; Kibbie, Ranking Member; Deluhery, Drake, Fink, Halvorson, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman.

Members Absent: None.

Committee Business: Passed HF 2532.

WAYS AND MEANS

Convened: April 15, 1998, 2:47 p.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Connolly, Deluhery, Drake, Freeman, Hedge, Judge, Maddox, McLaren, Redfern, Szymoniak, and Vilsack.

Members Absent: Borlaug (excused).

Committee Business: Passed HF 2550.

Adjourned: 2:50 p.m.

CERTIFICATES OF RECOGNITION

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

Corning, Iowa – For receiving the Great American Mainstreet Award. Senator Angelo (4/15/98).

Jeremiah DeHeck, Dubuque – For achieving the rank of Eagle Scout. Senator Connolly (4/25/98).

Deb Etcheson, Creston – For receiving the Employee of the Year Award. Senator Angelo (2/13/98).

Gilbert and Elinor Peitzman, Dallas Center – For celebrating their 50th Wedding Anniversary. Senator Maddox (6/1/98).

Mike Powell, Le Mars – For achieving the rank of Eagle Scout. Senator Redwine (5/31/98).

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2418, the following correction was made:

1. Page 2, line 26, the word and letter "paragraph "I"" was changed to the word and letter "paragraph "k"".

MARY PAT GUNDERSON
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENT

House File 2532

STATE GOVERNMENT: Kibbie, Chair; McKibben and Rittmer

EXPLANATION OF VOTES

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 14, 1998, when the votes were taken on Senate Joint Resolution 9, Senate Files 2200, 2268, 2277, 2280, 2284, 2360, 2405, 2409, 2412, and 2413. Had I been present, I would have voted "aye."

TOM VILSACK

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which House File 2290 passed the Senate on April 15, 1998.

JEFF ANGELO

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5620 to Senate File 2414 was adopted by the Senate on April 14, 1998.

ALLEN BORLAUG

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5680.

Final Vote: Ayes, 16: McLaren, Kramer, Flynn, Borlaug, Douglas, Dvorsky, Freeman, Hedge, Horn, Jensen, Lundby, McCoy, Rehberg, Rensink, Rife, and Rittmer. Nays, 6: Halvorson, Hammond, Harper, Neuhauser, Tinsman, and Vilsack. Pass, 2: Behn and Black. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5679.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none. Absent or not voting, 1: Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Final Bill Action: HOUSE FILE 2532, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Rittmer, Borlaug, Kibbie, Deluhery, Drake, Fink, Harper, King, Lundby, McKibben, McLaren, Rife, Szymoniak, and Tinsman. Nays, 1: Halvorson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2550, a bill for an act exempting services provided by licensed massage therapists from the state services tax.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Douglas, McKibben, Palmer, Connolly, Deluhery, Drake, Freeman, Hedge, Judge, McLaren, Redfern, Szymoniak, and Vilsack. Nays, 1: Maddox. Absent or not voting, 1: Borlaug.

Fiscal Note: REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5677	H.F. 2005	Andy McKean Merlin E. Bartz Nancy Boettger Bill Fink
S-5678	H.F. 2533	Kitty Rehberg
S-5679	H.F. 2545	Appropriations
S-5680	H.F. 2395	Appropriations

S-5681	S.F. 2038	House
S-5682	H.F. 2513	Steven D. Hansen
S-5683	H.F. 2513	Elaine Szymoniak Johnie Hammond Mary Neuhauser Robert E. Dvorsky Dennis H. Black Patrick J. Deluhery
S-5684	H.F. 2513	Robert E. Dvorsky Johnie Hammond Dennis H. Black Rod Halvorson Matt McCoy Tom Flynn Bill Fink Mike Connolly Elaine Szymoniak Mary Neuhauser
S-5685	H.F. 2513	Robert E. Dvorsky Johnie Hammond Dick L. Dearden Bill Fink Mike Connolly Michael E. Gronstal Patricia Harper Steven D. Hansen Rod Halvorson Dennis H. Black Patty Judge Eugene S. Fraise Elaine Szymoniak Tom Flynn Mary Neuhauser
S-5686	H.F. 2543	Patty Judge Eugene S. Fraise
S-5687	H.F. 2395	Tom Vilsack
S-5688	H.F. 2395	Tom Vilsack
S-5689	H.F. 2395	Tom Vilsack
S-5690	H.F. 2395	Tom Vilsack
S-5691	H.F. 2395	Tom Vilsack
S-5692	H.F. 2395	Tom Vilsack

S-5693	H.F. 2533	Robert E. Dvorsky
S-5694	H.F. 2513	Patrick J. Deluhery
		Eugene S. Fraise
		Steven D. Hansen
		Rod Halvorson
		Tom Flynn
		Robert E. Dvorsky
		Wally E. Horn
		Dennis H. Black
		Michael E. Gronstal
		Bill Fink
		Matt McCoy
		Don Gettings
		Tom Vilsack
S-5695	H.F. 2513	Patrick J. Deluhery
		Bill Fink
		Eugene S. Fraise
		William D. Palmer
		Mike Connolly
		Wally E. Horn
		John P. Kibbie
		Robert E. Dvorsky
		Tom Vilsack
		Don Gettings
		Matt McCoy
		Tom Flynn
		Dick L. Dearden
		Dennis H. Black
		Patricia Harper
		Mary Neuhauser
		Elaine Szymoniak
		Michael E. Gronstal
S-5696	H.F. 2513	Michael E. Gronstal
S-5697	H.F. 2513	Mary Neuhauser
		Elaine Szymoniak
		Robert E. Dvorsky
		Johnie Hammond
		Patricia Harper
		Patrick J. Deluhery
		Matt McCoy
		Bill Fink

		Mike Connolly
		Steven D. Hansen
		House
S-5698	H.F. 2164	
S-5699	H.F. 2533	Donald B. Redfern
S-5700	H.F. 2533	Mike Connolly
S-5701	H.F. 2533	Mike Connolly
S-5702	H.F. 2533	Elaine Szymoniak
		John P. Kibbie
		Dennis H. Black
		Rod Halvorson
S-5703	H.F. 2533	Tom Vilsack
		Dennis H. Black
		Steven D. Hansen
		Patrick J. Deluhery
		Dick L. Dearden
		Michael E. Gronstal
		Mike Connolly
		Elaine Szymoniak
		Patricia Harper
		Don Gettings
		Rod Halvorson
		Patty Judge
		Tom Flynn
		Wally E. Horn
		Eugene S. Fraise
S-5704	H.F. 2533	Dennis H. Black
		Patrick J. Deluhery
		Patty Judge
		Michael E. Gronstal
		Steven D. Hansen
		Eugene S. Fraise
		Patricia Harper
		John P. Kibbie
		Rod Halvorson
		Johnie Hammond
		Mike Connolly
		Bill Fink
		Robert E. Dvorsky
		Tom Flynn
S-5705	H.F. 2533	Rod Halvorson
		Wally E. Horn

		John P. Kibbie
		Eugene S. Fraise
		Steven D. Hansen
		Patricia Harper
		Elaine Szymoniak
		Robert E. Dvorsky
		Bill Fink
		Patrick J. Deluhery
		Patty Judge
		Michael E. Gronstal
		Tom Flynn
S-5706	H.F. 2533	Mike Connolly
S-5707	H.F. 2533	Patricia Harper
		John P. Kibbie
		Rod Halvorson
		Bill Fink
		Robert E. Dvorsky
S-5708	H.F. 2533	Jack Rife
S-5709	H.F. 2533	Jack Rife
S-5710	S.F. 2320	Jack Rife
		Michael E. Gronstal
S-5711	S.F. 2320	Jack Rife
		Michael E. Gronstal
S-5712	H.F. 2533	Donald B. Redfern
S-5713	S.F. 2418	John W. Jensen
S-5714	H.F. 2533	Johnie Hammond
S-5715	S.F. 2320	Jack Rife
		Michael E. Gronstal
S-5716	S.F. 2320	Jack Rife
		Michael E. Gronstal
S-5717	H.F. 2533	Tom Vilsack
S-5718	H.F. 2530	O. Gene Maddox
S-5719	H.F. 2530	O. Gene Maddox
S-5720	H.F. 2533	Robert E. Dvorsky
S-5721	S.F. 2418	Tom Flynn
		Mike Connolly
S-5722	S.F. 2418	Jack Rife
S-5723	S.F. 2418	Jack Rife
S-5724	S.F. 2418	Jack Rife
S-5725	H.F. 2348	Elaine Szymoniak
		Nancy Boettger

S-5726	H.F. 2533	Maggie Tinsman Elaine Szymoniak John P. Kibbie Dennis H. Black Rod Halvorson
S-5727	H.F. 2533	Mike Connolly
S-5728	H.F. 2395	Derryl McLaren

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:29 a.m., until 10:00 a.m., Thursday, April 16, 1998.

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 16, 1998

The Senate met in regular session at 10:15 a.m., President Kramer presiding.

Prayer was offered by the Reverend Louis Jaeger of St. Patrick's Church, Epworth, Iowa.

The Journal of Wednesday, April 15, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fink and McCoy until they arrive, on request of Senator Dearden.

AMENDMENT WITHDRAWN

Senator Gronstal asked and received unanimous consent to withdraw **amendment S-5716** filed by Senators Rife and Gronstal on April 15, 1998, to **Senate File 2320**.

PRESENTATION OF VISITORS

The Chair welcomed students from Cherokee Middle School, Cherokee, Iowa, accompanied by Pat Phipps. Senator Freeman.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he arrives, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

Senate File 2316

Senator Flynn called up for consideration Senate File 2316, a bill for an act relating to entities and subject matter under the regulatory authority of the regulated industries unit of the insurance division, including business opportunities, cemeteries, and cemetery merchandise, motor vehicle service contracts, preneed funeral merchandise and services, and residential service contracts, providing for fees, and establishing penalties, amended by the House, and moved that the Senate concur in House amendment S-5586 filed April 8, 1998.

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

Senator Flynn 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. 2316), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2545.

House File 2545

On motion of Senator Boettger, House File 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Boettger offered amendment S-5679, filed by the committee on Appropriations on April 15, 1998, to pages 5 and 6 of the bill, and moved its adoption.

Amendment S-5679 was adopted by a voice vote.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2545), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 Iverson asked and received unanimous consent that Senate File 2316 and House File 2545 be immediately messaged to the House.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors:

Fifty-five fourth grade students from Northwest Elementary School, Ankeny, Iowa, accompanied by Lori Schaefer. Senator Palmer.

Fifty-two sixth grade students from Manson Northwest Webster Middle School, Barnum, Iowa, accompanied by Diane Scheffler. Senator Halvorson.

Twenty-six fourth and sixth grade students from St. Michael's School, Harlan, Iowa, accompanied by Kathy Hull. Senator Boettger.

Two fifth grade classes from Webster Elementary School, Oskaloosa, Iowa, accompanied by Marilee DeCook and Dick Hamilton.

UNFINISHED BUSINESS (Deferred April 13, 1998)

House File 2348

The Senate resumed consideration of House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services, and amendment S-5394 by Senators Szymoniak, Boettger, and Tinsman on March 26, 1998, to pages 1-7 of the bill, and amendment

S-5452 by Senator Dvorsky to page 4 of the bill, deferred April 13, 1998.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S-5394.

Senator Szymoniak offered amendment S-5725, filed by Senators Szymoniak, Boettger, and Tinsman on April 15, 1998, to pages 1-7 of the bill, and moved its adoption.

Senator Hedge took the chair at 10:59 a.m.

Amendment S-5725 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S-5452 to page 4 of the bill.

Senator Dvorsky offered amendment S-5630, filed by him on April 13, 1998, to page 4 of the bill, and moved its adoption.

Amendment S-5630 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that action on **House File 2348** be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern until he arrives, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

Senate File 2374

Senator Maddox called up for consideration Senate File 2374, a bill for an act providing for the regulation of bail enforcement businesses and their agents, limiting their actions, establishing fees, eliminating temporary county-issued identification for private security agents and investigators, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-5636 filed April 14, 1998.

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

Senator Maddox 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. 2374), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

McLaren	Redfern	Vilsack
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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 Lundby until she returns, on request of Senator Bartz; Senator Vilsack until he returns, on request of Senator Fraise.

**HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**

House File 2164

Senator Redwine called up for consideration House File 2164, a bill for an act relating to local community and economic development planning assistance and the community builder program, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5698 to Senate amendment H-8994 filed April 15, 1998.

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

Senator Redwine 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. 2164), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Dearden	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Maddox	McKean
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Szymoniak	Tinsman
Zieman			

Nays, 2:

Borlaug	McCoy
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Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 2374 and House File 2164 be immediately messaged to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:01 p.m., until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:21 p.m., President Kramer presiding.

QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

The Senate stood at ease at 1:29 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:35 p.m., President Kramer presiding.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 109.

Senate Resolution 109

On motion of Senator Iverson, Senate Resolution 109,

- 1 SENATE RESOLUTION 109
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Senate Resolution honoring Senator Patrick J. Deluhery
- 4 for his years of legislative service.

5 WHEREAS, Senator Patrick J. Deluhery will this year
6 complete his twentieth year of office in the Senate;
7 and
8 WHEREAS, Senator Deluhery has served honorably and
9 has unselfishly given his time and efforts to further
10 the interests of the state of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Deluhery be
13 honored for his many years of service to the state of
14 Iowa; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Deluhery and express its gratitude
17 for the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Deluhery his Senate chair in appreciation for
20 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 109, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Flynn and Vilsack until they return, on request of Senator Judge;
Senators McKibben and Drake until they return, on request of Senator Iverson.

BUSINESS PENDING

House File 2348

The Senate resumed consideration of House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services, previously deferred.

Senator Dvorsky offered amendment S-5729, filed by Senators Dvorsky and Hammond from the floor to page 1 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5729 be adopted?" (H.F. 2348), the vote was:

Ayes, 16:

Connolly	Dearden	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Halvorson	Hammond	Harper	Horn
Judge	Kibbie	Neuhauser	Palmer

Nays, 31:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Drake	Gaskill	Gronstal	Hansen
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McCoy
McKean	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Absent or not voting, 3:

McKibben	McLaren	Vilsack
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Amendment S-5729 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?" (H.F. 2348), the vote was:

Ayes, 42:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 4:

Dvorsky	Hammond	Harper	Neuhauser
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Absent or not voting, 4:

Drake

McKibben

McLaren

Vilsack

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 3:10 p.m. until the fall of the gavel.

The Senate resumed session at 3:15 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2038

Senator Tinsman called up for consideration Senate File 2038, a bill for an act relating to disqualification from voting or registering to vote for reasons of mental incompetence, amended by the House, and moved that the Senate concur in House amendment S-5681 filed April 15, 1998.

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

Senator Tinsman 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. 2038), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine

Rehberg
Szymoniak

Rensink
Tinsman

Rittmer
Zieman

Schuerer

Nays, none.

Absent or not voting, 3:

McLaren

Rife

Vilsack

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

UNFINISHED BUSINESS
(Deferred April 14, 1998)

House File 2530

The Senate resumed consideration of House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, deferred April 14, 1998.

Senator Borlaug called up the motion to reconsider the vote by which amendment S-5460 to House File 2530 was adopted, filed by him on April 14, 1998, found on page 1257 of the Senate Journal, and moved its adoption.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5460 be adopted?" (H.F. 2530) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Angelo
Borlaug
Hedge
Lundby

Bartz
Douglas
Iverson
Maddox

Behn
Freeman
King
McKean

Boettger
Gaskill
Kramer
McKibben

Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Nays, 22:

Black	Connolly	Dearden	Deluhery
Drake	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak		

Absent or not voting, 3:

Jensen	McLaren	Vilsack
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The motion prevailed and amendment S-5460 by Senator Connolly to pages 2 and 37 of the bill, was taken up for reconsideration.

Senator Connolly moved the adoption of amendment S-5460.

A record roll call was requested.

On the question "Shall amendment S-5460 be adopted?" (H.F. 2530), the vote was:

Ayes, 25:

Bartz	Black	Connolly	Dearden
Deluhery	Dvorsky	Fink	Flynn
Fraise	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Rife	Szymoniak	Tinsman
Zieman			

Nays, 22:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Maddox	McKean	McKibben
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer		

Absent or not voting, 3:

Lundby	McLaren	Vilsack
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Amendment S-5460 was adopted.

Senator Maddox asked and received unanimous consent that action on **House File 2530** be deferred.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2348** and **Senate File 2038** be immediately messaged to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2365

Senator McKibben called up for consideration Senate File 2365, a bill for an act relating to the imposition of the sales and use tax on building materials, supplies, and equipment sold and used in the construction of facilities of rural water districts, amended by the House, and moved that the Senate concur in House amendment S-5675 filed April 14, 1998.

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

Senator McKibben 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. 2365), the vote was:

Ayes, 45:

Angelo	Behn	Black	Boettger
Borlaug	Dearden	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	Neuhauser	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife

Rittmer
Zieman

Schuerer

Szymoniak

Tinsman

Nays, none.

Absent or not voting, 5:

Bartz
Vilsack

Connolly

Kibbie

McLaren

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

PRESENTATION OF VISITORS

The Chair welcomed seven FFA students from the Okoboji School District, Milford, Iowa, accompanied by Richard Martin. Senator Kibbie.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2550.

House File 2550

On motion of Senator Freeman, House File 2550, a bill for an act exempting services provided by licensed massage therapists from the state services tax, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved that the bill be read the last time now and placed upon 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. 2550), the vote was:

Ayes, 48:

Angelo
Boettger
Deluhery
Fink
Gaskill

Bartz
Borlaug
Douglas
Flynn
Gettings

Behn
Connolly
Drake
Fraise
Gronstal

Black
Dearden
Dvorsky
Freeman
Halvorson

Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

McLaren Vilsack

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

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 1998, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2545, a bill for an act relating to county mental health, mental retardation, and developmental disabilities service funding, allocating an appropriation, and providing effective dates.

UNFINISHED BUSINESS (Deferred March 26, 1998)

House File 2382

The Senate resumed consideration of House File 2382, a bill for an act relating to the identification of animals and providing penalties, and amendment S-5396 by Senators Bartz, et al., to pages 1-3 of the bill, deferred March 26, 1998.

Senator Bartz asked and received unanimous consent to withdraw amendment S-5396.

With the withdrawal of amendment S-5396, the Chair ruled amendment S-5413, filed by Senator Fraise on March 30, 1998, to page 1 of the bill, out of order.

Senator Rehberg moved that the bill be read the last time now and placed upon 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, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Maddox
McCoy	McKean	McKibben	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

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

SPECIAL GUEST

Senator Jensen introduced the Honorable Edgar Holden, former member of the Senate from Scott County, Davenport, Iowa.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 114.

Senator Bartz took the chair at 4:19 p.m.

Senate Resolution 114

On motion of Senator Iverson, Senate Resolution 114,

1 SENATE RESOLUTION 114
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Senate Resolution honoring Senator John W. Jensen for his
4 years of legislative service.
5 WHEREAS, Senator John W. Jensen will this year
6 complete his twentieth year of office in the Senate;
7 and
8 WHEREAS, Senator Jensen has served honorably and
9 has unselfishly given his time and efforts to further
10 the interests of the state of Iowa and to provide
11 beneficial programs for the citizens of Iowa; and
12 WHEREAS, it is proper that Senator Jensen be
13 honored for his many years of service to the state of
14 Iowa; NOW THEREFORE,
15 BE IT RESOLVED BY THE SENATE, That the Senate pay
16 tribute to Senator Jensen and express its gratitude
17 for the service rendered by him; and
18 BE IT FURTHER RESOLVED, That the Senate present to
19 Senator Jensen his Senate chair in appreciation for
20 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House Files 2550 and 2382 be immediately messaged to the House.

UNFINISHED BUSINESS**House File 2163**

On motion of Senator McKean, House File 2163, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the rescission of an administrative revocation, and providing an effective date, with report of committee recommending amendment

and passage, placed on the Unfinished Business Calendar on March 26, 1998, was taken up for consideration.

Senator McKean offered amendment S-5292, filed by the committee on Judiciary on March 19, 1998, to page 1 of the bill.

Senator McKean offered amendment S-5732, filed by him from the floor to amendment S-5292, and moved its adoption.

President Kramer took the chair at 4:49 p.m.

Amendment S-5732 was adopted by a voice vote.

Senator McKean moved the adoption of amendment S-5292.

Amendment S-5292 was adopted by a voice vote.

Senator McKean moved that the bill be read the last time now and placed upon 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. 2163), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Szymoniak	Tinsman	Zieman	

Nays, none.

Absent or not voting, 3:

McLaren	Rife	Vilsack
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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 Iverson asked and received unanimous consent to take up for consideration House File 2543.

House File 2543

On motion of Senator Maddox, House File 2543, a bill for an act relating to the state inheritance tax by exempting intangible personal property owned by an inhabitant of another state; determining the net market value of transfers made within three years of death as the net market value on the date of transfer; exempting the tax only upon the portion of retirement benefits and individual retirement accounts that will be subject to federal income tax when paid; and requiring deferred estates to be recorded by the department of revenue and finance if tax is not paid when tax accrues; and providing an applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Judge offered amendment S-5686, filed by Senators Judge and Fraise on April 15, 1998, striking everything after the enacting clause and to the title page of the bill.

Senator Maddox raised the point of order that amendment S-5686 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5686 in order.

Senator Maddox asked and received unanimous consent that action on amendment S-5686 and House File 2543 be deferred.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 116.

Senate Resolution 116

On motion of Senator Iverson, Senate Resolution 116,

1 SENATE RESOLUTION 116
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Senate Resolution honoring Senator Rod N. Halvorson
4 for his years of legislative service.
5 WHEREAS, Senator Rod N. Halvorson will this year
6 complete his first term of office in the Senate and
7 twenty years of service to the state of Iowa as a
8 member of the General Assembly; and
9 WHEREAS, Senator Halvorson has served honorably and
10 has unselfishly given his time and efforts to further
11 the interests of the state of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and
13 WHEREAS, it is proper that Senator Halvorson be
14 honored for his many years of service to the state of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Halvorson and express its gratitude
18 for the service rendered by him; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Halvorson his Senate chair in appreciation for
21 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date.

Read first time and referred to committee on Appropriations.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:48 p.m., until 6:30 p.m.

QUORUM CALL

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

The vote revealed 37 present, 13 absent, and a quorum present.

BUSINESS PENDING

House File 2530

The Senate resumed consideration of House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, previously deferred.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5718, filed by him on April 15, 1998, to pages 2 and 37 of the bill.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5719, filed by him on April 15, 1998, to pages 2 and 37 of the bill.

Senator Dvorsky offered amendment S-5669, filed by him on April 14, 1998, to pages 15 and 37 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5669 be adopted?" (H.F. 2530), the vote was:

Ayes, 21:

Black
Dvorsky
Gettings
Hansen

Connolly
Fink
Gronstal
Harper

Dearden
Flynn
Halvorson
Horn

Deluhery
Fraise
Hammond
Judge

Kibbie Rittmer	McCoy	Neuhauser	Palmer
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Nays, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Freeman	Gaskill
Hedge	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	Redfern	Redwine	Rehberg
Rensink	Schuerer	Szymoniak	Tinsman
Zieman			

Absent or not voting, 4:

Drake	McLaren	Rife	Vilsack
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Amendment S-5669 lost.

Senator Iverson asked and received unanimous consent that action on **House File 2530** be **deferred**.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 530 – Relating to the establishment of an E911 surcharge, providing for the distribution of the surcharge, and providing a pooling mechanism for the purchase of equipment necessary for an E911 system.

S.F. 2072 – Providing for the appointment of an additional member to the family development and self-sufficiency council.

S.F. 2218 – Relating to the issuance of highway travel permits to raw milk transporters whose motor trucks exceed gross weight and axle weight restrictions and establishing a fee.

S.F. 2261 – Relating to the criteria for the awarding of grandparent and great-grandparent visitation rights.

S.F. 2321 – Relating to the confidentiality of certain records and reports held by the labor commissioner.

S.F. 2325 – Amending the Uniform Securities Act, by regulating persons involved in managing investments, providing for the administration of the securities bureau, providing fees, and providing for penalties and effective dates.

S.F. 2400 – Relating to the powers and duties of county treasurers and including an applicability date provision.

S.F. 2407 – Relating to the extension of the reduced excise tax imposed on motor fuel containing ethanol.

H.F. 681 – Creating an environmental audit privilege and immunity, and an environmental auditor training program, and providing penalties.

H.F. 2335 – Relating to persons holding interests in agricultural land and providing penalties and an effective date.

H.F. 2336 – Relating to the assumption of risk by and liability of forcible felons and persons aiding and abetting in the commission of forcible felonies for damages resulting from the offenders' criminal conduct.

H.F. 2528 – Establishing a graduated driver's license for young drivers, making penalties applicable, creating an interim study committee, and including an applicability provision and an effective date.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: April 16, 1998, 5:50 p.m.

Members Present: Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Rehberg, Rensink, Rife, Rittmer, and Tinsman.

Members Absent: McLaren, Chair; Neuhauser and Vilsack (all excused).

Committee Business: Passed HF 2548 and HF 2558.

Adjourned: 6:20 p.m.

HUMAN RESOURCES

Convened: April 16, 1998, 5:00 p.m.

Members Present: Boettger, Chair; Redwine, Vice Chair; Szymoniak, Ranking Member; Bartz, Behn, Dearden, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman.

Members Absent: Dvorsky (excused).

Committee Business: Passed HCR 110.

Adjourned: 5:05 p.m.

RULES AND ADMINISTRATION

Convened: April 16, 1998, 3:11 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg.

Members Absent: Fink and Lundby (both excused).

Committee Business: Passed SCR 118, SR 120, and HCR 121.

Adjourned: 3:12 p.m.

SUBCOMMITTEE ASSIGNMENTS**House File 2557**

APPROPRIATIONS: Lundby, Chair; Maddox and Neuhauser

House File 2558

APPROPRIATIONS: Kramer, Chair; Harper and Tinsman

CERTIFICATE OF RECOGNITION

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

Jeremy Fischer, Dubuque - For achieving the rank of Eagle Scout. Senator Flynn (5/31/98).

EXPLANATION OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 16, 1998, when the vote was taken on House File 2348. Had I been present, I would have voted "aye."

LARRY MCKIBBEN

COMMITTEE REPORTS

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2548, a bill for an act relating to the creation of a certified school to career program, providing refunds for certain wages paid to and amounts held in trust for individuals in the program, making an appropriation, providing for the program's repeal, and including an effective date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, none. Absent or not voting, 3: McLaren, Neuhauser, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE FILE 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Lundby, Maddox, McCoy, Rehberg, Rensink, Rife, Rittmer, and Tinsman. Nays, none. Absent or not voting, 3: McLaren, Neuhauser, and Vilsack.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Final Bill Action: HOUSE CONCURRENT RESOLUTION 110, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Boettger, Redwine, Szymoniak, Bartz, Behn, Dearden, Hammond, Harper, Rensink, Schuerer, Tinsman, and Zieman. Nays, none. Absent or not voting, 1: Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 118, a concurrent resolution requesting the Legislative Council to establish an interim study committee to review the issue of the deregulation and restructuring of the electric utility industry.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Fink and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 120, a resolution requesting that the Legislative Council authorize an interim study of statewide jail space needs.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Fink and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: HOUSE CONCURRENT RESOLUTION 121, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Jensen, Judge, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Fink and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5729	H.F. 2348	Robert E. Dvorsky Johnie Hammond
S-5730	S.F. 2296	JoAnn Douglas Michael E. Gronstal
S-5731	S.F. 2320	Jack Rife Michael E. Gronstal
S-5732	H.F. 2163	Andy McKean
S-5733	S.F. 2320	Andy McKean Nancy Boettger Steve King Rod Halvorson Mary Neuhauser Dennis H. Black H. Kay Hedge Neal Schuerer
S-5734	H.F. 2395	Mary Lou Freeman Richard F. Drake
S-5735	S.F. 2320	Jack Rife
S-5736	S.F. 2320	Jack Rife
S-5738	H.F. 2005	Rod Halvorson

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:58 p.m., until 9:00 a.m., Friday, April 17, 1998.

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 17, 1998

The Senate met in regular session at 9:09 a.m., President Kramer presiding.

Prayer was offered by the Honorable Wilmer Rensink and his wife Marilyn, Sioux County, Sioux Center, Iowa.

The Journal of Thursday, April 16, 1998, was approved.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 112.

Senate Resolution 112

On motion of Senator Iverson, Senate Resolution 112,

- 1 SENATE RESOLUTION 112
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Senate Resolution honoring Senator Wilmer Rensink.
- 4 WHEREAS, Senator Wilmer Rensink is retiring from
- 5 legislative office after completing three terms in
- 6 office as a state Senator and two terms as a member of
- 7 the House of Representatives; and
- 8 WHEREAS, Senator Rensink's service as Chairperson
- 9 of the Agriculture Committee and as Vice Chair of the
- 10 Agriculture and Natural Resources Appropriations
- 11 Subcommittee is well recognized; and
- 12 WHEREAS, Senator Rensink's dedication, leadership,
- 13 and expertise in the areas of agriculture and
- 14 education are well recognized; and
- 15 WHEREAS, Senator Rensink formed and has been
- 16 instrumental in leading a weekly morning prayer group
- 17 for legislators and staff for the past six legislative

18 sessions; and

19 WHEREAS, Senator Rensink has served honorably and
20 has unselfishly given of his time and efforts to
21 further the interests of the State of Iowa and to
22 provide beneficial programs for the citizens of Iowa;
23 and

24 WHEREAS, Senator Rensink has served on many other
25 standing committees throughout his sixteen years of
26 legislative service and has been an influential and
27 devoted legislator in this state; NOW THEREFORE,

28 BE IT RESOLVED BY THE SENATE, That the Senate pay
29 tribute to Senator Wilmer Rensink for his devoted
30 service to the Iowa General Assembly and the citizens

Page 2

1 of this state and wish him the very best in the years
2 ahead; and

3 BE IT FURTHER RESOLVED, That an official copy of
4 this Resolution be prepared and presented to Senator
5 Wilmer Rensink,

was taken up for consideration.

President pro tempore Redfern took the chair at 9:24 a.m.

President Kramer took the chair at 9:40 a.m.

Senator Iverson moved the adoption of Senate Resolution 112,
which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED

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 April 15, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties (S-5739).

ALSO: That the House has on April 16, 1998, amended and passed the following bill in which the **concurrence** of the **Senate** is asked:

Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf

and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates (S-5740).

ALSO: That the House has on April 16, 1998, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

House File 2533, a bill for an act relating to the funding of, operation of, and appropriation of moneys to the college student aid commission, the department of cultural affairs, the department of education, and the state board of regents, providing related statutory changes, and providing effective dates.

HOUSE AMENDMENT CONSIDERED

Senate File 2416

Senator Maddox called up for consideration Senate File 2416, a bill for an act relating to the replacement of property tax on property associated with electricity and natural gas with excise taxes associated with electricity and natural gas, establishing a statewide property tax on property associated with electricity and natural gas, providing for a special utility property tax levy or tax credit, providing for the Act's retroactive applicability, providing an effective date, and providing penalties, amended by the House, and moved that the Senate concur in House amendment S-5739 filed April 17, 1998.

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

Senator Maddox 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. 2416), the vote was:

Ayes, 44:

Angelo	Bartz	Black	Boettger
Borlaug	Dearden	Deluhery	Douglas
Drake	Dvorsky	Flynn	Fraise
Freeman	Gaskill	Gettings	Gronstal
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 3:

Connolly	Fink ¹	Halvorson
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Present, 1:

Hammond

Absent or not voting, 2:

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

PRESENTATION OF GUESTS

Senator Szymoniak introduced Abram Vore, Hudson; Amy Alexander, Maquoketa; Sophia Gray, Council Bluffs; Karma Quick, Marion; and Rebecca Larson, Des Moines; the 1998 DSCI Junior Commissioners.

PRESENTATION OF VISITORS

The Chair welcomed eighteen confirmation class students from First Methodist Church, Cedar Falls, Iowa, accompanied by Reverend Keith Scott. Senator Redfern.

HOUSE AMENDMENT CONSIDERED

Senate File 2366

Senator Redfern called up for consideration Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, amended by the House in House amendment S-5400 filed March 30, 1998.

The Senate stood at ease at 10:24 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:18 a.m., President Kramer presiding.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2365, 2416, and House File 2163 be immediately messaged to the House.

Senator Iverson asked and received unanimous consent that action on amendment S-5400 and Senate File 2366 be deferred.

HOUSE MESSAGES RECEIVED

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 April 17, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases (S-5743).

ALSO: That the House has on April 17, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2384, a bill for an act to provide for the assessment and payment of a thirty-five dollar installment payment fee for fines or court costs paid in installments under certain circumstances and providing for a contingent effective date.

PRESENTATION OF VISITORS

The Chair welcomed thirty-four eighth grade students from Alden Community School, Alden, Iowa, accompanied by Kristi Harris and David Harms. Senator Iverson.

The Chair welcomed twenty-three students from Lakeview Elementary, Centerville, Iowa, accompanied by Melissa Wehrle. Senator Judge.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 121.

House Concurrent Resolution 121

On motion of Senator Rehberg, House Concurrent Resolution 121, a concurrent resolution recognizing and honoring members of the Save the Backbone Lake Committee who participated in the restoration of Backbone Lake in Backbone State Park, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of House Concurrent Resolution 121, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 121** be immediately messaged to the House.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2558.

House File 2558

On motion of Senator Boettger, House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Boettger offered amendment S-5741, filed by her from the floor to page 12 of the bill, and moved its adoption.

Amendment S-5741 was adopted by a voice vote.

Senator Szymoniak asked and received unanimous consent that action on **House File 2558** be **deferred**.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 110.

House Concurrent Resolution 110

On motion of Senator Szymoniak, House Concurrent Resolution 110, a concurrent resolution affirming the efforts of the child welfare services work group established by the Legislative Council, requesting approval for continuance of the work group, and requesting that leadership of the General Assembly work with the Governor and Iowa's congressional delegation in developing a memorandum of understanding with the federal government, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of House Concurrent Resolution 110, which motion prevailed by a voice vote.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 115.

Senate Resolution 115

On motion of Senator Iverson, Senate Resolution 115,

1 SENATE RESOLUTION 115
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Senate Resolution honoring Senator Don E. Gettings
4 for his years of legislative service.
5 WHEREAS, Senator Don E. Gettings will this year
6 complete his fourth term of office in the Senate and
7 over twenty-one years of service to the state of Iowa
8 as a member of the General Assembly; and
9 WHEREAS, Senator Gettings has served honorably and
10 has unselfishly given his time and efforts to further
11 the interests of the state of Iowa and to provide
12 beneficial programs for the citizens of Iowa; and
13 WHEREAS, it is proper that Senator Gettings be
14 honored for his many years of service to the state of
15 Iowa; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Senate pay
17 tribute to Senator Gettings and express its gratitude
18 for the service rendered by him; and
19 BE IT FURTHER RESOLVED, That the Senate present to
20 Senator Gettings his Senate chair in appreciation for
21 his service,

was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

BUSINESS PENDING

Senate File 2366

The Senate resumed consideration of Senate File 2366, a bill for an act relating to the licensing and employment of practitioners and the school districts employing them, making appropriations, and including retroactive applicability and effective date provisions, and House amendment S-5400, previously deferred.

Senator Fink offered amendment S-5745, filed by Senators Fink, et al., from the floor to pages 14, 24, and 25 of House amendment S-5400, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5745 to amendment S-5400 be adopted?" (S.F. 2366), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, none.

Amendment S-5745 lost.

Senator Harper offered amendment S-5744, filed by Senators Harper, et al., from the floor to page 24 of House amendment S-5400, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5744 to amendment S-5400 be adopted?" (S.F. 2366), the vote was:

Ayes, 22:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 28:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, none.

Amendment S-5744 lost.

Senator Hedge took the chair at 12:47 p.m.

Senator Redfern 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. 2366), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Absent or not voting, none.

The motion prevailed and the Senate concurred in the House amendment.

Senator Redfern 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. 2366), the vote was:

Ayes, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Nays, 23:

Black	Connolly	Dearden	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Rife	Szymoniak	Vilsack	

Absent or not voting, none.

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

Senator Iverson asked and received unanimous consent that **Senate File 2366** be **immediately messaged** to the House.

President Kramer took the chair at 1:28 p.m.

HOUSE AMENDMENT CONSIDERED (Deferred April 7, 1998)

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from

allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, and House amendment S-5359, deferred April 7, 1998.

Senator Gronstal called up the motion to reconsider the vote by which amendment S-5541 to House amendment S-5359 to Senate File 2320 failed to be adopted by the Senate, filed by him on April 7, 1998, found on page 1125 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. 2320), the vote was:

Ayes, 27:

Borlaug	Connolly	Dearden	Deluhery
Drake	Fink	Flynn	Fraise
Gaskill	Gettings	Gronstal	Hansen
Harper	Horn	Iverson	Judge
Kibbie	Kramer	Lundby	Maddox
McLaren	Palmer	Rehberg	Rife
Rittmer	Szymoniak	Tinsman	

Nays, 23:

Angelo	Bartz	Behn	Black
Boettger	Douglas	Dvorsky	Freeman
Halvorson	Hammond	Hedge	Jensen
King	McCoy	McKean	McKibben
Neuhauser	Redfern	Redwine	Rensink
Schuerer	Vilsack	Zieman	

Absent or not voting, none.

The motion prevailed and amendment S-5541 by Senators Rife and Horn to House amendment S-5359 was taken up for reconsideration.

Senator McKean asked and received unanimous consent that action on amendment S-5541 to House amendment S-5359 and Senate File 2320 be deferred.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 118.

Senate Concurrent Resolution 118

On motion of Senator Jensen, Senate Concurrent Resolution 118, a concurrent resolution requesting the Legislative Council to establish an interim study committee to review the issue of the deregulation and restructuring of the electric utility industry, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

UNFINISHED BUSINESS (Deferred April 16, 1998)

House File 2530

The Senate resumed consideration of House File 2530, a bill for an act relating to the administration of the tax and related laws by the department of revenue and finance, including administration of state individual income, corporate income, franchise, sales, services, and use, motor fuel, cigarette and tobacco, local option, inheritance and estate, and property taxes and the livestock production credit; providing penalties; and including effective and retroactive applicability date provisions, previously deferred.

President pro tempore Redfern took the chair at 1:56 p.m.

Senator Maddox moved that the bill be read the last time now and placed upon 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. 2530), the vote was:

Ayes, 47:

Angelo
Boettger
Deluhery

Bartz
Borlaug
Douglas

Behn
Connolly
Drake

Black
Dearden
Dvorsky

Fink	Flynn	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Jensen	Judge	Kibbie	King
Kramer	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Fraise

Iverson

Lundby

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

WITHDRAWN

Senator Maddox asked and received unanimous consent that **Senate File 2360** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2530**, **House Concurrent Resolution 110**, and **Senate Concurrent Resolution 118** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2532.

House File 2532

On motion of Senator Kibbie, House File 2532, a bill for an act relating to the maximum value of prizes awarded in raffles and certain games of skill and chance, 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. 2532), the vote was:

Ayes, 45:

Bartz	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 4:

Angelo	Dearden	Hedge	Palmer
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Absent or not voting, 1:

Lundby

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

President Kramer took the chair at 2:05 p.m.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 120.

Senate Resolution 120

On motion of Senator Iverson, Senate Resolution 120, a resolution requesting that the Legislative Council authorize an interim study of statewide jail space needs, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

The Senate stood at ease at 2:09 p.m. until the fall of the gavel.

The Senate resumed session at 3:08 p.m., President Kramer presiding.

BUSINESS PENDING

House File 2558

The Senate resumed consideration of House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date, previously deferred.

Senator Boettger moved that the bill be read the last time now and placed upon 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. 2558), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Dearden
Deluhery	Douglas	Drake	Dvorsky
Fink	Flynn	Fraise	Freeman
Gaskill	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

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 Iverson asked and received unanimous consent that House File 2558 be **immediately messaged** to the House.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 108.

Senate Resolution 108

On motion of Senator Iverson, Senate Resolution 108,

1 SENATE RESOLUTION 108
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Senate Resolution honoring Senator Mary Neuhauser.
4 WHEREAS, Senator Mary Neuhauser is retiring from
5 legislative office after completing one term in office
6 as a state Senator and four terms as a member of the
7 House of Representatives; and
8 WHEREAS, Senator Neuhauser's service as Chairperson
9 of the Oversight, Audit and Government Reform
10 Appropriations Subcommittee and as Vice Chair of the
11 Ethics Committee is well recognized; and
12 WHEREAS, Senator Neuhauser's dedication,
13 leadership, and expertise in the areas of governmental
14 oversight, ethics and campaign finance, and education
15 policy are well recognized; and
16 WHEREAS, Senator Neuhauser has assisted newly
17 established democracies of the former Soviet Union by
18 coordinating a visit from representatives of the
19 Stavropol Duma, the parliamentary body of Iowa's
20 sister state in Russia, and by visiting Stavropol as a
21 representative of the Iowa Senate; and
22 WHEREAS, Senator Neuhauser is well known for her
23 attention to detail and probing questions in
24 considering public policy decisions and enacting
25 legislation; and
26 WHEREAS, Senator Neuhauser's distinguished career
27 as a state legislator has included service as an
28 Assistant Majority Leader and Assistant Minority
29 Leader in the House of Representatives during the
30 Seventy-fourth and Seventy-fifth General Assemblies,

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1 respectively; and
2 WHEREAS, Senator Neuhauser has served honorably and
3 has unselfishly given of her time and efforts to
4 further the interests of the State of Iowa and to
5 provide beneficial programs for the citizens of Iowa;
6 and
7 WHEREAS, Senator Neuhauser has served on many other
8 standing committees throughout her twelve years of
9 legislative service and has been an influential and
10 devoted legislator in this state; NOW THEREFORE,
11 BE IT RESOLVED BY THE SENATE, That the Senate pay
12 tribute to Senator Mary Neuhauser for her devoted
13 service to the Iowa General Assembly and the citizens
14 of this state and wish her the very best in the years
15 ahead; and
16 BE IT FURTHER RESOLVED, That an official copy of
17 this Resolution be prepared and presented to Senator
18 Mary Neuhauser,

was taken up for consideration.

President pro tempore Redfern took the chair at 3:42 p.m.

President Kramer took the chair at 3:48 p.m.

Senator Iverson moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, House amendment S-5359, and amendment S-5541 by Senators Rife and Horn to House amendment S-5359, previously deferred.

Senator McKean asked and received unanimous consent to withdraw amendment S-5747, filed by Senators McKean and Halvorson from the floor to amendment S-5541 to House amendment S-5359.

Senator McKean offered amendment S-5748, filed by him from the floor to amendment S-5541 to House amendment S-5359.

Senator Gronstal raised the point of order that amendment S-5748 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5748 out of order.

Senator McKean asked and received unanimous consent that action on amendments S-5541, S-5359, and Senate File 2320 be deferred.

The Senate stood at ease at 4:08 p.m. until the fall of the gavel.

The Senate resumed session at 4:38 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2546, a bill for an act relating to waste tires and tire-derived fuels.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 4:41 p.m. until the fall of the gavel.

The Senate resumed session at 5:13 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2320

The Senate resumed consideration of Senate File 2320.

Senator McKean offered amendment S-5750, filed by Senators McKean and Halvorson from the floor to amendment S-5541 to House amendment S-5359, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5750 to amendment S-5541 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, 24:

Angelo	Behn	Black	Boettger
Douglas	Drake	Dvorsky	Freeman
Halvorson	Hammond	Harper	Hedge
Iverson	Jensen	King	McKean
McKibben	Neuhauser	Redfern	Redwine
Rehberg	Rensink	Schuerer	Zieman

Nays, 26:

Bartz	Borlaug	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Gaskill	Gettings	Gronstal	Hansen
Horn	Judge	Kibbie	Kramer
Lundby	Maddox	McCoy	McLaren
Palmer	Rife	Rittmer	Szymoniak
Tinsman	Vilsack		

Absent or not voting, none.

Amendment S-5750 lost.

Senator McCoy offered amendment S-5751, filed by him from the floor to amendment S-5541 to House amendment S-5359, and moved its adoption.

A non-record roll call was requested.

The ayes were 24, nays 26.

Amendment S-5751 lost.

Senator Rife moved the adoption of amendment S-5541 to House amendment S-5359.

A record roll call was requested.

On the question "Shall amendment S-5541 to amendment S-5359 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, 24:

Bartz	Borlaug	Connolly	Dearden
Deluhery	Fink	Flynn	Fraise
Gaskill	Gettings	Hansen	Horn
Iverson	Judge	Kibbie	Kramer
Lundby	Maddox	McLaren	Palmer
Rehberg	Rife	Rittmer	Tinsman

Nays, 26:

Angelo	Behn	Black	Boettger
Douglas	Drake	Dvorsky	Freeman
Gronstal	Halvorson	Hammond	Harper
Hedge	Jensen	King	McCoy
McKean	McKibben	Neuhauser	Redfern
Redwine	Rensink	Schuerer	Szymoniak
Vilsack	Zieman		

Absent or not voting, none.

Amendment S-5541 lost.

Senator Gronstal asked and received unanimous consent that action on House amendment S-5359 and Senate File 2320 be deferred.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 17, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date (S-5753).

The Senate stood at ease at 6:29 p.m. until the fall of the gavel.

The Senate resumed session at 7:03 p.m., President Kramer presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dearden and Gettings until they return, on request of Senator Fink.

HOUSE AMENDMENT CONSIDERED

Senate File 2296

Senator Borlaug called up for consideration Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, amended by the House in House amendment S-5540 filed April 7, 1998.

Senator Borlaug offered amendment S-5749, filed by him from the floor to House amendment S-5540.

Senator McCoy offered amendment S-5756, filed by him from the floor to amendment S-5749 to House amendment S-5540, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5756 to amendment S-5749 be adopted?" (S.F. 2296), the vote was:

Ayes, 19:

Connolly	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	Neuhauser
Palmer	Szymoniak	Vilsack	

Nays, 28:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Douglas	Drake
Freeman	Gaskill	Hedge	Iverson
Jensen	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 3:

Dearden	Gettings	Rensink
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Amendment S-5756 lost.

Senator Harper offered amendment S-5755, filed by Senators Harper and McCoy from the floor to amendment S-5749 to House amendment S-5540.

Senator Iverson called for a division of amendment S-5755: lines 3-13 as division S-5755A; lines 14-36 as division S-5755B.

Senator Harper moved the adoption of division S-5755A.

A non-record roll call was requested.

The ayes were 35, nays 10.

Division S-5755A was adopted.

Senator Harper moved the adoption of division S-5755B.

A record roll call was requested.

On the question "Shall division S-5755B to amendment S-5749 be adopted?" (S.F. 2296), the vote was:

Ayes, 21:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Maddox
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Dearden	Gettings	Rensink
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Division S-5755B lost.

With the adoption of amendment S-5755 division A, the Chair ruled amendment S-5757, filed by Senator Iverson to amendment S-5749 to House amendment S-5540, out of order.

Senator Harper offered amendment S-5754, filed by Senators Harper and McCoy from the floor to amendment S-5749 to House amendment S-5540, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5754 to amendment S-5749 be adopted?" (S.F. 2296), the vote was:

Ayes, 20:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gronstal
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	McCoy
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 3:

Dearden	Gettings	Rensink
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Amendment S-5754 lost.

Senator Connolly asked and received unanimous consent that action on amendment S-5749 to House amendment S-5540 and Senate File 2296 be deferred.

The Senate stood at ease at 7:52 p.m. until the fall of the gavel.

The Senate resumed session at 8:24 p.m., President Kramer presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2296

The Senate resumed consideration of Senate File 2296 and amendment S-5749 to House amendment S-5540, previously deferred.

Senator McCoy offered amendment S-5759, filed by him from the floor to amendment S-5749 to House amendment S-5540, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5759 to amendment S-5749 be adopted?" (S.F. 2296), the vote was:

Ayes, 18:

Connolly	Deluhery	Dvorsky	Fink
Flynn	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	McCoy	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 26:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 6:

Dearden	Douglas	Fraise	Gettings
Lundby	Rensink		

Amendment S-5759 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5758, filed by him from the floor to amendment S-5749 to House amendment S-5540.

Senator Borlaug moved the adoption of amendment S-5749.

Amendment S-5749 was adopted by a voice vote.

With the adoption of amendment S-5749, the Chair ruled the following amendments out of order:

S-5760 filed by Senator McCoy from the floor to amendment S-5749;

S-5613 filed by Senator Borlaug on April 9, 1998, to House amendment S-5540;

S-5742 filed by Senator Vilsack from the floor to House amendment S-5540; and

S-5730 filed by Senators Douglas and Gronstal on April 16, 1998, to House amendment S-5540.

Senator Borlaug 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 Borlaug 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. 2296), the vote was:

Ayes, 36:

Angelo	Bartz	Behn	Black
Borlaug	Connolly	Deluhery	Drake
Dvorsky	Flynn	Freeman	Gaskill
Gronstal	Halvorson	Hansen	Hedge
Horn	Iverson	Jensen	Judge
King	Kramer	Maddox	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Tinsman	Zieman

Nays, 9:

Boettger	Douglas	Fink	Hammond
Harper	Kibbie	McCoy	Szymoniak
Vilsack			

Absent or not voting, 5:

Dearden	Fraise	Gettings	Lundby
Rensink			

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that House File 2532 be immediately messaged to the House.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 316, 347, 2109, 2312, 2329, 2331, 2339, 2353, 2376, and 2383.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 17, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 540 – Relating to the second injury compensation Act, by providing for payments to the second injury fund including the imposition of an employer surcharge and a sunset of the ability to impose an employer surcharge, providing for the collection of payments to the second injury fund, and providing an effective date and applicability provision.

S.F. 2037 – Relating to the Iowa state fair convention by providing for its membership and the election of members to the Iowa state fair board.

S.F. 2235 – Concerning judicial administration and providing an effective date.

S.F. 2254 – Relating to charges for room and board by certain prisoners.

S.F. 2259 – Relating to search warrant applications.

H.F. 2169 – Raising the limit on the amount of assets subject to a conservatorship in cases where a private nonprofit corporation serves as conservator and providing for an increase in the amount of assets in a minor ward's conservatorship eligible for an order for termination of the conservatorship and for delivery of the conservatorship assets to certain custodians.

H.F. 2271 – Relating to obsolete and unnecessary provisions of the Code.

H.F. 2281 – Providing for the mandatory recording of certain residential real estate installment sales contracts, providing a penalty, and providing for the Act's applicability.

H.F. 2454 – Relating to motor vehicle operator proof of financial responsibility and providing an effective date and for retroactive applicability.

H.F. 2473 – Providing for mediation in disputes involving agricultural producers.

H.F. 2495 – Relating to the conduct of elections in the state.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2383, the following corrections were made:

1. Page 4, lines 21–25, the following were changed: “(1)” to “a”, “(2)” to “b”, “(3)” to “c”, “(4)” to “d” and “(5)” to “e”.

MARY PAT GUNDERSON
Secretary of the Senate

EXPLANATIONS OF VOTE

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 17, 1998, when the vote was taken on Senate File 2416. Had I been present, I would have voted “aye.”

JERRY BEHN

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 17, 1998, when the vote was taken on Senate File 2416. Had I been present, I would have voted “aye.”

NEAL SCHUERER

MADAM PRESIDENT: I was necessarily absent from the Senate chamber on April 16, 1998, when the votes were taken on Senate Files 2365, 2374, House Files 2163, 2164, 2382, and 2550. Had I been present, I would have voted “aye.”

TOM VILSACK

CERTIFICATE OF RECOGNITION

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

Joel Ebert, Ackley – For being awarded the District VI Principal of the Year.
Senator Iverson (4/17/98).

MOTIONS TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2296 passed the Senate on April 17, 1998.

MIKE CONNOLLY

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2296 passed the Senate on April 17, 1998.

ALLEN BORLAUG

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2296 passed the Senate on April 17, 1998.

DERRYL McLAREN

COMMITTEE REPORT

APPROPRIATIONS

Final Bill Action: HOUSE FILE 2546, a bill for an act relating to waste tires and tire-derived fuels.

Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5752.

Final Vote: Ayes, 24: McLaren, Kramer, Flynn, Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack. Nays, none. Absent or not voting, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

S-5739	S.F. 2416	House
S-5740	S.F. 2381	House
S-5741	H.F. 2558	Nancy Boettger
S-5742	S.F. 2296	Tom Vilsack
S-5743	S.F. 2281	House
S-5744	S.F. 2366	Patricia Harper
		Bill Fink
		Rod Halvorson
		Tom Vilsack
		Patrick J. Deluhery
		Patty Judge
		Michael E. Gronstal
		Eugene S. Fraise

Elaine Szymoniak

Tom Flynn

Dick L. Dearden

Robert E. Dvorsky

Mary Neuhauser

Matt McCoy

Don Gettings

Dennis H. Black

William D. Palmer

Wally E. Horn

Mike Connolly

Johnie Hammond

John P. Kibbie

S-5745

S.F. 2366

Bill Fink

Patricia Harper

Johnie Hammond

Patrick J. Deluhery

Patty Judge

Michael E. Gronstal

Eugene S. Fraise

Elaine Szymoniak

Tom Vilsack

Mike Connolly

Dick L. Dearden

Robert E. Dvorsky

Mary Neuhauser

Matt McCoy

Wally E. Horn

Don Gettings

Tom Flynn

John P. Kibbie

Rod Halvorson

Dennis H. Black

William D. Palmer

Andy McKean

Rod Halvorson

Andy McKean

Rod Halvorson

Matt McCoy

Andy McKean

Allen Borlaug

S-5746

S.F. 2320

S-5747

S.F. 2320

S-5748

S.F. 2320

S-5749

S.F. 2296

S-5750	S.F. 2320	Andy McKean Rod Halvorson
S-5751	S.F. 2320	Matt McCoy
S-5752	H.F. 2546	Appropriations
S-5753	S.F. 2415	House
S-5754	S.F. 2296	Patricia Harper Matt McCoy
S-5755	S.F. 2296	Patricia Harper Matt McCoy
S-5756	S.F. 2296	Matt McCoy
S-5757	S.F. 2296	Stewart Iverson, Jr.
S-5758	S.F. 2296	Mike Connolly
S-5759	S.F. 2296	Matt McCoy
S-5760	S.F. 2296	Matt McCoy

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:41 p.m., until 1:00 p.m., Monday, April 20, 1998.

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 20, 1998

The Senate met in regular session at 1:12 p.m., President Kramer presiding.

Prayer was offered by Father Mark Osterhaus of St. Paul's Catholic Church, Worthington, Iowa.

The Journal of Friday, April 17, 1998, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dearden for the day, and Senator Vilsack until he arrives, on request of Senator Gronstal.

INTRODUCTION OF RESOLUTION

Senate Resolution 121, by Kramer, Iverson, Tinsman, Szymoniak, and Hammond, a resolution honoring Suzanne Johnson for her service to the General Assembly of Iowa.

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

HOUSE MESSAGES RECEIVED

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 April 17, 1998, 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 juvenile justice system provisions involving foster care, termination of parental rights, and adoption replacement investigations (S-5761).

ALSO: That the House has on April 20, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2284, a bill for an act relating to rural improvement zones.

QUORUM CALL

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

The vote revealed 43 present, 7 absent, and a quorum present.

MOTION TO RECONSIDER WITHDRAWN

House File 2290

Senator Angelo withdrew the motion to reconsider House File 2290, a bill for an act relating to the civil damages and penalties for the illegal taking of antlered deer, filed by him on April 15, 1998, and found on page 1313 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2290** be **immediately messaged** to the House.

The Senate stood at ease at 1:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:52 p.m., President Kramer presiding.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 110.

Senate Resolution 110

On motion of Senator Hedge, Senate Resolution 110,

1 SENATE RESOLUTION 110
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Senate Resolution honoring Senator Don E. Gettings.
4 WHEREAS, Senator Don E. Gettings is retiring from
5 legislative office after completing four terms in
6 office as a state Senator and three terms as a member
7 of the House of Representatives; and
8 WHEREAS, Senator Gettings' service as Chairperson
9 of the Ethics, Business and Labor Relations, and
10 Transportation Committees, and of the Transportation
11 and Safety Appropriations Subcommittee and as Vice
12 Chair of the Rules and Administration Committee is
13 well recognized; and
14 WHEREAS, Senator Gettings also served as a member
15 of the Legislative Council during the Seventy-fifth
16 General Assembly; and
17 WHEREAS, Senator Gettings' dedication, leadership,
18 and expertise in the areas of business-labor
19 relations, transportation and safety, and law
20 enforcement are well recognized; and
21 WHEREAS, Senator Gettings is well known for his
22 calming influence on others and his sense of humor;
23 and
24 WHEREAS, Senator Gettings has served honorably and
25 has unselfishly given of his time and efforts to
26 further the interests of the State of Iowa and to
27 provide beneficial programs for the working people of
28 Iowa; and
29 WHEREAS, Senator Gettings has served on many other
30 standing committees throughout his twenty-two years of

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1 legislative service and has been an influential and
2 devoted legislator in this state; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the Senate pay
4 tribute to Senator Don E. Gettings for his devoted
5 service to the Iowa General Assembly and the citizens
6 of this state and wish him the very best in the years
7 ahead; and
8 BE IT FURTHER RESOLVED, That an official copy of
9 this Resolution be prepared and presented to Senator
10 Don E. Gettings,

was taken up for consideration.

President pro tempore Redfern took the chair at 2:58 p.m.

Senator Hedge moved the adoption of Senate Resolution 110, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKibben until he returns, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

Senate File 2415

Senator McLaren called up for consideration Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S-5753 filed April 17, 1998.

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

Senator McLaren 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. 2415), the vote was:

Ayes, 46:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rittmer	Schuerer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 1:

McCoy

Absent or not voting, 3:

Dearden

McKibben

Rife

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 Iverson asked and received unanimous consent to take up for consideration House File 2546.

House File 2546

On motion of Senator Hedge, House File 2546, a bill for an act relating to waste tires and tire-derived fuels, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McLaren offered amendment S-5752, filed by the committee on Appropriations on April 17, 1998, to page 1 of the bill, and moved its adoption.

Amendment S-5752 was adopted by a voice vote.

Senator Bartz offered amendment S-5764, filed by Senators Bartz and Hedge from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-5764 was adopted by a voice vote.

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. 2546), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden McKibben Rife

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 4:07 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:24 p.m., President pro tempore Redfern presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2345

Senator Schuerer called up for consideration Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations, amended by the House in House amendment S-5761 filed April 20, 1998.

Senator King offered amendment S-5767, filed by him from the floor to page 1 of House amendment S-5761, and moved its adoption.

Amendment S-5767 was adopted by a voice vote.

Senator Redwine offered amendment S-5763, filed by him from the floor to page 4 of House amendment S-5761, and moved its adoption.

Amendment S-5763 was adopted by a voice vote.

Senator King offered amendment S-5768, filed by him from the floor to page 4 of House amendment S-5761.

Senator Flynn raised the point of order that amendment S-5768 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5768 out of order.

Senator Hammond asked and received unanimous consent that action on House amendment S-5761 and **Senate File 2345** be **deferred**.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 111.

Senate Resolution 111

On motion of Senator Iverson, Senate Resolution 111,

- 1 SENATE RESOLUTION 111
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Senate Resolution honoring Senator Tom Vilsack.
- 4 WHEREAS, Senator Tom Vilsack is retiring from
- 5 legislative office after completing two terms in
- 6 office as a state Senator; and
- 7 WHEREAS, Senator Vilsack's service as Chairperson
- 8 of the Economic Development Appropriations
- 9 Subcommittee and of the Regulation Appropriations
- 10 Subcommittees and as Vice Chair of the Small Business,
- 11 Economic Development and Tourism Committee and of the
- 12 Judiciary Committee is well recognized; and
- 13 WHEREAS, Senator Vilsack's dedication, leadership,
- 14 and expertise in the areas of economic growth and job
- 15 creation, and the administration of justice are well
- 16 recognized; and
- 17 WHEREAS, Senator Vilsack has served honorably and

18 has unselfishly given of his time and efforts to
19 further the interests of the State of Iowa and to
20 provide beneficial programs for the citizens of Iowa;
21 and
22 WHEREAS, Senator Vilsack has served on many other
23 standing committees throughout his six years of
24 legislative service and has been an influential and
25 devoted legislator in this state; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate pay
27 tribute to Senator Tom Vilsack for his devoted service
28 to the Iowa General Assembly and the citizens of this
29 state and wish him the very best in the years ahead;
30 and

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1 BE IT FURTHER RESOLVED, That an official copy of
2 this Resolution be prepared and presented to Senator
3 Tom Vilsack,

with report of committee recommending passage, was taken up for consideration.

Senator Hedge took the chair at 5:12 p.m.

President pro tempore Redfern took the chair at 5:17 p.m.

President Kramer took the chair at 5:44 p.m.

Senator Iverson moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

HOUSE MESSAGES RECEIVED

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 April 20, 1998, amended and passed the following bills in which the concurrence of the Senate is asked:

Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date (S-5762).

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates (S-5771).

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Vilsack until he returns, on request of Senator Hansen.

BUSINESS PENDING HOUSE AMENDMENT CONSIDERED

Senate File 2345

The Senate resumed consideration of Senate File 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations, and House amendment S-5761, previously deferred.

Senator Dvorsky offered amendment S-5770, filed by Senators Schuerer and Dvorsky from the floor to page 5 of House amendment S-5761, and moved its adoption.

Amendment S-5770 was adopted by a voice vote.

Senator Schuerer 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 Schuerer 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Vilsack

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 2061

Senator Douglas called up for consideration Senate File 2061, a bill for an act relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date, amended by the House in House amendment S-5762 filed April 20, 1998.

Senator Douglas offered amendment S-5766, filed by her from the floor to House amendment S-5762, and moved its adoption.

Amendment S-5766 was adopted by a voice vote.

Senator Douglas 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 Douglas 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, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Vilsack

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 2345 and House File 2546 be immediately messaged to the House.

The Senate stood at ease at 6:48 p.m. until the fall of the gavel.

The Senate resumed session at 7:07 p.m., President Kramer presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 2281

Senator Maddox called up for consideration Senate File 2281, a bill for an act relating to compensation for the legal defense of indigent persons in criminal, appellate, and certain civil cases, amended by the House in House amendment S-5743 filed April 17, 1998.

Senator Maddox asked and received unanimous consent to withdraw amendment S-5765, filed by him from the floor to House amendment S-5743.

Senator Maddox offered amendment S-5773, filed by him from the floor to House amendment S-5743, and moved its adoption.

Amendment S-5773 was adopted by a voice vote.

Senator Maddox offered amendment S-5774, filed by him from the floor to House amendment S-5743, and moved its adoption.

Amendment S-5774 was adopted by a voice vote.

Senator Maddox 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 Maddox 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. 2281), the vote was:

Ayes, 47:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Douglas	Drake
Dvorsky	Fink	Flynn	Fraise
Freeman	Gaskill	Gettings	Gronstal
Halvorson	Hammond	Hansen	Harper

Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Palmer
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 1:

Deluhery

Absent or not voting, 2:

Bartz

Dearden

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 Bartz until he returns, on request of Senator Angelo.

MOTION TO RECONSIDER ADOPTED

Senate File 2296

Senator Borlaug called up the motion to reconsider Senate File 2296 filed by him on April 17, 1998, found on page 1378 of the Senate Journal, and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2296) the vote was:

Ayes, 44:

Angelo	Behn	Black	Boettger
Borlaug	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hansen	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Kramer
Lundby	Maddox	McCean	McKibben
McLaren	Palmer	Redfern	Redwine

Rehberg
Szymoniak

Rensink
Tinsman

Rittmer
Vilsack

Schuerer
Zieman

Nays, none.

Absent or not voting, 6:

Bartz
Neuhauser

Dearden
Rife

Hammond

McCoy

The motion prevailed.

Senator Borlaug moved to reconsider the vote by which Senate File 2296 went to its last reading, which motion prevailed by a voice vote.

With the adoption of the motion to reconsider by Senator Borlaug, the motions to reconsider filed by Senator Connolly and Senator McLaren, on April 17, 1998, and found on page 1378 of the Senate Journal, were out of order.

Senator Borlaug filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which House amendment S-5540 to Senate File 2296 was adopted by the Senate on April 17, 1998.

ALLEN BORLAUG

The motion prevailed by a voice vote, and House amendment S-5540 was taken up for reconsideration.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Neuhauser for the remainder of the day, on request of Senator Dvorsky.

BUSINESS PENDING HOUSE AMENDMENT CONSIDERED

Senate File 2296

Senator Borlaug called up for consideration Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of

workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, amended by the House in House amendment S-5540 filed April 7, 1998.

Action on House amendment S-5540 was deferred.

Senator Borlaug filed the following motion to reconsider from the floor and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5749 to House amendment S-5540 to Senate File 2296 was adopted by the Senate on April 17, 1998.

ALLEN BORLAUG

The motion prevailed by a voice vote and amendment S-5749 to House amendment S-5540 was taken up for reconsideration.

Action on amendment S-5749 to House amendment S-5540 was deferred.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5775, filed by him from the floor to amendment S-5749 to House amendment S-5540.

Senator Iverson offered amendment S-5777, filed by Senators Iverson and Connolly from the floor to amendment S-5749 to House amendment S-5540.

Senator Rehberg called for a division of amendment S-5777: page 1, lines 4-42 as division S-5777A; page 1, lines 43-50, page 2, and page 3 as division S-5777B.

Senator Iverson moved the adoption of division S-5777A.

Division S-5777A was adopted by a voice vote.

Senator Iverson moved the adoption of division S-5777B.

Division S-5777B was adopted by a voice vote.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2061 and 2281 be **immediately messaged** to the House.

MOTION TO RECONSIDER WITHDRAWN

Senator Borlaug withdrew the following motion to reconsider Senate File 2296, filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2296 passed the Senate on April 20, 1998.

ALLEN BORLAUG

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate File 2296 be **immediately messaged** to the House.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 466 and 2391.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 316 – Relating to the training and probationary periods for certain law enforcement officers.

S.F. 347 – Relating to the disposal of public nuisances seized by the department of natural resources.

S.F. 2109 – Relating to mobile home dealers.

S.F. 2312 – Providing for child day care requirements for volunteers and for the number of children receiving care under the child care home pilot projects and providing an effective date.

S.F. 2329 – Relating to crime victims, by expanding the compensation available from the crime victim compensation program to victims of crime and their families and providing a Code editor directive.

H.F. 2120 – Prohibiting the use of self-service displays in the offering for sale or sale of cigarettes or tobacco products, and providing a penalty.

H.F. 2282 – Authorizing the imposition of a local option sales and services tax and use of certain federal funds for school infrastructure projects and the issuance of bonds, and providing an effective date.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2391, the following corrections were made:

1. Page 8, line 11, the word "subsection" was changed to the word "subsections".
2. Page 17, line 3, the words and numbers "Sections 101 and 102" were changed to the words and numbers "Sections 4 and 5".

MARY PAT GUNDERSON
Secretary of the Senate

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 17, 1998, 4:40 p.m.

Members Present: McLaren, Chair; Kramer, Vice Chair; Flynn, Ranking Member; Behn, Black, Borlaug, Douglas, Dvorsky, Freeman, Halvorson, Hammond, Harper, Hedge, Horn, Jensen, Maddox, McCoy, Neuhauser, Rehberg, Rensink, Rife, Rittmer, Tinsman, and Vilsack.

Members Absent: Lundby (excused).

Committee Business: Amended and passed HF 2546.

Adjourned: 4:56 p.m.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which Senate File 2415 passed the Senate on April 20, 1998.

DERRYL McLAREN

AMENDMENTS FILED

S-5761	S.F. 2345	House
S-5762	S.F. 2061	House
S-5763	S.F. 2345	John Redwine
S-5764	H.F. 2546	Merlin E. Bartz H. Kay Hedge
S-5765	S.F. 2281	O. Gene Maddox
S-5766	S.F. 2061	JoAnn Douglas
S-5767	S.F. 2345	Steve King
S-5768	S.F. 2345	Steve King
S-5769	S.F. 2320	Jack Rife Michael E. Gronstal
S-5770	S.F. 2345	Neal Schuerer Robert E. Dvorsky

S-5771	S.F. 2418	House
S-5772	S.F. 2320	Jack Rife Matt McCoy Michael E. Gronstal Neal Schuerer Elaine Szymoniak
S-5773	S.F. 2281	O. Gene Maddox
S-5774	S.F. 2281	O. Gene Maddox
S-5775	S.F. 2296	Matt McCoy
S-5776	S.F. 2296	Tom Vilsack Matt McCoy
S-5777	S.F. 2296	Stewart Iverson, Jr. Mike Connolly

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:26 p.m., until 9:00 a.m., Tuesday, April 21, 1998.

JOURNAL OF THE SENATE

ONE-HUNDREDTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 21, 1998

The Senate met in regular session at 9:15 a.m., President Kramer presiding.

Prayer was offered by Reverend Carl Huess, pastor of the Christian Reformed Church, Des Moines, Iowa.

The Odebolt-Arthur Singers from Odebolt, Iowa, sang "Prayer for the Children."

The Journal of Monday, April 20, 1998, was approved.

HOUSE MESSAGES RECEIVED

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 April 20, 1998, passed the following bill in which the concurrence of the Senate is asked:

House File 2560, a bill for an act relating to aircraft registration fees and sales tax exemptions.

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

ALSO: That the House has on April 20, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons (S-5778).

ALSO: That the House has on April 20, 1998, 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 2269, a bill for an act relating to permissible physical contact between school employees and students (S-5779).

House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters (S-5780).

ALSO: That the House has on April 20, 1998, concurred in the Senate amendment and passed the following bills in which the **concurrence** of the **House** was asked:

House File 2348, a bill for an act relating to institutions and facilities administered by the department of human services and to similar and related services.

House File 2546, a bill for an act relating to waste tires and tire-derived fuels.

House File 2558, a bill for an act relating to mental health, developmental disability, and substance abuse service, commitment, and payment provisions, and including an applicability provision and an effective date.

ALSO: That the House has on April 17, 1998, concurred in the Senate amendment and passed the following bill in which the **concurrence** of the **House** was asked:

House File 2374, a bill for an act exempting sales made to and services performed for organ procurement organizations from the state sales, services, and use taxes.

ALSO: That the House has on April 20, 1998, receded from the House amendment to the Senate amendment, and adopted the following resolution in which the **concurrence** of the **House** was asked:

House Concurrent Resolution 15, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a comprehensive study of school finance and make recommendations for a revised school aid formula.

HOUSE AMENDMENT CONSIDERED

Senate File 2381

Senator Freeman called up for consideration Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair

infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, amended by the House in House amendment S-5740 filed April 17, 1998.

Senator Freeman asked and received unanimous consent that action on House amendment S-5740 and **Senate File 2381** be **deferred**.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 107.

Senate Resolution 107

On motion of Senator Iverson, Senate Resolution 107,

- 1 SENATE RESOLUTION 107
- 2 BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Senate Resolution honoring Senator William D. Palmer.
- 4 WHEREAS, Senator William D. Palmer is retiring from
- 5 legislative office after completing eight terms in
- 6 office as a state Senator and two terms as a member of
- 7 the House of Representatives; and
- 8 WHEREAS, Senator Palmer's distinguished career as a
- 9 state legislator has included service as the Senate
- 10 President Pro Tempore during the Seventy-fifth General
- 11 Assembly; and

12 WHEREAS, Senator Palmer's service as Chairperson of
13 the Appropriations, Budget, Commerce, Natural
14 Resources, Rules and Administration, and Ways and
15 Means Committees and as a member of the Administrative
16 Rules Review Committee is well recognized; and
17 WHEREAS, Senator Palmer also served as a member of
18 the Legislative Council during the Sixty-fourth,
19 Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth,
20 and Seventy-fifth General Assemblies; and
21 WHEREAS, Senator Palmer's dedication, leadership,
22 and expertise in the areas of tax fairness, consumer
23 protection, commercial regulation, and balancing the
24 state budget are well recognized; and
25 WHEREAS, Senator Palmer has served honorably and
26 has unselfishly given of his time and efforts to
27 further the interests of the State of Iowa and to
28 provide beneficial programs for the citizens of Iowa;
29 and
30 WHEREAS, Senator Palmer has served on many other

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1 standing committees throughout his thirty-four years
2 of legislative service and has been an influential and
3 devoted legislator in this state; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate pay
5 tribute to Senator William D. Palmer for his devoted
6 service to the Iowa General Assembly and the citizens
7 of this state and wish him the very best in the years
8 ahead; and
9 BE IT FURTHER RESOLVED, That an official copy of
10 this Resolution be prepared and presented to Senator
11 William D. Palmer,

was taken up for consideration.

Senator Gronstal offered amendment S-5783, filed by Senators Gronstal and Iverson from the floor to page 2 of the resolution, and moved its adoption.

Amendment S-5783 was adopted by a voice vote.

Senator Hedge took the chair at 9:41 a.m.

Senator Iverson moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

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 10:59 a.m., President pro tempore Redfern presiding.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2498

Senator Lundby called up for consideration House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5780 to Senate amendment H-9118, filed April 21, 1998.

Senator Hedge took the chair at 11:15 a.m.

The motion lost by a voice vote and the Senate refused to concur in the House amendment to the Senate amendment.

The Senate stood at ease at 11:31 a.m. until the fall of the gavel.

The Senate resumed session at 11:33 a.m., Senator Hedge presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 122, by Maddox and Dvorsky, a resolution honoring Mr. Walt Saur upon his retirement as Chairperson of the Iowa Board of Parole.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2498** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2332

Senator Gettings called up for consideration Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date, amended by the House in House amendment S-5637 filed April 14, 1998.

Senator Judge asked and received unanimous consent that action on House amendment S-5637 and **Senate File 2332** be **deferred**.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:38 a.m., until 1:00 p.m.

APPENDIX

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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, 1998:

Senate Files 492, 518, 2161, 2188, 2330, 2368, 2372, 2374, 2378, 2380, and 2404.

MARY PAT GUNDERSON
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 21, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2331 - Relating to agreements for the provision of services, by excluding persons who provide transportation of prisoners from statutory requirements pertaining to private investigators or security agents and the carrying of weapons, and providing for the sharing of certain habitative and treatment resources by the department of corrections with the department of human services and providing for certain contractual requirements and the adoption of rules by the department of corrections.

S.F. 2339 - Relating to an inmate's right to counsel in a postconviction proceeding pertaining to a forfeiture of a reduction in sentence or the unlawful holding of a person in custody or restraint.

S.F. 2353 - Relating to an allocation of state aid for purposes of school-based youth services programs.

S.F. 2376 - Relating to the operation of the lottery and providing a penalty.

S.F. 2383 - Relating to amusement ride rider safety, providing a penalty, and providing an effective date.

REPORT OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate Amendment to House Amendment to Senate File 2296, the following corrections were made:

1. Page 27, lines 10 and 11, the following words and numbers "Sections 14, 15, 16, 17, 18, 19, 20, 21, and 25" were changed to the words and numbers "Sections 15, 16, 17, 18, 19, 20, 21, 22, and 28".

MARY PAT GUNDERSON
Secretary of the Senate

CERTIFICATE OF RECOGNITION

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

Odebolt-Arthur High School Double Quartet - For singing at the Iowa State Senate. Senator King (4/21/98).

AMENDMENTS FILED

S-5778	S.F. 2413	House
S-5779	H.F. 2269	House
S-5780	H.F. 2498	House
S-5781	S.F. 2381	Mary Lou Freeman
S-5782	S.F. 2381	Mary Lou Freeman
S-5783	S.R. 107	Michael E. Gronstal Stewart Iverson, Jr.
S-5784	S.F. 2381	O. Gene Maddox
S-5785	S.F. 2381	Allen Borlaug Wally E. Horn Stewart Iverson, Jr. Dennis H. Black

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., Senator McKean presiding.

QUORUM CALL

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

The vote revealed 40 present, 10 absent, and a quorum present.

PRESENTATION OF VISITORS

The Chair welcomed thirty high school students from Dallas Center-Grimes, accompanied by Jerry Kindhart. Senator Maddox.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 123, by Tinsman, Hammond, Boettger, Szymoniak, Redwine, Dvorsky, and Behn, a resolution recognizing the positive contributions to the state from county implementation of a single entry point process for mental health, mental retardation, and developmental disabilities (MH/MR/DD) services known as the central point of coordination or "CPC" system.

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

Senate Resolution 124, by committee on Rules and Administration, a resolution relating to daily operations of the Senate.

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

HOUSE MESSAGES RECEIVED

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 April 21, 1998, **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 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

ALSO: That the House on April 21, 1998, insisted on its amendment to **House File 2498**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and that the members of the Conference committee on part of the House are: The Representative from Bremer, Representative Brunkhorst, Chair; the Representative from Polk, Representative Chiodo; the Representative from Scott, Representative Holmes; the Representative from Polk, Representative Huser; the Representative from Marion, Representative Van Maanen.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2498** on the part of the Senate: Senators Lundby, Chair; Kramer, McLaren, McCoy, and Gronstal.

SENATE INSISTS

Senate File 2296

Senator Borlaug called up for consideration **Senate File 2296**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, amended by the House, further amended by the Senate, and moved that the Senate insists on its amendment.

A record roll call was requested.

On the question "Shall the motion to insist be adopted?" (S.F. 2296), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Angelo	Bartz	Behn	Boettger
Borlaug	Connolly	Douglas	Drake
Freeman	Gaskill	Hansen	Hedge
Horn	Iverson	Jensen	King
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Palmer	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Schuerer	Tinsman	Zieman

Nays, 14:

Deluhery	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Harper	Judge	Kibbie	McCoy
Neuhauser	Vilsack		

Absent or not voting, 4:

Black	Dearden	Dvorsky	Szymoniak
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The motion prevailed and the Senate insisted on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2296** on the part of the Senate: Senators Borlaug, Chair; Schuerer, McLaren, Deluhery, and Harper.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Szymoniak until she returns, on request of Senator Judge.

HOUSE AMENDMENT CONSIDERED

Senate File 2413

Senator Freeman called up for consideration Senate File 2413, a bill for an act relating to exemptions from and reductions in solid waste tonnage fees for certain persons, amended by the House, and moved that the Senate concur in House amendment S-5778 filed April 21, 1998.

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

Senator Freeman 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. 2413), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Szymoniak

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 1:49 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 2:13 p.m., President Kramer presiding.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa

infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal

year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, and House amendment S-5740, previously deferred.

Senator Freeman offered amendment S-5781, filed by her from the floor, to pages 1-5 of House amendment S-5740.

Senator Hammond offered amendment S-5792, filed by Senators Hammond and Dvorsky from the floor, to amendment S-5781 to House amendment S-5740, and moved its adoption.

A record roll call was requested.

On the question, "Shall amendment S-5792 to amendment S-5781 be adopted?" (S.F. 2381) the vote was:

Ayes, 22:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Schuerer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rife
Rittmer	Tinsman	Zieman	

Absent or not voting, 1:

Dearden

Amendment S-5792 lost.

The Senate resumed consideration of amendment S-5781.

Senator Rife asked and received unanimous consent that action on amendment S-5781 be deferred.

Senator Maddox offered amendment S-5784, filed by him from the floor, to pages 1 and 5 of House amendment S-5740, and moved its adoption.

President pro tempore Redfern took the chair at 2:34 p.m.

Senator Hedge took the chair at 2:47 p.m.

A record roll call was requested.

On the question, "Shall amendment S-5784 to House amendment S-5740 be adopted?" (S.F. 2381) the vote was:

Ayes, 20:

Boettger	Connolly	Dvorsky	Fraise
Gettings	Hammond	Harper	Horn
Kibbie	Kramer	Lundby	Maddox
Neuhauser	Palmer	Rensink	Rife
Rittmer	Szymoniak	Tinsman	Vilsack

Nays, 29:

Angelo	Bartz	Behn	Black
Borlaug	Deluhery	Douglas	Drake
Fink	Flynn	Freeman	Gaskill
Gronstal	Halvorson	Hansen	Hedge
Iverson	Jensen	Judge	King
McCoy	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Schuerer
Zieman			

Absent or not voting, 1:

Dearden

Amendment S-5784 lost.

President pro tempore Redfern took the chair at 3:10 p.m.

The Senate resumed consideration of amendment S-5781 to House amendment S-5740, previously deferred.

Senator Rife offered amendment S-5806 filed by him from the floor to amendment S-5781 to House amendment S-5740, and moved its adoption.

A non-record roll call was requested.

The ayes were 13, nays 27.

Amendment S-5806 lost.

Senator Rife offered amendment S-5808 filed by him from the floor, to amendment S-5781 to House amendment S-5740.

Senator Connolly called for a division of amendment S-5808: lines 3-15 as division S-5808A, and lines 16-25 as division S-5808B.

Senator Connolly withdrew his division of S-5808.

Senator McKean raised the point of order that amendment S-5808 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5808 out of order.

The Senate resumed consideration of amendment S-5781.

Senator Freeman moved the adoption of division S-5781A.

Division S-5781A was adopted by a voice vote.

Senator Freeman moved the adoption of division S-5781B.

A record roll call was requested.

On the question "Shall division S-5781B to House amendment S-5740 be adopted?" (S.F. 2381), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hammond	Hedge	Iverson
Jensen	Kibbie	King	Kramer
McKean	McKibben	Redwine	Rehberg
Rife	Rittmer	Szymoniak	Tinsman
Zieman			

Nays, 22:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hansen	Harper
Horn	Judge	Maddox	McCoy
Neuhauser	Palmer	Redfern	Rensink
Schuerer	Vilsack		

Absent or not voting, 3:

Dearden	Lundby	McLaren
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Division S-5781B was adopted.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Lundby and McLaren until they return, on request of Senator Kramer.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381 and House amendment S-5740, previously deferred.

Senator Freeman offered amendment S-5782, filed by her from the floor to page 1 of House amendment S-5740, and moved its adoption.

Amendment S-5782 was adopted by a voice vote.

President Kramer took the chair at 4:07 p.m.

Senator Iverson asked and received unanimous consent that action on House amendment S-5740 and Senate File 2381 be deferred.

The Senate stood at ease at 4:06 p.m. until the fall of the gavel.

The Senate resumed session at 4:15 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 20, 1998, 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 relating to a delay in implementing the inclusion of certain information on property tax statements by providing a deferral application process and providing an effective date.

INTRODUCTION OF RESOLUTION

Senate Resolution 125, by Kibbie, a resolution honoring Carol Emerson.

Read first time and referred to committee on Rules and Administration.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381 and House amendment S-5740, previously deferred.

Senator Borlaug offered amendment S-5785, filed by Senators Borlaug, et al., from the floor to pages 1 and 2 of House amendment S-5740.

Senator Hansen offered amendment S-5787, filed by him from the floor to amendment S-5785 to House amendment S-5740.

Senator Hedge took the chair at 4:25 p.m.

SPECIAL GUEST

Senator Black introduced former Lieutenant Governor Robert Anderson who was visiting the Senate. Lieutenant Governor Anderson served from 1983 to 1987.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of amendment S-5787 to amendment S-5785 to House amendment S-5740.

Senator Hansen asked and received unanimous consent that action on amendment S-5787 be deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5790, filed by him from the floor to amendment S-5785 to House amendment S-5740.

Senator Vilsack offered amendment S-5793, filed by Senators Vilsack, McCoy, and Connolly from the floor to amendment S-5785 to House amendment S-5740, and moved its adoption.

A non-record roll call was requested.

The ayes were 30, nays 15.

Amendment S-5793 was adopted.

Senator Borlaug asked and received unanimous consent that action on amendment S-5785, House amendment S-5740, and Senate File 2381 be deferred.

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: *HOUSE FILE 2560, a bill for an act relating to aircraft registration fees and sales tax exemptions.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Douglas, McKibben, Palmer, Borlaug, Deluhery, Drake, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, none. Absent or not voting, 3: Connolly, Freeman, and McLaren.

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 Ways and Means Committee on House File 2560, and they were attached to the committee report.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2560.

House File 2560

On motion of Senator Borlaug, House File 2560, a bill for an act relating to aircraft registration fees and sales tax exemptions, with report of committee recommending passage, was taken up for consideration.

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. 2560), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King

Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Connolly Dearden

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

COMMITTEE REPORT

WAYS AND MEANS

Final Bill Action: HOUSE FILE 2538, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Douglas, McKibben, Palmer, Borlaug, Deluhery, Drake, Hedge, Maddox, Redfern, Szymoniak, and Vilsack. Nays, 1: Judge. Absent or not voting, 3: Connolly, Freeman, and McLaren.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2538.

House File 2538

On motion of Senator Redfern, House File 2538, a bill for an act relating to eligible housing businesses qualifying for incentives and assistance in enterprise zones, providing additional incentives and assistance for approved eligible businesses located in an enterprise zone, and requiring consideration of building codes and zoning, with report of committee recommending passage, was taken up for consideration.

Senator Douglas asked and received unanimous consent to withdraw amendment S-5616, filed by her on April 9, 1998, to pages 1 and 2 of the bill.

Senator Bartz took the chair at 5:19 p.m.

Senator Judge offered amendment S-5809, filed by her from the floor to pages 1 and 2 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5809 be adopted?" (H.F. 2538), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Bartz	Black	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Horn	Judge	Kibbie
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Behn	Boettger	Borlaug
Douglas	Drake	Freeman	Gaskill
Harper	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rensink	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Dearden	Rife
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Amendment S-5809 lost.

Senator Vilsack asked and received unanimous consent to withdraw amendment S-5810, filed by him from the floor to page 2 of the bill.

Senator Redfern moved that the bill be read the last time now and placed upon 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. 2538), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Kibbie	King	Kramer
Lundby	Maddox	McCoy	McKean
McKibben	McLaren	Neuhauser	Redfern
Redwine	Rehberg	Rensink	Rife
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 4:

Connolly	Judge	Palmer	Rittmer
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Absent or not voting, 1:

Dearden

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 5:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:34 p.m., Senator Bartz presiding.

CONFERENCE COMMITTEE REPORT RECEIVED
(Senate File 2296)

A conference committee report signed by the following Senate and House members was filed April 21, 1998, on Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board,

making related statutory changes, and providing an effective date provision:

On the Part of the Senate:

ALLEN BORLAUG, Chair
 PATRICK J. DELUHERY
 PATRICIA HARPER
 DERRYL McLAREN
 NEAL SCHUERER

On the Part of the House:

STEVEN CHURCHILL, Chair
 DAVID MILLAGE
 JAMES VAN FOSSEN

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2296

Senator Borlaug called up the conference committee report on Senate File 2296, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (S.F. 2296), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	Lundby	Maddox	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden

Dvorsky

The motion prevailed, and the conference committee report and the recommendations and amendments contained therein was adopted.

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?" (S.F. 2296), the vote was:

Ayes, 44:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Flynn
Fraise	Freeman	Gaskill	Gettings
Halvorson	Hammond	Hansen	Hedge
Horn	Iverson	Jensen	Judge
Kibbie	King	Kramer	Lundby
Maddox	McCoy	McKean	McKibben
McLaren	Neuhauser	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Szymoniak	Tinsman	Vilsack	Zieman

Nays, 3:

Fink	Gronstal	Harper
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Absent or not voting, 3:

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2560, 2538, and Senate Files 2413 and 2296** be immediately messaged to the House.

BUSINESS PENDING
HOUSE AMENDMENT CONSIDERED

Senate File 2381

The Senate resumed consideration of Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle

barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, and amendment S-5785 by Senators Borlaug, et al., to House amendment S-5740, previously deferred.

Senator Angelo called up the following motion to reconsider Senate File 2381, filed by him from the floor, and moved its adoption:

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5793 to amendment S-5785 to House amendment S-5740 to Senate File 2381 was adopted by the Senate on April 21, 1998.

JEFF ANGELO

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5793 to amendment S-5785 to House amendment S-5740 be adopted?" (S.F. 2381) the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Deluhery	Drake	Gaskill
Hedge	Horn	Iverson	Jensen
King	Kramer	Lundby	McKibben

McLaren	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Nays, 22:

Black	Connolly	Dvorsky	Fink
Flynn	Fraise	Freeman	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Judge	Kibbie	Maddox
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Absent or not voting, 2:

Dearden	Douglas
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The motion prevailed and amendment S-5793 by Senators Vilsack, McCoy, and Connolly, to amendment S-5785 to House amendment S-5740, was taken up for reconsideration.

Senator Vilsack moved the adoption of amendment S-5793 to amendment S-5785 to House amendment S-5740, and requested a record roll call.

On the question "Shall amendment S-5793 to amendment S-5785 to House amendment S-5740 be adopted?" (S.F. 2381), the vote was:

Ayes, 24:

Black	Boettger	Connolly	Douglas
Dvorsky	Fink	Flynn	Fraise
Freeman	Gettings	Gronstal	Halvorson
Hammond	Hansen	Harper	Horn
Judge	Kibbie	McCoy	McKibben
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 25:

Angelo	Bartz	Behn	Borlaug
Deluhery	Drake	Gaskill	Hedge
Iverson	Jensen	King	Kramer
Lundby	Maddox	McKean	McLaren
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Tinsman
Zieman			

Absent or not voting, 1:

Dearden

Amendment S-5793 lost.

Senator Hansen offered amendment S-5805, filed by him from the floor to amendment S-5785 to House amendment S-5740.

Senator Hansen asked and received unanimous consent that action on amendment S-5805 be deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5805 to amendment S-5785 to House amendment S-5740.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5787 to amendment S-5785 to House amendment S-5740, previously deferred.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5791, filed by him from the floor to amendment S-5785 to House amendment S-5740.

Senator Deluhery asked and received unanimous consent to withdraw amendment S-5789, filed by Senators Deluhery and Borlaug from the floor to amendment S-5785 to House amendment S-5740.

Senator Borlaug asked and received unanimous consent to withdraw amendment S-5785 to House amendment S-5740.

Senator Boettger offered amendment S-5811, filed by her from the floor to pages 2 and 5 of House amendment S-5740.

The Senate stood at ease at 7:59 p.m. until the fall of the gavel.

The Senate resumed session at 8:07 p.m., Senator Bartz presiding.

Senator Boettger moved the adoption of amendment S-5811.

Amendment S-5811 was adopted by a voice vote.

Senator Hansen asked and received unanimous consent to withdraw amendment S-5786, filed by him from the floor to pages 1, 2, and 5 of House amendment S-5740.

The Senate stood at ease at 8:09 p.m. until the fall of the gavel.

The Senate resumed session at 8:11 p.m., Senator Bartz presiding.

Senator Iverson asked and received unanimous consent that action on House amendment S-5740 and Senate File 2381 be deferred.

BUSINESS PENDING
HOUSE AMENDMENT CONSIDERED

Senate File 2332

The Senate resumed consideration of Senate File 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic, providing for fees and appropriations, and providing penalties and an effective date, and House amendment S-5637, previously deferred.

Senator Judge asked and received unanimous consent to withdraw the following amendments:

S-5788 filed by her from the floor to House amendment S-5637;

S-5794 filed by her from the floor to House amendment S-5637;

S-5795 filed by her from the floor to House amendment S-5637;

S-5797 filed by her from the floor to House amendment S-5637;

S-5798 filed by her from the floor to House amendment S-5637;

S-5799 filed by her from the floor to House amendment S-5637;

S-5800 filed by her from the floor to House amendment S-5637;

S-5801 filed by her from the floor to House amendment S-5637.

Senator Judge offered amendment S-5796, filed by her from the floor to House amendment S-5637, and moved its adoption.

Amendment S-5796 was adopted by a voice vote.

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. 2332), the vote was:

Ayes, 48:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Dearden Szymoniak

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 Szymoniak for the remainder of the day, on request of Senator Fraise;
Senator McKean for the remainder of the day, on request of Senator Iverson.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

House File 2269

Senator Rensink called up for consideration House File 2269, a bill for an act relating to permissible physical contact between school employees and students, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5779 to Senate amendment H-9193 filed April 21, 1998.

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

Senator Rensink 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. 2269), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McCoy	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg
Rensink	Rife	Rittmer	Schuerer
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Dearden

McKean

Szymoniak

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 8:31 p.m. until the fall of the gavel.

The Senate resumed session at 8:34 p.m., Senator Bartz presiding.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 122, a resolution honoring Mr. Walt Saur upon his retirement as Chairperson of the Iowa Board of Parole.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Maddox, and Rehberg. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 122.

Senate Resolution 122

On motion of Senator Dvorsky, Senate Resolution 122, a resolution honoring Mr. Walt Saur upon his retirement as Chairperson of the Iowa Board of Parole, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 124, a resolution relating to daily operations of the Senate.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Maddox, and Rehberg. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 124.

Senate Resolution 124

On motion of Senator Iverson, Senate Resolution 124, a resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 124, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 125, a resolution honoring Carol Emerson.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Judge and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 125.

Senate Resolution 125

On motion of Senator Kibbie, Senate Resolution 125, a resolution honoring Carol Emerson, with report of committee recommending passage, was taken up for consideration.

Senator Kibbie moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 123, a resolution recognizing the positive contributions to the state from county implementation of a single entry point process for mental health, mental retardation, and developmental disabilities (MH/MR/DD) services known as the central point of coordination or "CPC" system.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Kramer, Gronstal, Fink, Jensen, Kibbie, Maddox, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Judge and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 123.

Senate Resolution 123

On motion of Senator Tinsman, Senate Resolution 123, a resolution recognizing the positive contributions to the state from county implementation of a single entry point process for mental health, mental retardation, and developmental disabilities (MH/MR/DD) services known as the central point of coordination or "CPC" system, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5803, filed by her from the floor to pages 1 and 2 of the resolution, and moved its adoption.

Amendment S-5803 was adopted by a voice vote.

Senator Tinsman moved the adoption of Senate Resolution 123, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 121, a resolution honoring Suzanne Johnson for her service to the General Assembly of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Maddox, and Rehberg. Nays, none. Absent or not voting, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 121.

Senate Resolution 121

On motion of Senator Tinsman, Senate Resolution 121,

1 SENATE RESOLUTION 121
2 BY KRAMER, IVERSON, TINSMAN, SZYMONIAK, and HAMMOND
3 A Senate Resolution honoring Suzanne Johnson for her
4 service to the General Assembly of Iowa.
5 WHEREAS, Suzanne Johnson grew up in Bettendorf with
6 her parents, Bill and Shirley, and came to the Iowa
7 General Assembly in the Fall of 1986 as a member of
8 the Senate Republican Caucus staff; and
9 WHEREAS, since that time Suzanne has staffed the
10 Human Services, State Government, Local Government,
11 and Transportation Committees, and the Human Services,
12 Health and Human Rights, and Administration
13 Appropriations Subcommittees; and
14 WHEREAS, Suzanne has not only served the members of
15 her own caucus but has demonstrated a commitment to
16 all members of the General Assembly, members of other
17 legislative staffs, and to the institution itself; and
18 WHEREAS, Suzanne has demonstrated her compassion
19 and penchant for fairness in her work with
20 constituents by completing at least 1,100 constituent
21 requests during her tenure; and
22 WHEREAS, her tenacity in finding the truth has
23 often resulted in extreme measures including one
24 incident in which Suzanne almost purchased a semi-
25 tractor trailer from a deceptive dad to assist an Iowa
26 family; and
27 WHEREAS, in addition to being a shining example of

28 quality staff to the General Assembly, Suzanne is also
29 a gracious, accomplished individual; a steadfast,
30 loyal friend; a kindhearted, humane champion of even

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1 the smallest beings; and a fun-loving, daring trouper
2 who once demonstrated her intrepid spirit by
3 participating in the annual Harley ride in Davenport;
4 and

5 WHEREAS, Suzanne has performed her daily
6 responsibilities with grace, enthusiasm, integrity,
7 patience, understanding, determination, and genuine
8 caring; and

9 WHEREAS, Suzanne often finishes her days long after
10 the members of the General Assembly have ended theirs,
11 much to the distress of her pet cat Kylie Jo; and

12 WHEREAS, Suzanne always has a bright smile, a
13 twinkle in her eye, and a kind word for those she
14 meets; and

15 WHEREAS, the General Assembly and the state of Iowa
16 are better because Suzanne has graced them, but will
17 be less animated without her presence; NOW THEREFORE,

18 BE IT RESOLVED BY THE SENATE, That the Senate
19 wishes Suzanne Johnson the very best in all of her
20 future endeavors and in her life in South Dakota with
21 her husband-to-be, Larry; and

22 BE IT FURTHER RESOLVED, That the General Assembly
23 trusts that no matter where the future leads,
24 Suzanne's spirit will remain to energize others when
25 the nights are long, to make discussion thoughtful,
26 principled, and compassionate when the decision making
27 is difficult, and to make everyone smile when a smile
28 seems beyond reach,

with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

HOUSE AMENDMENT CONSIDERED

Senate File 2418

Senator Rife called up for consideration Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications

network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective date, amended by the House in House amendment S-5771 filed April 20, 1998.

Senator Rife offered amendment S-5813, filed by him from the floor to pages 1, 2, and 6-8 of House amendment S-5771, and moved its adoption.

Amendment S-5813 was adopted by a voice vote.

Senator Neuhauser asked and received unanimous consent to withdraw amendment S-5815, filed by her from the floor to page 2 of House amendment S-5771.

Senator Rife 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 Rife 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. 2418), the vote was:

Ayes, 47:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Redwine	Rehberg

Rensink
Tinsman

Rife
Vilsack

Rittmer
Zieman

Schuerer

Nays, 1:

McCoy

Absent or not voting, 2:

Dearden

Szymoniak

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:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 21, 1998, adopted the conference committee report and passed **Senate File 2296**, a bill for an act appropriating funds to the department of economic development, certain board of regents institutions, the department of workforce development, the public employment relations board, making related statutory changes, and providing an effective date provision.

ALSO: That the House has on April 21, 1998, 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 2345, a bill for an act relating to juvenile justice system provisions involving foster care, termination of parental rights, and adoption preplacement investigations.

APPENDIX**REPORTS OF COMMITTEE MEETINGS****RULES AND ADMINISTRATION**

Convened: April 21, 1998, 12:10 p.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Fink, Jensen, Kibbie, Maddox, and Rehberg.

Members Absent: Judge, Lundby, and Redfern (all excused).

Committee Business: Passed SR 121, SR 122, SR 123, SR 124, and SR 125.

Recessed: 12:35 p.m.

Reconvened: 4:10 p.m.

Adjourned: 4:12 p.m.

WAYS AND MEANS

Convened: April 21, 1998, 11:40 a.m.

Members Present: Douglas, Chair; McKibben, Vice Chair; Palmer, Ranking Member; Borlaug, Deluhery, Drake, Hedge, Judge, Maddox, Redfern, Szymoniak, and Vilsack.

Members Absent: Connolly, Freeman, and McLaren (all excused).

Committee Business: Passed HF 2538 and HF 2560.

Adjourned: 11:50 a.m.

MOTION TO RECONSIDER

MADAM PRESIDENT: I move to reconsider the vote by which amendment S-5811 to Senate File 2381 was adopted by the Senate on April 21, 1998.

TOM FLYNN

AMENDMENTS FILED

S-5786	S.F. 2381	Steven D. Hansen
S-5787	S.F. 2381	Steven D. Hansen
S-5788	S.F. 2332	Patty Judge
S-5789	S.F. 2381	Patrick J. Deluhery Allen Borlaug
S-5790	S.F. 2381	Steven D. Hansen

S-5791	S.F. 2381	Steven D. Hansen
S-5792	S.F. 2381	Johnie Hammond
		Robert E. Dvorsky
S-5793	S.F. 2381	Tom Vilsack
		Matt McCoy
		Mike Connolly
S-5794	S.F. 2332	Patty Judge
S-5795	S.F. 2332	Patty Judge
S-5796	S.F. 2332	Patty Judge
S-5797	S.F. 2332	Patty Judge
S-5798	S.F. 2332	Patty Judge
S-5799	S.F. 2332	Patty Judge
S-5800	S.F. 2332	Patty Judge
S-5801	S.F. 2332	Patty Judge
S-5802	H.F. 2395	Steven D. Hansen
S-5803	S.R. 123	Maggie Tinsman
S-5804	H.F. 2395	Steven D. Hansen
S-5805	S.F. 2381	Steven D. Hansen
S-5806	S.F. 2381	Jack Rife
S-5807	S.F. 253	Stewart Iverson, Jr.
S-5808	S.F. 2381	Jack Rife
S-5809	H.F. 2538	Patty Judge
S-5810	H.F. 2538	Tom Vilsack
S-5811	S.F. 2381	Nancy Boettger
S-5812	H.F. 2395	Derryl McLaren
S-5813	S.F. 2418	Jack Rife
S-5814	S.F. 2381	Wally E. Horn
S-5815	S.F. 2418	Mary Neuhauser

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:38 p.m., until 9:00 a.m., Wednesday, April 22, 1998.

JOURNAL OF THE SENATE

ONE-HUNDRED FIRST CALENDAR DAY
SIXTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 22, 1998

The Senate met in regular session at 9:14 a.m., President Kramer presiding.

Prayer was offered by the Honorable Nancy Boettger, member of the Senate, Shelby County, Harlan, Iowa.

The Journal of Tuesday, April 21, 1998, was approved.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that Senate Files 2332, 2418, and House File 2269 be immediately messaged to the House.

Senator Hedge took the chair at 9:22 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 253

Senator McLaren called up for consideration Senate File 253, a bill for an act relating to the practice of veterinary medicine and providing a penalty, amended by the House in House amendment S-3465 filed April 10, 1997.

Senator Iverson offered amendment S-5807, filed by him on April 21, 1998, to House amendment S-3465.

Senator Szymoniak asked and received unanimous consent that action on amendment S-5807 to House amendment S-3465 and Senate File 253 be deferred.

HOUSE MESSAGES RECEIVED

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 April 22, 1998, amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File 2068, a bill for an act concerning the method by which cities pay the medical costs incurred by members of the police and fire departments of cities who are injured while on duty (S-5816).

ALSO: That the House has on April 22, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2225, a bill for an act to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 121, by Freeman, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week, designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards.

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

The Senate stood at ease at 9:25 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:09 a.m., President Kramer presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 126, by Dvorsky and Neuhauser, a resolution recognizing the centennial anniversary of the University of Iowa Hospitals and Clinics, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics.

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

QUORUM CALL

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

The vote revealed 32 present, 18 absent, and a quorum present.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate by President Kramer for a special presentation and were thanked by Senators Iverson and Gronstal for their service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 1998 Regular Session of the Seventy-seventh General Assembly, and an individual and Page group picture were presented to each of the following Pages:

Stacy Beattie, Distie Carstensen, Tim Demuth, Jill Gehling, Andrea Hauser, Nicole Hill, Matt Johnston, Carrie Kropelin, Emily Leonard, Jonathan Mauk, Joel Oswald, Catrina Pelton, Allison Prunty, Heather Swanson, Rudy Van Mersbergen, Matt Welk, Christine Wojahn, and Hilary Woods.

The Senate rose and expressed its appreciation to the Pages.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 121, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week,

designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, and Lundby. Nays, none. Absent or not voting, 3: Maddox, Redfern, and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 121.

Senate Concurrent Resolution 121

On motion of Senator Freeman, Senate Concurrent Resolution 121, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week, designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards, with report of committee recommending passage, was taken up for consideration.

Senator Freeman moved the adoption of Senate Concurrent Resolution 121, which motion prevailed by a voice vote.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 126, a resolution recognizing the centennial anniversary of the University of Iowa Hospitals and Clinics, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Kramer, Gronstal, Fink, Jensen, Judge, Kibbie, and Lundby. Nays, none. Absent or not voting, 3: Maddox, Redfern, and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ADOPTION OF RESOLUTION

Senator Hedge asked and received unanimous consent to take up for consideration Senate Resolution 126.

Senate Resolution 126

On motion of Senator Neuhauser, Senate Resolution 126, a resolution recognizing the centennial anniversary of the University of Iowa Hospitals and Clinics, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics, with report of committee recommending passage, was taken up for consideration.

Senator Neuhauser moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

The Senate stood at ease at 11:51 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 12:17 p.m., President Kramer presiding.

QUORUM CALL

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

Senator Hedge took the chair at 12:50 p.m.

President pro tempore Redfern took the chair at 1:11 p.m.

The vote revealed 41 present, 9 absent, and a quorum present.

MOTION TO RECONSIDER WITHDRAWN**Senate File 2415**

Senator McLaren withdrew the motion to reconsider Senate File 2415, a bill for an act relating to agricultural finance, providing an appropriation, and providing an effective date, filed by him on April 20, 1998, and found on page 1399 of the Senate Journal.

HOUSE AMENDMENT CONSIDERED
UNFINISHED BUSINESS
(Deferred April 21, 1998)

Senate File 2381

The Senate resumed consideration of Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair

foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, and House amendment S-5740, deferred on April 21, 1998.

Senator Horn offered amendment S-5814, filed by him from the floor to House amendment S-5740 and moved its adoption.

Amendment S-5814 lost by a voice vote.

Senator Flynn asked and received unanimous consent to withdraw the motion to reconsider the vote by which amendment S-5811 to Senate File 2381 was adopted, filed by him on April 21, 1998, and found on page 1441 of the Senate Journal.

Senator Borlaug offered amendment S-5819, filed by Senators Borlaug, et al., from the floor to pages 1 and 2 of House amendment S-5740.

President Kramer took the chair at 1:26 p.m.

The Senate stood at ease at 1:28 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:59 p.m., President Kramer presiding.

PRESENTATION OF VISITORS

The Chair welcomed students from the Titonka-Woden-Crystal Lake Middle School, accompanied by Randy Tjaden. Senator Gaskill.

BUSINESS PENDING

Senate File 2381

The Senate resumed consideration of Senate File 2381, House amendment S-5740, and amendment S-5819 to House amendment S-5740.

Senator Vilsack moved the adoption of amendment S-5819 to House amendment S-5740.

A non-record roll call was requested.

The ayes were 30, nays 19.

Amendment S-5819 was adopted.

Senator Freeman 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 Freeman 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. 2381), the vote was:

Ayes, 38:

Bartz	Behn	Black	Boettger
Borlaug	Deluhery	Drake	Dvorsky
Fraise	Freeman	Gaskill	Gettings

Gronstal	Halvorson	Hammond	Harper
Hedge	Horn	Iverson	Judge
Kibbie	Kramer	Lundby	McCoy
McKean	McKibben	McLaren	Neuhauser
Palmer	Redfern	Rehberg	Rensink
Rife	Rittmer	Szymoniak	Tinsman
Vilsack	Zieman		

Nays, 11:

Angelo	Connolly	Douglas	Fink
Flynn	Hansen	Jensen	King
Maddox	Redwine	Schuerer	

Absent or not voting, 1:

Dearden

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2381** and **Senate Concurrent Resolution 121** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2395.

House File 2395

On motion of Senator Rife, House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McLaren offered amendment S-5680, filed by the committee on Appropriations on April 15, 1998, to pages 1, 4, and to the title page of the bill.

Senator McLaren offered amendment S-5812, filed by him from the floor to amendment S-5680, and moved its adoption.

Amendment S-5812 was adopted by a voice vote.

With the adoption of amendment S-5812, the Chair ruled the following amendments out of order:

S-5802 filed by Senator Hansen on April 22, 1998, to page 2 of amendment S-5680; and

S-5728 filed by Senator McLaren on April 15, 1998, to page 2 of amendment S-5680.

Senator McLaren offered amendment S-5818, filed by him from the floor to page 2 of amendment S-5680, and moved its adoption.

Amendment S-5818 was adopted by a voice vote.

Senator McLaren offered amendment S-5817, filed by him from the floor to pages 3 and 5 of amendment S-5680, and moved its adoption.

Amendment S-5817 was adopted by a voice vote.

Senator Drake offered amendment S-5734, filed by Senators Freeman and Drake on April 16, 1998, to page 5 of amendment S-5680, and moved its adoption.

Amendment S-5734 was adopted by a voice vote.

With the adoption of amendment S-5818, the Chair ruled amendment S-5804, filed by Senator Hansen on April 21, 1998, to amendment S-5680, out of order.

The Senate resumed consideration of amendment S-5680.

Senator Hammond raised the point of order that amendment S-5680 was not germane to the bill.

The Chair ruled the point not well taken and amendment S-5680 in order.

Senator McLaren moved the adoption of amendment S-5680.

Amendment S-5680 was adopted by a voice vote.

Senator Vilsack offered amendment S-5822, filed by him from the floor to pages 1 and 4 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5822 be adopted?" (H.F. 2395), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
McCoy	McKean	Neuhauser	Palmer
Szymoniak	Vilsack		

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 1:

Dearden

Amendment S-5822 lost.

Senator Iverson asked and received unanimous consent that action on House File 2395 be deferred.

HOUSE AMENDMENT CONSIDERED
(Deferred April 17, 1998)

Senate File 2320

The Senate resumed consideration of Senate File 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age, and House amendment S-5359, deferred April 17, 1998.

Senator Rife offered amendment S-5731, filed by Senators Rife and Gronstal on April 16, 1998, to House amendment S-5359.

Senator Lundby asked and received unanimous consent to withdraw amendment S-5821, filed by her from the floor to amendment S-5731 to House amendment S-5359.

Senator Lundby offered amendment S-5823, filed by her from the floor to amendment S-5731 to House amendment S-5359, and moved its adoption.

Amendment S-5823 was adopted by a voice vote.

Senator Rife moved the adoption of amendment S-5731 to House amendment S-5359.

Amendment S-5731 was adopted by a voice vote.

With the adoption of amendment S-5823, the Chair ruled the following amendments out of order:

S-5733 filed by Senators McKean, et al., on April 16, 1998, to House amendment S-5359;

S-5746 filed by Senators McKean and Halvorson on April 17, 1998, to amendment S-5733 to House amendment S-5359;

S-5736 filed by Senator Rife on April 16, 1998, to amendment S-5733 to House amendment S-5359;

S-5735 filed by Senator Rife on April 16, 1998, to amendment S-5733 to House amendment S-5359;

S-5769 filed by Senators Rife and Gronstal on April 20, 1998, to House amendment S-5359;

S-5772 filed by Senators Rife, et al., on April 20, 1998, to amendment S-5769 to House amendment S-5359;

S-5711 filed by Senators Rife and Gronstal on April 15, 1998, to House amendment S-5359;

S-5710 filed by Senators Rife and Gronstal on April 15, 1998, to House amendment S-5359;

S-5545 filed by Senator Hansen on April 7, 1998, to House amendment S-5359; and

S-5715 filed by Senators Rife and Gronstal on April 15, 1998, to House amendment S-5359.

Senator Rife 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 Rife 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. 2320), the vote was:

Ayes, 49:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Hedge	Horn
Iverson	Jensen	Judge	Kibbie

King	Kramer	Lundby	Maddox
McCoy	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 1:

Dearden

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

Senator Iverson asked and received unanimous consent that **Senate File 2320** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

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 April 22, 1998, 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 2163, a bill for an act relating to the reopening of an administrative hearing pertaining to a license revocation for an operating while intoxicated offense, prohibiting a demand for proof of financial responsibility following the rescision of an administrative revocation, and providing an effective date (S-5824).

ALSO: That the House has on April 22, 1998, passed the following bill in which the **concurrence of the House** was asked:

Senate File 2385, a bill for an act relating to the mandatory minimum term of incarceration for felony domestic abuse assault.

ALSO: That the House has on April 22, 1998, 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 2332, a bill for an act relating to agriculture, regulating the sale of agricultural products advertised as organic,

providing for fees and appropriations, and providing penalties and an effective date.

Senate File 2418, a bill for an act relating to state government technology and operations, by making and relating to appropriations to the Iowa communications network for the connection and support of certain Part III users, making appropriations to various entities for other technology-related purposes, providing for the procurement of information technology, providing for the transfer of the information technology division, providing for the use of the network, establishing an information technology bureau, making miscellaneous related changes, and providing effective dates.

ALSO: That the House has on April 22, 1998, adopted the following resolutions in which the concurrence of the House was asked:

Senate Joint Resolution 2004, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the state budget by limiting state general fund expenditures and restricting certain state tax revenue changes.

Senate Concurrent Resolution 119, a concurrent resolution requesting the Legislative Council to establish a sentencing commission.

BUSINESS PENDING

House File 2395

The Senate resumed consideration of House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, previously deferred.

Senator Vilsack offered amendment S-5687, filed by him on April 15, 1998, to page 2 of the bill, and moved its adoption.

A non-record roll call was requested.

The ayes were 20, nays 27.

Amendment S-5687 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy until he returns, on request of Senator Judge.

BUSINESS PENDING

House File 2395

The Senate resumed consideration of House File 2395.

Senator Vilsack offered amendment S-5688, filed by him on April 15, 1998, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5688 be adopted?" (H.F. 2395), the vote was:

Ayes, 21:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Horn	Judge	Kibbie	Lundby
McCoy	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 27:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Tinsman	Zieman	

Absent or not voting, 2:

Dearden	Harper
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Amendment S-5688 lost.

Senator Vilsack offered amendment S-5689, filed by him on April 15, 1998, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5689 be adopted?" (H.F. 2395), the vote was:

Ayes, 21:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Lundby	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 3:

Dearden	McCoy	Rife
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Amendment S-5689 lost.

Senator Vilsack offered amendment S-5690, filed by him on April 15, 1998, to page 2 of the bill.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rensink until he returns, on request of Senator Iverson.

BUSINESS PENDING

House File 2395

The Senate resumed consideration of House File 2395 and amendment S-5690.

Senator Vilsack moved the adoption of amendment S-5690 and requested a record roll call.

On the question "Shall amendment S-5690 be adopted?" (H.F. 2395), the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 20:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Horn	Judge	Kibbie
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Lundby	Maddox
McKean	McKibben	McLaren	Redfern
Redwine	Rehberg	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Dearden	McCoy	Rensink	Rife
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Amendment S-5690 lost.

Senator Vilsack offered amendment S-5691, filed by him on April 15, 1998, to page 2 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5691 be adopted?" (H.F. 2395), the vote was:

Ayes, 20:

Black	Connolly	Deluhery	Dvorsky
Fink	Flynn	Fraise	Gettings
Halvorson	Hammond	Hansen	Harper
Horn	Judge	Kibbie	Lundby
Neuhauser	Palmer	Szymoniak	Vilsack

Nays, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Freeman
Gaskill	Hedge	Iverson	Jensen
King	Kramer	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rife	Rittmer	Schuerer
Tinsman	Zieman		

Absent or not voting, 4:

Dearden	Gronstal	McCoy	Rensink
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Amendment S-5691 lost.

Senator Vilsack offered amendment S-5692, filed by him on April 15, 1998, to page 2 of the bill, moved its adoption, and requested a record roll call.

On the question "Shall amendment S-5692 be adopted?" (H.F. 2395), the vote was:

Ayes, 21:

Bartz	Black	Connolly	Deluhery
Dvorsky	Fink	Flynn	Fraise
Gettings	Gronstal	Halvorson	Hammond
Hansen	Harper	Horn	Judge
Kibbie	Neuhauser	Palmer	Szymoniak
Vilsack			

Nays, 24:

Angelo	Behn	Boettger	Borlaug
Douglas	Freeman	Gaskill	Hedge
Iverson	King	Kramer	Lundby
Maddox	McKean	McKibben	McLaren
Redfern	Redwine	Rehberg	Rife
Rittmer	Schuerer	Tinsman	Zieman

Absent or not voting, 5:

Dearden	Drake	Jensen	McCoy
Rensink			

Amendment S-5692 lost.

Senator Borlaug offered amendment S-5820, filed by him from the floor to page 4 of the bill.

Senator Flynn raised the point of order that amendment S-5820 was not germane to the bill.

The Chair ruled the point well taken and amendment S-5820 out of order.

Senator Rife moved that the bill be read the last time now and placed upon 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, 30:

Angelo	Bartz	Behn	Boettger
Borlaug	Connolly	Drake	Fraise
Freeman	Gaskill	Gettings	Hedge
Horn	Iverson	Jensen	Judge
Kramer	Lundby	Maddox	McKean
McKibben	McLaren	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Szymoniak	Zieman		

Nays, 18:

Black	Deluhery	Douglas	Dvorsky
Fink	Flynn	Gronstal	Halvorson
Hammond	Hansen	Harper	Kibbie
King	Neuhauser	Palmer	Schuerer
Tinsman	Vilsack		

Absent or not voting, 2:

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

HOUSE MESSAGES RECEIVED

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 April 22, 1998, 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 2320, a bill for an act relating to gambling by imposing a moratorium on new licenses to conduct gambling on excursion gambling boats and at pari-mutuel racetracks with gambling games, limiting the location of future excursion gambling boats, prohibiting gambling licensees from allowing the loaning of money by credit card or other electronic means for gambling purposes, and imposing a scheduled fine for gambling by persons under twenty-one years of age.

ALSO: That the House has on April 22, 1998, adopted the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 116, a concurrent resolution recognizing and commending the efforts of organizers of the Iowa Summit on Volunteerism.

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

House Concurrent Resolution 118, a concurrent resolution requesting that the federal government take all necessary and appropriate action to ensure that Japan establishes and maintains an open and competitive market for United States exports.

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

ALSO: That the House has on April 22, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 121, a concurrent resolution recognizing National Organ and Tissue Donation Awareness Week, designating the month of May as Organ Donation Awareness Month in the state of Iowa, and encouraging citizens of the state to complete organ donor cards.

The Senate stood at ease at 5:28 p.m. until the fall of the gavel.

The Senate resumed session at 5:42 p.m., President pro tempore Redfern presiding.

MOTION TO RECONSIDER WITHDRAWN

House File 2395

Senator Iverson withdrew the following motion to reconsider House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, filed by him from the floor:

MADAM PRESIDENT: I move to reconsider the vote by which House File 2395 passed the Senate on April 22, 1998.

STEWART IVERSON

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2395** be **immediately messaged** to the House.

The Senate stood at ease at 5:44 p.m. until the fall of the gavel.

The Senate resumed session at 6:07 p.m., Senator Gronstal presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1998, 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 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the

construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the bluffslands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30,

2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates.

SENATE INSISTS

Senate File 2381

Senator Freeman called up for consideration Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural

resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, amended by the House, further amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2381 on the part of the Senate: Senators Freeman, Chair; McLaren, Jensen, Halvorson, and Connolly.

The Senate stood at ease at 6:14 p.m. until the fall of the gavel.

The Senate resumed session at 7:06 p.m., Senator Bartz presiding.

QUORUM CALL

Senator Iverson 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 MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1998, adopted the conference committee report and passed House File 2498, a bill for an act relating to and making appropriations to certain state department, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy until he returns, on request of Senator Gronstal; Senator Kramer until she returns, on request of Senator Iverson; Senator Hansen until he returns, on request of Senator Fraise.

CONFERENCE COMMITTEE REPORT RECEIVED (House File 2498)

A conference committee report signed by the following Senate and House members was filed April 22, 1998, on House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters:

On the Part of the House:

BOB BRUNKHORST, Chair
FRANK CHiodo
DANNY HOLMES
GERI HUSER
HAROLD VAN MAANEN

On the Part of the Senate:

MARY LUNDBY, Chair
MICHAEL E. GRONSTAL
MARY E. KRAMER
MATT McCOY
DERRYL McLAREN

CONFERENCE COMMITTEE REPORT ADOPTED

House File 2498

Senator Lundby called up the conference committee report on House File 2498, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, 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 Lundby moved that the bill be read the last time now and placed upon 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. 2498), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Borlaug	Connolly	Deluhery
Douglas	Drake	Dvorsky	Fink
Flynn	Fraise	Freeman	Gaskill
Gettings	Gronstal	Hammond	Harper
Hedge	Horn	Iverson	Jensen
Judge	Kibbie	King	Lundby
Maddox	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Halvorson

Absent or not voting, 4:

Dearden	Hansen	Kramer	McCoy
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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 Lundby until she returns, on request of Senator Borlaug.

HOUSE MESSAGES RECEIVED

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 April 22, 1998, 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 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date (S-5825).

ALSO: That the members of the Conference Committee, appointed April 22, 1998, on **Senate File 2381**, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and

improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the bluffslands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, on the part of the House are: The Representative from Muscatine, Representative Brauns, Chair; the Representative from Hancock, Representative Rayhons; the Representative from Marion, Representative Schrader; the Representative from Scott, Representative Van Fossen; the Representative from Woodbury, Representative Warnstadt.

The Senate stood at ease at 7:18 p.m. until the fall of the gavel.

The Senate resumed session at 7:21 p.m., Senator Bartz presiding.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2395

Senator Rife called up for consideration House File 2395, a bill for an act relating to and making supplemental and other appropriations for the fiscal year beginning July 1, 1997, and providing an effective date, amended by the Senate, further amended by the House, and moved that the Senate concur in House amendment S-5825 to Senate amendment H-9333 filed April 22, 1998.

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

Senator Rife 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. 2395), the vote was:

Ayes, 26:

Angelo	Bartz	Behn	Boettger
Borlaug	Douglas	Drake	Gaskill
Hedge	Iverson	Judge	King
Kramer	Maddox	McKean	McKibben
Redfern	Redwine	Rehberg	Rensink
Rife	Rittmer	Schuerer	Szymoniak
Tinsman	Zieman		

Nays, 16:

Black	Deluhery	Dvorsky	Fink
Flynn	Fraise	Gettings	Gronstal
Hammond	Hansen	Harper	Horn
Kibbie	Neuhauser	Palmer	Vilsack

Absent or not voting, 8:

Connolly	Dearden	Freeman	Halvorson
Jensen	Lundby	McCoy	McLaren

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

Senator Iverson asked and received unanimous consent that **House File 2395** be **immediately messaged** to the House.

The Senate stood at ease at 7:34 p.m. until the fall of the gavel.

The Senate resumed session at 7:38 p.m., Senator Rensink presiding.

LEADERSHIP RECOGNITION

The Chair invited Senators Iverson, Gronstal, Kramer, and Redfern to the well of the Senate.

They were presented with inscribed walnut gift boxes on behalf of the members of the Senate in recognition of their leadership service during the Seventy-seventh General Assembly.

The Senate stood at ease at 7:48 p.m. until the fall of the gavel.

The Senate resumed session at 8:10 p.m., President Kramer presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MADAM PRESIDENT: I am directed to inform your honorable body that the House has on April 22, 1998, passed the following bill in which the concurrence of the House was asked:

Senate File 2359, a bill for an act providing for a review of juvenile justice provisions involving child protection by the citizens' aide and providing an effective date.

CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2381)

A conference committee report signed by the following Senate and House members was filed April 22, 1998, on Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for

planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates:

On the Part of the Senate:

MARY LOU FREEMAN, Chair
 MIKE CONNOLLY
 ROD HALVORSON
 JOHN W. JENSEN
 DERRYL McLAREN

On the Part of the House:

BARRY BRAUNS, Chair
 HENRY RAYHONS
 DAVID SCHRADER
 STEVEN WARNSTADT

CONFERENCE COMMITTEE REPORT ADOPTED

Senate File 2381

Senator Freeman called up the conference committee report on Senate File 2381, a bill for an act making appropriations from and to the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 1998, to the division of soil conservation for deposit in the Loess Hills development and conservation fund; department of corrections for renovation of the power plant and improvements to the water system at the Iowa correctional institution for women, for the construction of an additional cellblock at the Fort Dodge correctional facility, and for the construction of a 200-bed facility at the Iowa state penitentiary at Fort Madison; department of cultural affairs for the creation of a historical site preservation grant program; department of economic development for a welcome center at Hamburg, to be deposited in the physical infrastructure assistance fund, and for deposit in the rural enterprise fund to be used for a dry fire hydrant and rural water supply education and demonstration project; department of education for infrastructure improvements to the community colleges; department of general services for major renovation needs for state-owned buildings and facilities, for critical and deferred maintenance at Terrace Hill, for relocation of offices and other transitions costs associated with the renovation of the Lucas state office building and the old historical building, for renovation of the Lucas state office building, for developing a master plan for the capitol complex, for planning and design of a parking structure located at the northwest corner of the capitol complex, and for capitol interior restoration; department of public defense for maintenance and repair of national guard armories and facilities; department of public safety for construction of a new patrol post in district 1; department of natural resources for the purpose of funding capital projects from marine fuel tax receipts for expenditures for local cost-share grants to be used for capital expenditures to local governmental units for boating accessibility, for the construction of the Elinor Bedell state park and wildlife conservation area, for a recreational grant matching program, for the blufflands protection revolving fund, and for the dredging of lakes; department of transportation for capital improvements at all 10 of the commercial air service airports; for the Iowa state fair foundation for renovation, restoration, and improvement of the cattle barn and horse barn at the state

fairgrounds and for county fair infrastructure improvements; judicial department for capital projects at the capitol building; and state board of regents for capital projects at the Iowa school for the deaf and the Iowa braille and sight saving school; making appropriations of the marine fuel tax receipts from the rebuild Iowa infrastructure fund; providing a reversion date to funds appropriated to the department of revenue and finance in the fiscal year beginning July 1, 1997, and ending June 30, 1998; making statutory changes relating to appropriations by establishing the blufflands protection fund, by reducing the overall appropriation for the restore outdoors program for the fiscal period beginning July 1, 1997, and ending June 30, 2001, as a result of the governor's item veto, by providing for coordination of vertical infrastructure databases, by eliminating a matching contribution requirement on certain funds appropriated to the department of cultural affairs for the fiscal year beginning July 1, 1997, by extending the allowable time to enter into contracts to provide alternative drainage outlets, by allocating part of the funds derived from the excise tax on the sale of motor fuel used in watercraft from the general fund to the rebuild Iowa infrastructure fund; and providing effective dates, and moved its adoption.

The motion prevailed and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Freeman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2381), the vote was:

Ayes, 45:

Angelo	Bartz	Behn	Black
Boettger	Connolly	Deluhery	Douglas
Drake	Dvorsky	Fink	Flynn
Fraise	Freeman	Gaskill	Gettings
Gronstal	Halvorson	Hammond	Hansen
Harper	Hedge	Horn	Iverson
Jensen	Judge	Kibbie	King
Kramer	McKean	McKibben	McLaren
Neuhauser	Palmer	Redfern	Redwine
Rehberg	Rensink	Rife	Rittmer
Schuerer	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 2:

Maddox McCoy

Absent or not voting, 3:

Borlaug Dearden Lundby

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

Senator Iverson asked and received unanimous consent that **Senate File 2381** be immediately messaged to the House.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 122, a concurrent resolution to provide for adjournment sine die.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Gronstal, Fink, Jensen, Judge, Kibbie, Lundby, Redfern, and Rehberg. Nays, none. Absent or not voting, 2: Kramer and Maddox.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 122, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

ADOPTION OF RESOLUTION

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 122.

Senate Concurrent Resolution 122

On motion of Senator Iverson, Senate Concurrent Resolution 122, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 122, which motion prevailed by a voice vote.

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 122** be **immediately messaged** to the House.

APPENDIX

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 22, 1998, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 466 – Relating to the theft of video rental property and making penalties applicable.

S.F. 2372 – Relating to the standard uniforms of sheriffs and deputy sheriffs.

S.F. 2391 – Relating to certain drug and alcohol abuse and certain offenses which carry a mandatory minimum sentence, by allowing probation for some operating-while-intoxicated offenders after service of a mandatory minimum sentence, permitting a .15 blood alcohol level to control the penalties applicable to an offender regardless of the margin of error associated with the test device, requiring the imposition of a mandatory minimum penalty for certain methamphetamine offenses, prohibiting the granting of a deferred judgment or sentence or a suspended sentence for certain methamphetamine offenses, providing that persons convicted of certain methamphetamine offenses are ineligible for bail upon appeal, requiring the deletion from motor vehicle records after twelve years of certain youth license revocations for alcohol violations, increasing and adding certain penalties for certain drug offenses, providing for the denial of federal benefits to persons convicted of drug-related offenses, providing for an operating while intoxicated offense for persons driving after taking certain controlled substances, providing privacy and notice in certain drug and alcohol testing situations, making related changes, making penalties applicable, providing effective and retroactive applicability dates.

H.F. 2262 – Permitting out-of-state peace officers to act within this state pursuant to agreements with state or local authorities.

H.F. 2275 – Relating to health care providers including the application of records checks to additional providers and the recording and availability of the records of the facility inspections and providing for a repeal.

H.F. 2400 – Providing a procedure for the preservation of a mechanic's lien for materials or labor furnished to a subcontractor and providing for related matters.

H.F. 2175 – Relating to the creation of, and annexation of property to, a sanitary sewer district.

H.F. 2424 – Providing for the expansion of the system of issuance of motor vehicle licenses by county treasurers.

H.F. 2472 – Relating to civil penalties imposed for violations of city or county ordinances or city or county infractions.

H.F. 2499 – Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation and other state agencies, including allocation and use of moneys from the general fund of the state, road use tax fund, primary road fund, and the motorcycle rider education fund, providing for the nonreversion of certain moneys, and making statutory changes relating to appropriations.

H.F. 2542 – Regulating bulk dry animal nutrient products, providing for fees and an appropriation, providing penalties, and providing for an effective date.

CERTIFICATE OF RECOGNITION

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

University of Iowa Hospitals and Clinics – For recognizing the Centennial anniversary, and honoring the women and men affiliated with the University of Iowa Hospitals and Clinics. Senator Neuhauser (1/12/98).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 22, 1998, 11:15 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Fink, Jensen, Judge, Kibbie, and Lundby.

Members Absent: Kramer, Vice Chair; Maddox, Redfern, and Rehberg (all excused).

Committee Business: Passed SCR 121, SR 126, and SCR 122.

Recessed: 11:17 a.m.

Reconvened: 7:18 p.m.

Adjourned: 7:19 p.m.

AMENDMENTS FILED

S-5816	S.F. 2068	House
S-5817	H.F. 2395	Derryl McLaren
S-5818	H.F. 2395	Derryl McLaren
S-5819	S.F. 2381	Allen Borlaug
		John W. Jensen
		Tom Vilsack
		Wally E. Horn
		Maggie Tinsman

		Dennis H. Black
		O. Gene Maddox
		Rod Halvorson
		Patrick J. Deluhery
S-5820	H.F. 2395	Allen Borlaug
S-5821	S.F. 2320	Mary A. Lundby
S-5822	H.F. 2395	Tom Vilsack
S-5823	S.F. 2320	Mary A. Lundby
S-5824	H.F. 2163	House
S-5825	H.F. 2395	House

The Senate stood at ease at 8:20 p.m. until the fall of the gavel.

The Senate resumed session, President Kramer presiding.

HOUSE MESSAGES RECEIVED

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 April 20, 1998, receded from the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the House was asked:

House File 8, a bill for an act relating to the funding of state mandates.

ALSO: That the House has on April 22, 1998, adopted the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 122, a concurrent resolution to provide for adjournment sine die.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM 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 22nd day of April, 1998:

Senate Files 187, 490, 2038, 2052, 2061, 2200, 2225, 2268, 2277, 2280, 2284, 2292, 2295, 2296, 2311, 2313, 2316, 2320, 2332, 2333, 2345, 2359, 2365, 2366, 2377, 2381, 2384, 2385, 2398, 2405, 2406, 2410, 2413, 2415, 2416 and 2418.

MARY PAT GUNDERSON
Secretary of the Senate

RESOLUTIONS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following resolutions have been enrolled, signed by the President of the Senate and the Speaker of the House, and submitted to the Secretary of State's office this 22nd day of April, 1998:

Senate Joint Resolutions 9 and 2004.

MARY PAT GUNDERSON
Secretary of the Senate

REPORTS OF THE SECRETARY OF THE SENATE

MADAM PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2280, the following correction was made:

1. Page 13, line 16, the word "session" was changed to the word "Session".

ALSO: That in enrolling Senate File 2295, the following correction was made:

1. Page 18, line 27, the word and number "Section 16" were changed to the word and number "Section 15".

ALSO: That in enrolling Senate File 2316, the following correction was made:

1. Page 4, line 3, the words "NEW PARAGRAPH. E." were changed to the words "NEW PARAGRAPH. D."

ALSO: That in enrolling Senate File 2366, the following corrections were made:

1. Page 22, line 32, the words "are amended to read as follows:" were changed to the words "is amended to read as follows:".
2. Page 26, line 32, the words "made under sections 257.16" were changed to the words "made under section 257.16".

ALSO: That in enrolling Senate File 2377, the following corrections were made:

1. Page 1, line 21, the word "section" was changed to the word "Section".

2. Page 8, line 17, the words and numbers "sections 5 through 11" were changed to the words and numbers "sections 4 through 10".

ALSO: That in enrolling Senate File 2398, the following correction was made:

1. Page 14, line 7, the number "299A.18" was changed to the number "229A.18".

ALSO: That in enrolling Senate File 2410, the following corrections were made:

1. Page 72, line 34, a period was added after the number "602(a)(7)".
2. Page 89, line 27, the word and number "subsection 13" were changed to the word and number "subsection 12".
3. Page 89, line 32, the word and number "subsection 17" were changed to the word and number "subsection 18".
4. Page 89, line 34, the word and number "subsection 18" were changed to the word and number "subsection 19".
5. Page 90, line 4, the word and number "Section 40" were changed to the word and number "Section 41".
6. Page 90, line 6, the word and number and number "Section 42" were changed to the word and number "Section 43".
7. Page 90, line 7, the word and number "Section 58" were changed to the word and number "Section 62".
8. Page 90, line 8, the words and numbers "Sections 60 and 61" were changed to the words and numbers "Sections 64 and 65".
9. Page 90, line 10, the word and number "Section 68" were changed to the word and number "Section 72".
10. Page 90, line 12, the word and number "Section 73" were changed to the word and number "Section 78".

ALSO: That in enrolling Senate File 2416, the following correction was made:

1. Page 5, line 28, the words "name plate" were changed to the word "nameplate".

MARY PAT GUNDERSON
Secretary of the Senate

COMMITTEE TO NOTIFY THE GOVERNOR

Senator Iverson moved that a committee be appointed to notify the governor that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 122.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Jensen, Maddox and Gronstal.

COMMITTEE TO NOTIFY THE HOUSE

Senator Iverson moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die in accordance with Senate Concurrent Resolution 122.

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Boettger, Lundby and Hammond.

COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to adjourn sine die.

REPORT OF COMMITTEE TO NOTIFY THE HOUSE

Senator Boettger reported that the committee appointed to notify the House that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

Senator Jensen reported that the committee appointed to notify the governor that the Senate was ready to adjourn sine die had performed its duty.

The report was received and the committee was discharged.

MESSAGE FROM THE GOVERNOR

May 27, 1998

The Honorable Mary Kramer
President of the Senate
State Capitol Building
L O C A L

Dear Madam President:

The 1998 session of the Iowa General Assembly took significant steps to improve the lives of Iowans in the areas of tax reduction, value-added agriculture, public safety and victims' rights. However, more work must be done yet this year to move the state's schools from adequacy to excellence and better prepare our children for the demands of the 21st Century.

I am pleased that 1998 is the fourth consecutive year in which substantial tax reductions occurred. Increasing the pension tax exemption to \$5,000 per individual and \$10,000 on a joint return will help Iowa keep more of the retired citizens who contribute significantly to their communities through volunteer, philanthropic and leadership efforts. Eliminating the sales tax on hospital equipment will also benefit our communities. Parents who make the financial sacrifice to send their children to non-public schools will benefit from an increase in the tuition tax credit from 10 percent to 23 percent with the maximum credit per child increasing from \$100 to \$250. This credit was also expanded to fees paid by parents of public schoolchildren.

Eliminating the capital gains tax on the sale of farms and businesses to lineal descendants will encourage the movement of property and assets to the next generation with the energy, incentive and desire to invest in the state's future. Passage of my proposed \$25 million Agrifutures Fund will support the new investments needed to enable Iowa to lead the world in responsibly produced food and value-added agricultural products.

We have taken critical steps to deal with sexual predators by strengthening the Sex Offender Registry, permitting involuntary civil commitment for sexually violent predators and authorizing sex drive reduction hormone treatments to deter repeat sexual offenses. Enactment of the graduated driver's license is a landmark measure to make Iowa's streets and highways safer, preventing the loss of lives and many injuries each year. Iowa teens will benefit from a three-tiered approach to ease them into today's challenging traffic environment.

Workplace drug testing, enacted after many attempts over the years, is a turning point in addressing substance abuse in Iowa. While giving private employers greater freedom to test and discipline workers for substance abuse, the legislation also establishes alcohol and drug awareness programs to assist employees in the workplace and protects others who could be injured or killed because of drug-related incidents.

I am pleased with the gains we have made with early childhood education and health insurance for children. In partnership with communities, this effort will deliver the multitude of programs designed to improve the well being of children and families.

Healthy and Well Kids in Iowa will extend health insurance coverage to approximately 55,000 children.

The General Assembly also is to be commended for taking the needed first step toward constitutional limits on taxes and spending, leading the way for the next General Assembly to place the amendment on the ballot in the year 2000.

The progress made on these many fronts was tempered by the continued need to reform Iowa's education system. Better teacher preparation, paying good teachers more for teaching well and requiring all-day, everyday kindergarten in all Iowa school districts are steps that are needed to prepare Iowa's schools for the 21st Century. For the sake of Iowa's children, we must continue to work to achieve an agreement on a stronger education reform initiative this year.

Sincerely,
TERRY E. BRANSTAD
Governor