

State of Iowa

1994

# **JOURNAL OF THE SENATE**

1994

## **REGULAR SESSION SEVENTY-FIFTH GENERAL ASSEMBLY**

Convened January 10, 1994  
Adjourned April 20, 1994

Volume I  
January 10–April 19

**LEONARD L. BOSWELL, President of the Senate**  
**HAROLD G. VAN MAANEN, Speaker of the House**

Published by the  
STATE OF IOWA  
Des Moines

1994 Regular Session

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WALLY E. HORN, <i>Majority Floor Leader</i> .....	Cedar Rapids
FLORENCE BUHR, <i>Assistant Majority Floor Leader</i> .....	Des Moines
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EMIL J. HUSAK, <i>Assistant Majority Floor Leader</i> .....	Toledo
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DEBBIE O'LEARY, <i>Majority Caucus Staff Director</i> .....	Des Moines
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JAY MOSHER, *Bill Clerk* ..... Milo

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

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

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

ARNOLD BOYUM, *Doorkeeper* ..... Des Moines

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

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

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

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

CATHERINE MARTIN, *Switchboard Operator* ..... Des Moines

GAYLENE SHAFER, *Switchboard Operator* ..... Des Moines

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

ELECTIVE OFFICERS, SUPREME COURT JUSTICES  
AND IOWA COURT OF APPEALS JUDGES

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ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i> .....	Lake Mills
JOY CORNING, <i>Lieutenant Governor</i> .....	Cedar Falls
ELAINE BAXTER, <i>Secretary of State</i> .....	Burlington
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</i> .....	Eagle Grove
BONNIE CAMPBELL, <i>Attorney General</i> .....	Des Moines

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 K. TERNUS, <i>Justice</i> .....	Des Moines

IOWA COURT OF APPEALS JUDGES

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

**MEMBERS OF THE SENATE  
SEVENTY-FIFTH GENERAL ASSEMBLY  
1994 REGULAR SESSION**

**BRAD BANKS**

Address ..... Westfield  
Age ..... 41  
Occupation ..... Farmer  
Senatorial District ..... 2—Plymouth, Woodbury  
Former Legislative Service ..... 73, 74, 74X, 74XX, 75 (1st)

**MERLIN E. BARTZ**

Address ..... Grafton  
Age ..... 32  
Occupation ..... Farmer/Laborer  
Senatorial District ..... 10—Worth, Cerro Gordo, Mitchell  
Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

**WAYNE D. BENNETT**

Address ..... Ida Grove  
Age ..... 66  
Occupation ..... Farmer  
Senatorial District ..... 6—Ida, Crawford, Monona, Sac, Woodbury  
Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75  
(1st)

**TONY BISIGNANO**

Address ..... Des Moines  
Age ..... 41  
Occupation ..... Project Manager, Polk Co. Bd. of Supervisors  
Senatorial District ..... 34—Polk  
Former Legislative Service ..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**ALLEN BORLAUG**

Address ..... Protivin  
Age ..... 52  
Occupation ..... Farm Owner/Insurance Agent  
Senatorial District ..... 15—Chickasaw, Floyd, Howard, Mitchell, Winneshiek  
Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

**LEONARD L. BOSWELL**

Address ..... Davis City  
Age ..... 60  
Occupation ..... Farmer/Small Businessman  
Senatorial District ..... 45—Decatur, Page, Ringgold, Taylor, Union  
Former Legislative Service ..... 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**FLORENCE BUHR**

Address ..... Des Moines  
Age ..... 60  
Senatorial District ..... 35—Polk  
Former Legislative Service ..... 71, 72, 73, 74, 74X, 74XX, 75 (1st)

MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY  
1994 REGULAR SESSION—Continued

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MIKE CONNOLLY

Address ..... Dubuque  
Age ..... 48  
Occupation ..... Education Administrator  
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  
(1st)

PATRICK J. DELUHERY

Address ..... Davenport  
Age ..... 51  
Occupation ..... College Teacher/Insurance Sales Rep.  
Senatorial District ..... 22—Scott  
Former Legislative Service ..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

WM. W. (BILL) DIELEMAN

Address ..... Sully  
Age ..... 62  
Occupation ..... Self-employed  
Senatorial District ..... 29—Jasper, Mahaska, Marshall, Poweshiek  
Former Legislative Service 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

RICHARD F. DRAKE

Address ..... Muscatine  
Age ..... 66  
Occupation ..... General Farming  
Senatorial District ..... 24—Muscatine, Johnson, Louisa, Scott  
Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X,  
74XX, 75 (1st)

\*ROBERT E. DVORSKY

Address ..... Coralville  
Age ..... 45  
Occupation ..... Job Placement Official  
Senatorial District ..... 49—Johnson  
Former Legislative Service ..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

\*Elected at Special Election 2/22/94.

BILL FINK

Address ..... Carlisle  
Age ..... 38  
Occupation ..... School Teacher  
Senatorial District ..... 45—Warren, Marion  
Former Legislative Service ..... 75 (1st)

EUGENE S. FRAISE

Address ..... Fort Madison  
Age ..... 61  
Occupation ..... Farmer/Legislator  
Senatorial District ..... 50—Lee, Des Moines  
Former Legislative Service ..... 71 (2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY  
1994 REGULAR SESSION—Continued

**BILL FINK**

Address ..... Carlisle  
Age ..... 38  
Occupation ..... School Teacher  
Senatorial District ..... 45—~~Warren~~, Marion  
Former Legislative Service ..... 75 (1st)

**\*MARY LOU FREEMAN**

Address ..... Storm Lake  
Age ..... 53  
Occupation ..... Teacher  
Senatorial District ..... 5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth, Pocahontas  
Former Legislative Service ..... none

\*Elected at Special Election on 2/22/94.

**\*LINN FUHRMAN**

Address ..... Aurelia  
Age ..... 49  
Occupation ..... Farmer  
Senatorial District ..... 5—Buena Vista, Cherokee, Clay, O'Brien, Plymouth, Pocahontas  
Former Legislative Service ..... 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

\*Deceased 1/23/94

**DONALD E. GETTINGS**

Address ..... Ottumwa  
Age ..... 70  
Occupation ..... Retired—Deere & Co.  
Senatorial District ..... 47—Wapello, Jefferson, Van Buren  
Former Legislative Service ..... 67 (2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**RANDAL J. GIANNETTO**

Address ..... Marshalltown  
Age ..... 36  
Occupation ..... Attorney  
Senatorial District ..... 32—Marshall, Story  
Former Legislative Service ..... 75 (1st)

**MICHAEL E. GRONSTAL**

Address ..... Council Bluffs  
Age ..... 43  
Senatorial District ..... 42—Pottawattamie  
Former Legislative Service ..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**H. KAY HEDGE**

Address ..... Fremont  
Age ..... 65  
Occupation ..... Farmer  
Senatorial District ..... 48—Mahaska, Keokuk, Marion, Wapello, Washington  
Former Legislative Service ..... 73, 74, 74X, 74XX, 75 (1st)

**JACK W. HESTER**

Address ..... Honey Creek  
 Age ..... 63  
 Occupation ..... Retired farmer/legislator  
 Senatorial District ..... 41—Pottawattamie, Audubon, Harrison, Shelby  
 Former Legislative Service ..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**WALLY E. HORN**

Address ..... Cedar Rapids  
 Age ..... 60  
 Occupation ..... Teacher/Education  
 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 (1st)

**EMIL J. HUSAK**

Address ..... Toledo  
 Age ..... 63  
 Occupation ..... Farmer  
 Senatorial District ..... 30—Tama, Benton, Black Hawk, Iowa  
 Former Legislative Service 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**JOHN W. JENSEN**

Address ..... Plainfield  
 Age ..... 67  
 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 (1st)

**PATTY JUDGE**

Address ..... Albia  
 Age ..... 50  
 Occupation ..... Mediator  
 Senatorial District ..... 46—Monroe, Appanoose, Clarke, Davis, Lucas, Van Buren, Wayne  
 Former Legislative Service ..... 75 (1st)

**JAMES B. KERSTEN**

Address ..... Fort Dodge  
 Age ..... 33  
 Occupation ..... Financial Investment Officer  
 Senatorial District ..... 7—Webster, Boone, Calhoun, Hamilton  
 Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

**JOHN P. KIBBIE**

Address ..... Emmetsburg  
 Age ..... 64  
 Occupation ..... Farmer  
 Senatorial District ..... 4—Palo Alto, Clay, Dickinson, Emmet, Kossuth  
 Former Legislative Service ..... 59, 60, 60X, 61, 62, 73, 74, 74X, 74XX, 75 (1st)

x MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY  
1994 REGULAR SESSION—Continued

MARY E. KRAMER

Address ..... West Des Moines  
Age ..... 58  
Occupation ..... Vice Pres.-Hum. Res., Blue Cross/Blue Shield  
Senatorial District ..... 37—Polk  
Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

JIM LIND

Address ..... Waterloo  
Age ..... 38  
Occupation ..... Service Station Owner/Operator  
Senatorial District ..... 13—Black Hawk  
Former Legislature Service ..... 71 (2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

JEAN LLOYD-JONES

Address ..... Iowa City  
Age ..... 64  
Occupation ..... Legislator  
Senatorial District ..... 23—Johnson  
Former Legislative Service ..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

O. GENE MADDOX

Address ..... Clive  
Age ..... 55  
Occupation ..... Attorney  
Senatorial District ..... 38—Polk, Dallas  
Former Legislative Service ..... 75 (1st)

ANDY McKEAN

Address ..... Anamosa  
Age ..... 44  
Occupation ..... Lawyer  
Senatorial District ..... 28—Jones, Linn  
Former Legislative Service ..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

DERRYL McLAREN

Address ..... Farragut  
Age ..... 44  
Occupation ..... Farmer  
Senatorial District ..... 43—Fremont, Cass, Mills, Montgomery, Pottawattamie  
Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

LARRY MURPHY

Address ..... Oelwein  
Age ..... 41  
Occupation ..... Adjunct College Instructor  
Senatorial District ..... 14—Fayette, Black Hawk, Buchanan, Delaware  
Former Legislative Service ..... 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY**      xi  
**1994 REGULAR SESSION—Continued**

**WILLIAM D. PALMER**

Address ..... Des Moines  
 Age ..... 58  
 Occupation ..... Sales/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 (1st)

**PAUL D. PATE**

Address ..... Marion  
 Age ..... 35  
 Occupation ..... President/CEO-PM Systems Corp.  
 Senatorial District ..... 26—Linn  
 Former Legislative Service ..... 73, 74, 74X, 74XX, 75 (1st)

**BERLE E. PRIEBE**

Address ..... Algona  
 Age ..... 75  
 Occupation ..... Farmer  
 Senatorial District ..... 8—Kossuth, Hancock, Humboldt, Winnebago, Wright  
 Former Legislative Service ..... 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X,  
 74XX, 75 (1st)

**\*DONALD REDFERN**

Address ..... Cedar Falls  
 Age ..... 48  
 Occupation ..... Lawyer  
 Senatorial District ..... 12—Black Hawk  
 Former Legislative Service ..... none

\*Elected at Special Election on 8/31/93

**WILMER RENSINK**

Address ..... Sioux Center  
 Age ..... 60  
 Occupation ..... Farmer  
 Senatorial District ..... 3—Sioux, Lyon, O'Brien, Osceola  
 Former Legislative Service ..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**JACK RIFE**

Address ..... Durant  
 Age ..... 50  
 Occupation ..... Farmer  
 Senatorial District ..... 20—Cedar, Clinton, Jones, Scott  
 Former Legislative Service ..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**JAMES R. RIORDAN**

Address ..... Waukee  
 Age ..... 44  
 Senatorial District ..... 39—Dallas, Adair, Guthrie, Madison  
 Former Legislative Service ..... 71 (2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY  
1994 REGULAR SESSION—Continued**

**SHELDON RITTMER**

Address ..... DeWitt  
 Age ..... 65  
 Occupation ..... Farmer  
 Senatorial District ..... 19—Clinton, Cedar  
 Former Legislative Service ..... 74, 74X, 74XX, 75 (1st)

**RALPH ROSENBERG**

Address ..... Ames  
 Age ..... 44  
 Occupation ..... Attorney  
 Senatorial District ..... 31—Story  
 Former Legislative Service ..... 69 (2nd), 70, 71, 72, 73, 74, 74X, 74XX, 75 (1st)

**ALBERT G. SORENSEN**

Address ..... Boone  
 Age ..... 62  
 Occupation ..... Owner/Operator Bed & Breakfast/Consultant  
 Senatorial District ..... 40—Boone, Carroll, Greene  
 Former Legislative Service ..... 74 (2nd), 74X, 74XX, 75 (1st)

**AL STURGEON**

Address ..... Sioux City  
 Age ..... 37  
 Occupation ..... Legislator/Lawyer  
 Senatorial District ..... 1—Woodbury  
 Former Legislative Service ..... 69, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**ELAINE SZYMONIAK**

Address ..... Des Moines  
 Age ..... 73  
 Occupation ..... Retired  
 Senatorial District ..... 36—Polk  
 Former Legislative Service ..... 73, 74, 74X, 74XX, 75 (1st)

**RAY TAYLOR**

Address ..... Steamboat Rock  
 Age ..... 70  
 Occupation ..... Farm Business  
 Senatorial District ..... 9—Hardin, Franklin, Hamilton, Wright  
 Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75  
 (1st)

**MAGGIE TINSMAN**

Address ..... Davenport  
 Age ..... 57  
 Occupation ..... Legislator  
 Senatorial District ..... 21—Scott  
 Former Legislative Service ..... 73, 74, 74X, 74XX, 75 (1st)

MEMBERS OF THE SENATE—75th GENERAL ASSEMBLY  
1994 REGULAR SESSION—Continued

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**\*RICHARD J. VARN**

Address ..... Solon  
Age ..... 35  
Occupation ..... Lawyer, Information Policy Consultant  
Senatorial District ..... 25—Johnson, Linn  
Former Legislative Service ..... 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

\*Resigned 2/2/94

**TOM VILSACK**

Address ..... Mt. Pleasant  
Age ..... 42  
Occupation ..... Lawyer  
Senatorial District ..... 49—Henry, Des Moines, Lee, Washington  
Former Legislative Service ..... 75 (1st)

**JOE J. WELSH**

Address ..... Dubuque  
Age ..... 38  
Occupation ..... Businessman  
Senatorial District ..... 17—Dubuque, Delaware, Jackson  
Former Legislative Service ..... 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75 (1st)

**LYLE E. ZIEMAN**

Address ..... Postville  
Age ..... 72  
Occupation ..... Retired Farmer  
Senatorial District ..... 16—Allamakee, Clayton, Fayette, Winneshiek  
Former Legislative Service ..... 75 (1st)

# JOURNAL OF THE SENATE

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FIRST CALENDAR DAY  
FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 10, 1994

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 1994 Regular Session of the Seventy-fifth General Assembly convened at 10:07 a.m., and the Senate was called to order by President Leonard L. Boswell.

Prayer was offered by the Reverend Daryl Kats from the Austinville Christian Reformed Church, Austinville, Iowa.

## OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Boswell addressed the Senate with the following remarks:

A moment of silence, please, in remembrance of Senator Harry Slife and his wife, Polly.

I want to welcome you as we begin the second regular session of the 75th General Assembly. I especially want to welcome all the new members of our Senate family here today; staff, pages and Senator Redfern. I appreciate the effort of all the members and staff towards our business here, and I look forward to working with all of you.

The 1994 session has the potential to be very difficult. Yet, I am hopeful that it will be relatively smooth. I am a realist. I know we can't solve all of our state's problems in one session. However, even though it is an election year, I believe we can and must address our most pressing concerns this year.

We have gone a fair way down the road towards putting our fiscal house in order. We must maintain the discipline we enacted in 1992 to spend only within our means. This is crucial to the economic future of Iowa. The people of Iowa are counting on us to do it.

A larger question before us, one that will determine the level of success we achieve this session, is will we continue with business as usual? Particularly in an election year, will we allow strictly partisan politics to get in the way of providing solutions for the people of Iowa?

We all know what Iowans want. They deserve our best efforts to provide the best solutions we can to the pressing problems of job creation, health care, crime, and good schools for our children.

I challenge each of us not to succumb to the temptation to conduct business as usual. Let us be bold and imaginative. The people of Iowa will be the winners.

I wish all of you the best this session. My door is always open.

Thank you.

## REMARKS BY THE MAJORITY LEADER

Senator Horn addressed the Senate as follows:

Mr. President, ladies and gentlemen of the Senate, guests, staff, and friends:

I want to welcome everyone to the new session. And a special welcome to those of you starting your first session -- I know you will find it both challenging and rewarding. I anticipate having a good year.

In many ways, we are like a big family here. We may disagree about a lot of things, but we are united in the common goal of serving in our own way to make Iowa better. And like a family, the institution of the Senate endures, although individuals come and go. Even so, I can't help but remark today that I know we all share a particular feeling of loss since Harry Slife is no longer with us. He will be missed.

As this session begins, I am encouraged by the general objectives we in the Senate Democratic Majority share with others of you across the aisle, as well as many members of the House and the Executive Branch. I hope we can turn this into positive legislative action.

What must we do this year? Of all the many issues before us, let me just mention four or five issues I believe REALLY MATTER to Iowans. First of all, we must take appropriate steps to help fight crime in Iowa -- with a particular emphasis on juvenile offenders. Secondly, we should begin to move this year on health care reform, with an eye toward coordinating with the federal initiatives. Thirdly, we must provide continued support and encouragement for progress and innovation in Iowa education. Fourth, we should pursue reasonable strategies to promote economic growth, quality job growth, and workforce development.

Perhaps most importantly of all, we should pursue these key areas, along with others I haven't taken the time to mention, within our means. I am proud of our Democratic-sponsored budget limitation law -- and we are absolutely committed to living within it again this year. I believe this too is a goal that we all share.

I also know there will be literally hundreds of other important decisions before us between now and our April adjournment. I want each and every one of you to know that "my door is always open to you" as we work our way through our own priorities and projects this year. Don't hesitate to come and talk to me any time -- I believe that being a good listener is a part of this job.

Finally, let me give our newest Senator a word of welcome. Senator Redfern, I know you will find the challenges here stimulating, and the personal friendships made here lasting. Welcome to the Senate.

Mr. President, ladies and gentlemen, NOW it's time to get to work turning Iowans' good ideas into good laws. Let's have a positive and productive 100 days. Thank you very much.

## REMARKS BY THE MINORITY LEADER (Memories of Senator Harry Slife)

Senator Rife addressed the Senate as follows:

Mr. President, Fellow Senators, Staff, Family and Friends.

Welcome back and happy 1994. Since the last time that we were all together in this chamber, many things have happened that have impacted our lives in both positive and negative ways.

The Minority Party in the Iowa Senate has experienced a loss this past week that will have a lasting affect on many of us. The unexpected deaths of retired Republican Senator Harry Slife and his wife Polly will have an affect on all of our lives for the many days, weeks and months ahead.

Harry Slife was a true gentleman. He was always a calm voice in the midst of the storm during heated Senate debate. His measured remarks and thoughtful insights often made legislators stop to consider what the real issues were. When Harry Slife decided to resign, I understood his frustrations, but I felt a deep loss to the Iowa Senate.

The tragic event of Sunday, January 3, is still hard for me to comprehend. It is unfortunate that the Iowa Legislature has lost someone of Harry Slife's caliber. Personally, I will miss his wise counsel and sound judgment. I will miss his thundering voice and the smile and laugh that instantly warmed a room.

Senator Rife asked and received unanimous consent that the following be printed in the Senate Journal:

As we start this 1994 session, it would be my hope that we will all keep Harry in our hearts and in our thoughts as we work together on solving the problems that affect all of us. Harry was a problem-solver and wanted to work with all of his fellow legislators to make decisions that would have a positive benefit to all.

Let us come together and work in Harry's memory with the ultimate goal of a better 1994.

Shortly after we adjourned in May, the summer rains continued and brought flood waters to many parts of the state. Through all of this adversity, Iowans, young and old, pulled together to come to the aid of their neighbor. It was a very emotional and trying time for all of us – but we made it through – together. I cannot express in words the pride that I feel every time someone comments on our loyalty to each other.

Now that we have celebrated Christmas once more and rung in 1994, it is time to settle down and get to the work at hand. There are many items that we will want to address this legislative session, but I would like to take this opportunity to focus on four items that the Senate Republican caucus finds important.

I am sure that the first item on everyone's mind is our state's budget. Despite the impacts of this summer's flooding and federal tax law changes, it looks like our budget will remain balanced through June 30. Recent revenue projections will provide a surplus for FY 1994. This surplus will allow us to meet our obligations to federal pensioners and save millions of dollars in interest. In addition, the ending balance will improve the condition of our Cash Reserve Fund – moving us closer to balancing our books according to GAAP by FY 1995.

Balancing the FY 1995 budget will be as challenging as developing the budgets of recent years. New revenues are projected at just over \$100 million. Automatic increases for items such as Medicaid, state employee salaries, K-12 enrollment growth and Cash Reserve Fund could consume the majority of our new revenues. Tough decisions will have to be made as we struggle to allocate sufficient resources to education, economic development, juvenile justice and health care. The Senate Republicans stand ready to work together with the rest of the Senate in developing a prioritized, responsible budget for FY 1995.

Throughout this interim, the Health Care Reform Council has been meeting to gather public input and develop its health care reform proposal. The meetings have been very informative and beneficial to all of those who participated in them. After long hours and hard work, these individuals have put together some recommendations that we should seriously look at for the basis of a good health care reform package for the citizens of Iowa.

Third, it has become quite obvious that juvenile justice is a priority of all the caucuses here at the Statehouse. It has become quite evident that we must get this problem of crime by our young offenders under control. These young people are the future of Iowa, and we must get them turned around so that Iowa continues to be a place to grow.

Finally, telecommunications must be addressed by this legislature. The legislature made a commitment to hook-up our schools first, and it is my belief that we must fulfill this commitment before branching out into other forms of traffic. As I have said before, our children are our most precious resource and we must continually cultivate their learning so that they continue to bloom.

Telecommunications is a good idea if it is implemented properly it will be to our advantage.

The Senate Republican Caucus is here to work with the members of the 1994 Session of the 75th General Assembly in accomplishing attainable results that will be of benefit to all of the voters and citizens of Iowa. We look forward to making great strides during this session and to working with all of you.

Thank you.

JACK RIFE

### 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.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Priebe for the day and January 11, 1994, and Senator Varn until he arrives on request of Senator Horn.

### ANNOUNCEMENT OF VACANCY

President Boswell announced that notification had been received from the office of Governor Branstad of the following vacancy in the Senate subsequent to adjournment of the 1993 session:

District 12 - Harry G. Slife, resignation effective July 20, 1993.

President Boswell announced that the Senator from District 12, Don Redfern, was administered the oath of office on September 8, 1993, by President Boswell and witnessed by Senators Horn, Rife and Maddox.

### COMMITTEE ON CREDENTIALS

Senator Horn moved that a committee of five be appointed as a committee on Credentials to examine and report on the election in Senate District 12.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Kibbie, Chair; Riordan, Varn, Maddox and McKean.

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

The Senate resumed session, President Boswell presiding.

#### SUPPLEMENTAL REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectfully report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the 1994 session of the Seventy-fifth General Assembly.

John P. Kibbie  
James R. Riordan  
O. Gene Maddox  
Andy McKean

#### CERTIFICATION—STATE OF IOWA OFFICE OF THE SECRETARY OF STATE

To the Honorable, the Secretary of the Senate:

I, ELAINE BAXTER, Secretary of the State of Iowa, custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on August 31, 1993, Donald B. Redfern was elected to fill a vacancy in the office of State Senator of the Twelfth District, for the balance of the term which began on January second, 1993.

(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 eighth day of January, 1993.

ELAINE BAXTER, Secretary of State

On motion of Senator Kibbie, the report was adopted by a voice vote.

#### COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Dieleman, Chair; Lloyd-Jones, Vilsack, Hester and Jensen.

COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Buhr, Chair; Fink, Giannetto, Zieman and Rensink.

SUPPLEMENTAL REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

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

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

Administrative

Administrative Sec. to the Sec. of the Senate .....LuAnn Randleman

Recording Clerk .....Jane Hughes-Acheson

Legal Counsel

Assistant to the Legal Counsel .....Vivian Richmond

Majority Caucus

Research Assistant .....Day Barnes

Services

Bill Clerk .....Jay Mosher

Doorkeeper .....Arnold Boyum

Switchboard Operator .....Gaylene Shafer

Switchboard Operator .....Catherine Martin

Secretaries to Senators

Secretary .....	Clark Conover
Committee Secretary .....	Jean Cooper
Committee Secretary .....	David Elick
Secretary .....	Keri Farrell
Committee Secretary .....	Kathleen Gannon
Secretary .....	Sue Hammen
Secretary .....	Rebecca Howe
Committee Secretary .....	Jean Reeder
Committee Secretary .....	Kerry Skram
Secretary .....	Joy Welsh

WALLY HORN, Chair

Senator Horn 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.

### REPORT OF COMMITTEE TO NOTIFY THE HOUSE

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

The report was accepted and the committee discharged.

### APPOINTMENT OF PAGES

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

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel as Pages for the Senate for the 1994 Session of the Seventy-fifth General Assembly:

Charles Bibilos, Ames  
 Mylissa Blevins, Nevada  
 Dawn Frey, Eldora  
 Genevieve Giltner, Bettendorf  
 Brian Hensley, Spencer  
 Hope Lake, Waterloo  
 Nathan Lein, Arlington  
 Jennifer Meiners, Audubon

Deb Mundell, Pleasantville  
Adam Obrecht, Malvern  
Christie Paul, Des Moines  
Jessica Pendleton, What Cheer  
Paul Roeder, Schaller  
Mary Sackett, Okoboji  
Danette Schaefer, Creston, President of the Senate's Page  
Becky Trafford, DeWitt, Secretary of the Senate's Page  
Aaron Twait, Algona  
Rose VanMersbergen, Cedar

WALLY HORN, Chair

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

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

#### REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

#### COMMITTEE ON MILEAGE

Senator Horn moved a committee on Mileage examine and file a supplemental report of any mileage changes and the mileage for Senator Redfern in District 12.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Gronstal, Chair; Szymoniak, Jensen and Borlaug.

#### COMMITTEE ON CHAPLAINS

Senator Horn moved that Senator Boswell be appointed as a committee of one to work with a Representative of the House in securing chaplains for the Senate during the 1994 regular session of the Seventy-fifty General Assembly, which motion prevailed by a voice vote.

## SELECTION OF SEATS

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

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

The motion prevailed by a voice vote.

President Boswell asked and received unanimous consent that Senator Horn be allowed to select seats for Senators Priebe and Varn.

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

<u>NAME</u>	<u>SEAT NO.</u>
Banks of Plymouth .....	32
Bartz of Worth .....	12
Bennett of Ida .....	26
Bisignano of Polk .....	31
Borlaug of Chickasaw .....	14
Boswell of Decatur .....	22
Buhr of Polk .....	1
Connolly of Dubuque .....	19
Deluhery of Scott .....	45
Dieleman of Jasper .....	49
Drake of Muscatine .....	40
Fink of Warren .....	25
Fraise of Lee .....	7
Fuhrman of Buena Vista .....	34
Gettings of Wapello .....	5
Giannetto of Marshall .....	23
Gronstal of Pottawattamie .....	9
Hedge of Mahaska .....	30
Hester of Pottawattamie .....	46
Horn of Linn .....	43
Husak of Tama .....	47
Jensen of Bremer .....	44
Judge of Monroe .....	2
Kersten of Webster .....	8
Kibbie of Palo Alto .....	35

Kramer of Polk .....	48
Lind of Black Hawk .....	36
Lloyd-Jones of Johnson .....	21
Maddox of Polk .....	16
McKean of Jones .....	20
McLaren of Fremont .....	6
Murphy of Fayette .....	29
Palmer of Polk .....	41
Pate of Linn .....	28
Priebe of Kossuth .....	37
Redfern of Black Hawk .....	4
Rensink of Sioux .....	42
Rife of Cedar .....	38
Riordan of Dallas .....	33
Rittmer of Clinton .....	24
Rosenberg of Story .....	17
Sorensen of Boone .....	3
Sturgeon of Woodbury .....	15
Szymoniak of Polk .....	13
Taylor of Hardin .....	50
Tinsman of Scott .....	10
Varn of Johnson .....	27
Vilsack of Henry .....	11
Welsh of Dubuque .....	39
Zieman of Allamakee .....	18

## INTRODUCTION OF BILLS

**Senate File 2001**, by Priebe, a bill for an act relating to the membership of the county board of adjustment for zoning purposes.

Read first time and passed on file.

**Senate File 2002**, by Dieleman, a bill for an act relating to public access to court records and providing for the Act's applicability.

Read first time and passed on file.

**Senate File 2003**, by McKean, a bill for an act relating to the percentage multiplier used in calculating retirement benefits pursuant to the Iowa public employees' retirement system, and providing effective and retroactive applicability dates.

Read first time and passed on file.

**Senate File 2004**, by Rosenberg, a bill for an act relating to the definition of appointive state officer for purposes of removal from office.

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

**Senate File 2005**, by Rosenberg, a bill for an act relating to the investment in or establishment of community development corporations by financial institutions.

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

**Senate File 2006**, by Rosenberg, a bill for an act making certain joint governmental entities and groups of cities or counties eligible to receive certain funds for economic development purposes.

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

**Senate File 2007**, by Taylor, a bill for an act establishing English as the official language of the state.

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

**Senate File 2008**, by Bartz, a bill for an act relating to the time within which an indictment or information alleging sexual abuse of a child who is under the age of twelve must be filed.

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

**Senate File 2009**, by Tinsman, Rife, Rittmer and Kramer, a bill for an act relating to child abuse investigations by requiring communication between the department of human services and a physician who conducts an examination of a child who is alleged to be abused.

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

**Senate File 2010**, by Kibbie, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision.

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

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills on the Senate calendar be referred to committee:

H.F.	170	Small Business, Economic Development and Tourism
H.F.	230	Natural Resources
H.F.	455	State Government
H.F.	474	Ways and Means
H.F.	545	Transportation
S. C. R.	36	Small Business, Economic Development and Tourism
S. F.	61	Human Resources
S. F.	139	Ways and Means
S. F.	250	Education
S. F.	259	Communications and Information Policy
S. F.	277	Commerce
S. F.	382	Judiciary
S. F.	385	Education
S. F.	388	Transportation
S. F.	414	Appropriations
S. F.	417	Ways and Means
S. F.	426	Ways and Means
S. F.	427	Appropriations

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the day and for January 11, 1994, on request of Senator Rife.

The Senate stood at ease at 10:50 a.m., until the fall of the gavel.

The Senate resumed session at 11:07 a.m., President Boswell presiding.

## RECESS

On motion of Senator Horn, the Senate recessed at 11:08 a.m., until 4:00 p.m.

**APPENDIX****ANNOUNCEMENT OF APPOINTMENTS**

The President announced the following list of senators appointed to boards and commissions during the 1993 legislative interim:

June 22, 1993

**HEALTH DATA COMMISSION**  
(Code 145.2)

Senator Randy Giannetto, 7-1-93 - 6-30-94

**WALLACE TECHNOLOGY TRANSFER FOUNDATION**  
(Code 15E.154)

Senators Bill Palmer and Brad Banks, terms to be determined at next meeting

**AGRICULTURE GRAIN MARKETING COMPACT**  
(Code 183.1)

Senator Leonard Boswell, 7-1-93 - 6-30-95

**MEDICAL ASSISTANCE BOARD**  
(Code 249A.4(8))

Senators Elaine Szymoniak and Maggie Tinsman, 7-1-93 - 6-30-95

**STATE LIBRARY UNIFIED PLANNING TEAM**  
(Request of State Librarian/Administrator)

Senators Richard Varn and Sheldon Rittmer, no set terms

June 29, 1993

**EDUCATION TECHNOLOGY CONSORTIUM**  
(Code 301A.2)

Senator Joe Welsh, no set term

August 26, 1993

**IOWA COMPREHENSIVE HEALTH INSURANCE ASSOCIATION**  
(Code 514E.2)

Senator Bill Palmer, 8-26-93 — 4-30-94

## SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

MR. 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 MILES</u>
Palmer, William D.....	12
Redfern, Donald B.....	210

Respectfully submitted,

MICHAEL E. GRONSTAL, Chair  
 ELAINE SZYMONIAK  
 JOHN W. JENSEN  
 ALLEN BORLAUG

## STANDING COMMITTEE APPOINTMENTS (Senator Redfern)

The minority leader announced the appointment of Senator Redfern to the following standing committees of the Senate for the 1994 Regular Session:

Appropriations Subcommittee on Administration, Ranking Member  
 Appropriations  
 Business and Labor Relations  
 Commerce  
 Education  
 Judiciary

## COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the Senate during the 1993 legislative interim:

### DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual Report for Fiscal Year 1992 of the Iowa Product Development Corporation.

### DEPARTMENT OF PERSONNEL

Semi-annual report on pilot wellness program at DOT as required by Chapter 1243, 1992 Acts of the General Assembly.

**IOWA DEPARTMENT OF TRANSPORTATION**

SCR 29, which called for a time extension to submit written comments relating to UP/CNW Common Control App. was approved by 75th Iowa General Assembly. 'CC extended deadline to June 1, 1993.

**IOWA DEPARTMENT OF TRANSPORTATION**

Final report as mandated by Code Section 307.10 (14) which assessed impact of public transportation on accidents, vehicle miles traveled, gasoline usage and carbon monoxide emissions in Iowa.

**COMMISSION OF CHILDREN, YOUTH AND FAMILIES**

1992 Annual Report of the Iowa Commission on Children, Youth and Families as required by Chapter 217.9A of Iowa Code.

**CHILD WELFARE TASK FORCE**

Preliminary Report concerning the child welfare system in Iowa.

**DEPARTMENT OF HUMAN SERVICES**

HF 2480 Child Welfare Planning Requirements. Section 31, subsection 1 & 2. Executive summary of DHS Regional Child Welfare Public Hearings and Proposed State Plan for Child Welfare Services.

**AUDITOR OF STATE**

Single audit of the State of Iowa covering fiscal year ended June 20, 1992. Audit performed in accordance with generally accepted auditing standards, the Single Audit Act of 1984, and OMB Circular A-128, Audits of State and Local Governments.

**OFFICE OF AUDITOR OF STATE**

Audit report of Lottery Division, Dept. of Revenue & Finance, March 31, 1993.

**LEGISLATIVE FISCAL BUREAU**

1993 Session Fiscal Report, 75th General Assembly State of Iowa.

**MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA**

In accordance with Chapter 411 of the Iowa Code (411.5) [Sec. 6A], a copy of the annual report and of the audit report for the Municipal Fire and Police Retirement System of Iowa. Reports represent condition of the retirement system, its current and future liabilities, and the actuarial valuation of the System for fiscal period ending June 30, 1992.

**IOWA DEPARTMENT OF NATURAL RESOURCES**

FY 1992 Annual Report.

**IOWA DEPARTMENT OF TRANSPORTATION**

Copy of our 1993 Iowa Primary Road Sufficiency Log. Prepared annually in compliance with Chapter 307A.2(12), Code of Iowa.

**INSURANCE DIVISION IOWA DEPARTMENT OF COMMERCE**

Pursuant to Iowa Code section 505.13(2) a copy of July 31, 1993. Report to the General Assembly of the state of the insurance business in Iowa.

**DEPARTMENT OF NATURAL RESOURCES**

A copy of Iowa's annual report titled "Energy Fund Disbursement Council Report of the Governor and General Assembly" covering expenditures of Exxon and Stripper Well Funds through Fiscal Year 1993.

**IOWA DEPARTMENT OF PUBLIC HEALTH**

Certificate of Need (CON) Program. Annual report July 1, 1992 - June 30, 1993. Pursuant to section 135.77 Code of Iowa.

**AUDITOR OF STATE OF IOWA**

Two copies of Iowa Legislature, June 30, 1992 (9260-5000-0000) Audit Report.

**DEPARTMENT OF NATURAL RESOURCES**

A copy of Department of Natural Resources' annual report for fiscal year 1992 providing a summary of the major accomplishments of the period, along with budget and organizational information.

**COUNCIL ON CHEMICALLY EXPOSED INFANTS**

Executive Summary Annual Report. Pursuant to Iowa Code Chap. 235.C.3(7).

**AUDITOR OF STATE - STATE OF IOWA**

A copy of the Audit Report for Lottery Division, Department of Revenue and Finance. June 30, 1993. (9360-6274-BQ00)

**IOWA DEPARTMENT OF PUBLIC HEALTH**

Certificate of Need (CON) Program. Annual report July 1, 1992-June 30, 1993. Pursuant to Section 135.77-Code of Iowa.

**GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE**

Annual report of the Drug Enforcement and Abuse Prevention Coordinator as submitted to the Governor and General Assembly pursuant to Iowa Code Sect. 80E.1(2)(b).

**DEPARTMENT OF PUBLIC SAFETY**

Pursuant to Section 100.33, Code of Iowa, submit the Iowa Dept. of Public Safety Annual Report for fiscal year 1993.

**GAMING STUDY**

A copy of the report, "A Study of the Iowa Gaming Industry, Recommendations for Statutory Changes and Minority Report".

**DEPARTMENT OF PERSONNEL**

A copy of the 1993 Affirmative Action in Iowa report submitted to the Dept. of Management in accordance with Iowa Code Chapter 19B.5.

**WALLACE TECHNOLOGY TRANSFER FOUNDATION OF IOWA**

Annual Report for fiscal year 1993.

**IOWA PRODUCT DEVELOPMENT CORPORATION**

Annual report Fiscal Year 1993.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

A copy of the Fiscal Year 1993 Community Economic Betterment Account (CEBA) Annual Report.

**IOWA UTILITIES BOARD — DEPARTMENT OF COMMERCE**

1992 annual report of the Iowa Utilities Board as required by Iowa Code 7A.1, 7A.10 and 476.16.

**IOWA DEPARTMENT OF TRANSPORTATION**

The Primary and Interstate Highway Program for Fiscal Year 1993. Actual expenditures and contract obligations (x \$1000). In accordance with the requirements of Iowa Code Section 307.12, subsection 14.

**IOWA DEPARTMENT OF TRANSPORTATION**

A copy of annual Report, July, 1, 1992, to June 30, 1993, published in accordance with Sections 310.36 and 312.3A of the Code of Iowa.

DEPARTMENT OF EDUCATION

Three-year open enrollment report as required by SF 59.

DEPARTMENT OF MANAGEMENT

The recommendations of the Energy Fund Disbursement Council for the expenditure of oil overcharge funds for FY 1995.

THE PREVENTION OF DISABILITIES POLICY COUNCIL

Second annual report, November, 1993.

DEPARTMENT OF JUSTICE

Prosecutor Intern Program Annual Report for FY 1993, in accordance with Iowa Code section 13.2(12).

IOWA DEPARTMENT FOR THE BLIND

1993 Annual Report for the Iowa Dept. for the Blind.

DEPARTMENT OF MANAGEMENT

Contract Compliance Report for FY 1993. In accordance with Iowa Code 19B.7.

IOWA HEALTH DATA COMMISSION

Legislative Report, Dec. 1, 1993, as amended by H3562.

IOWA DEPARTMENT OF TRANSPORTATION

Transportation Improvement Program for 1994-1998 required by Section 307A.2(12) of the Code of Iowa.

GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

One complete copy of the State's Application as prepared by the Governor's Alliance on Substance Abuse. Iowa's Application to the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. Drug Control and System Improvement Grant Program 1994.

HUMAN RESOURCE INFORMATION SYSTEM

HRIS Summary, per workgroup's request. This summary is of the various modules of the Human Resource Information System.

**IOWA DEPARTMENT OF TRANSPORTATION**

Section 307.10(1) of the Code of Iowa requires the Iowa Transportation Commission to update the Iowa Transportation Policy each year. Also enclosed the Iowa Railway Finance Authority Policy per Section 307B.8, subsection 2, Code of Iowa.

**DEPARTMENT OF NATURAL RESOURCES**

Report regarding the results of the Toxic Cleanup Days conducted in the 1993 calendar year. The report prepared to meet the requirement of Iowa Code Section 455F.8.

**OFFICE OF AUDITOR OF STATE  
STATE OF IOWA**

One copy of Audit Report for Lottery Division. Iowa Department of Revenue and Finance, September 30, 1993. (9460-6271-BQ00)

**ADMINISTRATIVE RULES REVIEW COMMITTEE  
REFERRALS TO SENATE COMMITTEES**

By Senate President  
January 10, 1994

General referral, ARC 4458A, relating to registration of acupuncturists - Human Resources

General referral, ARC 4448A, relating to obtaining drivers licenses by mail - Transportation

General referral, ARC 4289A, relating to provider standards relating to mental illness and mental retardation - Human Resources

General referral, ARCD 4223A, relating to certain changes in the provision of services for children - Human Resources

General referral, ARC 4174A, Chapter Six, relating to technology transfer - Small Business, Economic Development and Tourism

Session delay, ARC 4215A, relating to interest rates on utility customer deposits - Commerce

General referral, ARC 4018A, relating to medicaid day treatment for children - Human Resources

General referral, ARC 4117A, relating to exemptions from certain requirements limiting the use of heavy metals in packaging - Environment and Energy Utilities

General referral, 641 IAC 25.5, relating to backflow prevention in water lines  
- Environment and Energy Utilities

ARC 3903A, relating to the assignment of state vehicles - State Government

Session Delay, ARC 3760A, relating to complaint procedures before the Iowa  
Civil Rights Commission - State Government

### REPORTS OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases and reclassifications and the effective dates of Senate employees:

Secretary of the Senate	John F. Dwyer	Annual Salary 52,832.00 to 55,369.60 effective 6/18/93
Assistant Secretary of the Senate II	Cynthia A. Clingan	Step 5 to Step 6 effective 6/18/93
Sr. Administrative Assistant to Majority Leader	Greg Nichols	Step 3 to Step 4 effective 6/18/93
Research Analyst III to Sr. Research Analyst	James Boose	Grade 35-2 to 38-1 effective 6/18/93
Senior Journal Editor	Carole Kelly	Step 5 to Step 6 effective 6/18/93
Indexer II	Caryll Wilbur	Step 5 to Step 6 effective 6/18/93
Confidential Secretary to the Secretary	Lori Bristol	Step 2 to Step 3 effective 6/18/93
Research Analyst I	Ann Molis	Step 2 to Step 3 effective 7-6-93
Research Analyst I	Curt Stamp	Step 2 to Step 3 effective 7/6/93
Research Analyst	Linda Santi	Step 2 to Step 3 effective 6/18/93
Research Analyst II to Research Analyst III	Suzanne Johnson	Grade 32-3 to 35-2 effective 8/13/93
Caucus Staff Director to Sr. Caucus Staff Director	Carol Olson	Grade 38-1 (-1) to 41-1 (-2) effective 8/13/93
Research Analyst II	Randall Bauer	Step 2 to Step 3 effective 8/13/93
Finance Officer II to Senior Finance Officer	Linda Laurenzo	Grade 27-3 to 31-1 effective 9/10/93

Assistant Finance Officer	Nancy Gibson	Step 4 to Step 5 effective 9/10/93
Research Analyst II to Research Analyst III	Steve Conway	Grade 32-3 to 35-2 effective 9/10/93
Indexing Assistant	Kathleen Curoe	Step 3 to Step 4 effective 9/10/93
Research Analyst I	Robyn Mills	Step 2 to Step 3 effective 10/8/93
Research Analyst II to Research Analyst III	Theresa Kehoe	Grade 32-3 to 35-2 effective 11/19/93
Caucus Staff Director to Sr. Caucus Staff Director	Debbie O'Leary	Grade 38-1 (-1) to 41-1 (-2) effective 8/13/93
Research Assistant to Admin. Asst. to Leader I	Julie Simon	Grade 24-1 to 29-2 effective 10/8/93
Senior Research Analyst	William Haigh	Step 38-1 (-2) to 38-1 (-1) effective 1/14/94
Journal Editor I	Teri Souer	Step 2 to Step 3 effective 1/14/94)
Research Analyst II to Research Analyst III	Carolann Jensen	Grade 32-3 to 35-2 effective 3/11/94
Secretary to President to Admin. Secretary to Leader	Mary Ann Peer	Grade 19-2+2, P-PT to Grade 21-5, E-FT effective 1/10/94
Executive Secretary to Leader	Vicki Davis	Step 1 to Step 2 effective 1/10/94
Research Assistant	L. Day Barnes	Grade 24-1 effective 10/8/93

WALLY E. HORN

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, your committee on Rules and Administration submits the following names of session-only officers and employees of the senate, and their respective classifications, grades and steps:

		<u>Class</u>	<u>Grade</u>	<u>Step</u>
Admin. Sec. to the Secretary	LuAnn Randleman	S-O	21	1
Assistant to Legal Counsel	Vivian Richmond	S-O	17	1
Recording Clerk	Jane Hughes-Acheson	S-O	21	1
Bill Clerk	Jay Mosher	S-O	14	1

Switchboard Operator	Gaylene Shafer	S-O	14	1
Switchboard Operator	Catherine Martin	S-O	14	1
Legislative Secretary	Clark Conover	S-O	17	1
Legislative Secretary	Joy Welsh	S-O	17	1
Legislative Committee Secretary	Jean Cooper	S-O	18	1
Legislative Committee Secretary	David Elick	S-O	18	2
Legislative Committee Secretary	Keri Farrell	S-O	18	1
Legislative Committee Secretary	Kathleen Gannon	S-O	18	2
Legislative Secretary	Sue Hammen	S-O	16	1
Legislative Secretary	Rebecca Howe	S-O	18	1
Legislative Committee Secretary	Jean Reeder	S-O	17	1
Legislative Committee Secretary	Kerry Skram	S-O	18	1
Page	Charles Bibilos	S-O	Minimum Wage	
Page	Myliisa Blevins	S-O	Minimum Wage	
Page	Dawn Frey	S-O	Minimum Wage	
Page	Genevieve Giltner	S-O	Minimum Wage	
Page	Brian Hensley	S-O	Minimum Wage	
Page	Angela Hope Lake	S-O	Minimum Wage	
Page	Nathan Lein	S-O	Minimum Wage	
Page	Jennifer Meiners	S-O	Minimum Wage	
Page	Deb S. Mundell	S-O	Minimum Wage	
Page	Adam B. Obrecht	S-O	Minimum Wage	
Page	Christie L. Paul	S-O	Minimum Wage	
Page	Jessica E. Pendleton	S-O	Minimum Wage	
Page	Paul M. Roeder	S-O	Minimum Wage	
Page	Mary M. Sackett	S-O	Minimum Wage	
Page	Danette D. Schaefer	S-O	Minimum Wage	
Page	Becky L. Trafford	S-O	Minimum Wage	
Page	Aaron T. Twait	S-O	Minimum Wage	
Page	Rose VanMersbergen	S-O	Minimum Wage	

WALLY E. HORN

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following changes to session-only employees:

Doorkeeper	Carl R. Langbehn	Step 1 to Step 2 effective 3/11/94
Doorkeeper	Arnold E. Boyum	Step 1 to Step 2 effective 3/11/94
Legislative Secretary	Carla Banks	Step 1 to Step 2 effective 3/11/94
Legislative Secretary	Eleanor Barnhill	Step 1 to Step 2 effective 3/11/94
Legislative Secretary	Barbara Bennett	Step 3 to Step 4 effective 5/20/94
Legislative Secretary	Joan Conrad	Step 1 to Step 2 effective 3/11/94

Legislative Committee Secretary	JoAnn Critelli	Step 3 to Step 4 effective 3/11/94
Legislative Committee Secretary	Roma Dye	Step 1 to Step 2 effectove 3/11/94
Legislative Committee Secretary	Karen DeKock Francis	Step 1 to Step 2 effective 2/25/94
Legislative Committee Secretary	Mary Ann Gass	Step 2 to Step 3 effective 3/25/94
Legislative Committee Secretary	Mary Callas Gettings	Step 2 to Step 3 effective 5/20/94
Legislative Secretary	Alleen Hedge	Step 2 to Step 3 effective 3/25/94
Legislative Committee Secretary	Brenda Huyser	Step 2 to Step 3 effective 3/25/94
Legislative Secretary	Gay Leverich	Step 4 to Step 5 effective 1/10/94
Legislative Secretary	Fran Marks	Step 1 to Step 2 effective 3/11/94
Legislative Committee Secretary	Patti McKee	Step 1 to Step 2 effective 3/11/94
Legislative Secretary	Jason Rensink	Step 1 to Step 2 effective 3/11/94
Legislative Committee Secretary	Barb Rogers	Step 1 to Step 2 effective 2/25/94
Legislative Secretary	Diane Schrage	Step 1 to Step 2 effective 3/11/94
Legislative Committee Secretary	Joanne Wengert	Step 3 to Step 4 effective 3/25/94
Legislative Secretary	Beverly Zieman	Step 1 to Step 2 effective 3/11/94

WALLY HORN, Chair

## STUDY BILLS RECEIVED

### SSB 2001 State Government

Relating to the regulation of pari-mutuel racetracks by reducing the required number of live racing days and providing an effective date.

**SSB 2002 State Government**

Repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date.

**SSB 2003 Commerce**

Relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date.

**SSB 2004 Agriculture**

Relating to grain dealer licenses, by providing for minimum financial requirements.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 139**

WAYS AND MEANS: Husak, Chair; Drake and Murphy

**Senate File 426**

WAYS AND MEANS: Rosenberg, Chair; Hedge and Riordan

**House File 474**

WAYS AND MEANS: Riordan, Chair; Dieleman and Hedge

**SSB 2001**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**SSB 2002**

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

**SSB 2003**

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten, Palmer and Varn

**SSB 2004**

AGRICULTURE: Priebe, Chair; Bartz, Riordan and Sorensen

**BILLS ASSIGNED TO COMMITTEE**

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

S.F.	2001	Local Government
S.F.	2002	Judiciary
S.F.	2003	State Government
S.F.	2004	State Government
S.F.	2005	Commerce
S.F.	2006	Small Business
S.F.	2007	Education
S.F.	2008	Judiciary
S.F.	2009	Human Resources
S.F.	2010	State Government
S.F.	2011	Natural Resources
H.F.	597	Environment & Energy Utilities

**PRESENTATION OF VISITOR**

Senator Jensen welcomed the Honorable Charles Grassley, United States Senator from Iowa, who was present in the Senate chamber.

## AFTERNOON SESSION

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

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 10, 1994, 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 of the two houses of the 1994 session of the Seventy-fifth General Assembly be held on Tuesday, January 11, 1994, at 11:00 a.m.

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

**House Concurrent Resolution 102**, a concurrent resolution relating to a joint convention of the two houses of the 1994 session of the Seventy-fifth General Assembly be held on Wednesday, January 12, 1994, at 1:30 p.m.

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

### ADOPTION OF RESOLUTION (Regular Calendar)

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

#### **House Concurrent Resolution 101**

On motion of Senator Horn, House Concurrent Resolution 101, a concurrent resolution relating to a joint convention of the two houses of the 1994 session of the Seventy-fifth General Assembly be held on Tuesday, January 11, 1994, at 11:00 a.m., was taken up for consideration.

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

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 101**, by Szymoniak, a concurrent resolution honoring Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on their fifteenth anniversary.

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

## INTRODUCTION OF BILL

**Senate File 2011**, by Bennett, a bill for an act relating to the disposal of undedicated lands and waters by the department of natural resources.

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

## ADOPTION OF RESOLUTION (Regular Calendar)

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

### **House Concurrent Resolution 102**

On motion of Senator Horn, House Concurrent Resolution 102, a concurrent resolution relating to a joint convention of the two houses of the 1994 session of the Seventy-fifth General Assembly be held on Wednesday, January 12, 1994, at 1:30 p.m., was taken up for consideration.

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

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:11 p.m., until 9:00 a.m., Tuesday, January 11, 1994.

# JOURNAL OF THE SENATE

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SECOND CALENDAR DAY  
SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 11, 1994

The Senate met in regular session at 9:05 a.m., President Boswell presiding.

Prayer was offered by the Honorable James Riordan, member of the Senate from Dallas County, Waukee, Iowa.

The Journal of Monday, January 10, 1994, was approved.

## INTRODUCTION OF BILL

Senate File 2012, by Sorensen, a bill for an act relating to establishing a seat belt requirement exemption for rural newspaper carriers.

Read first time and passed on file.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be immediately messaged to the House.

The Senate stood at ease at 9:10 a.m. until the fall of the gavel.

The Senate resumed session at 10:33 a.m., President Boswell presiding.

## COMMITTEE FROM THE HOUSE

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

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

The Senate resumed session President Boswell presiding.

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

### JOINT CONVENTION

The joint convention convened at 10:47 a.m., President Boswell presiding.

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

President Boswell declared a quorum present and the joint convention duly organized.

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

The motion prevailed by a voice vote and the President appointed as such committee Senators Fink, Buhr and Redfern, on the part of the Senate, and Representatives Carpenter, Kistler and Hansen, on the part of the House.

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

The joint convention resumed session, President Boswell presiding.

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

The following guests were escorted into the House Chamber:

Lieutenant Governor, Joy Corning; Attorney General, Bonnie Campbell; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture, Dale Cochran; State Auditor, Richard Johnson; Secretary of State, Elaine Baxter; Governor Brandstad's father and his wife, Edward and Enolia Branstad; Mrs. Branstad's parents, Dick and Clara Johnson; and Governor Branstad's wife, Chris; and his children, Marcus and Allison.

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

President Boswell then presented Governor Branstad who delivered the following condition of the state and budget address:

President Boswell, Speaker Van Maanen, Lt. Governor Corning, Chief Justice McGivern, Justices and Judges, other State Officials, Senators and Representatives, Distinguished guests, friends and family.

As I sat down to prepare this report on the State of the State, I couldn't get my mind off the defining event of the year just past -- the Flood of '93.

So, I looked to the Bible and turned to Genesis and the story of the great flood. And I was drawn to these words:

"Never again will I destroy all living things . . . As long as the world exists, there will be a time for planting and a time for harvest. There will always be cold and heat, summer and winter, day and night."

Well, in 1993, God's promise to Noah was sorely tested.

For in 1993, a flood of nearly Biblical proportions battered our state. It was a year of rising rivers, swollen lakes and flooded fields. It was a year of flooded basements, damaged bridges and broken levees. It was a year of tested character. But our spirit was never broken by the swirling waters.

Our forefathers and the natives of this land between two mighty rivers had never seen a flood like this one, a 500-year flood. Yet the response of lowans made it truly our state's finest hour.

Neighbors helped neighbors; communities cast aside historic rivalries and worked together; businesses, churches and organizations of all kinds pitched in to lend a hand where one was needed.

There are many, many heroes. How can we forget the Salvation Army, Red Cross, the National Guard, sandbaggers, state employees, local officials and thousands of unnamed lowans who were there when it counted.

How can we forget the farmers from Louisa County who saved more than 15,000 acres from flooding or the brigade of farmers from Eddyville, who while losing their own crops, brought their tractors and pumps to town to help save the homes of their friends and neighbors.

1993 is over, but it will never be forgotten. Some of our homeowners, businesses and farmers will bear permanent scars. Our work to help those in need and repair what the waters have eroded must and will go on.

Despite these ravages of nature, the flood of 1993 served to remind us of some valuable Iowa qualities:

In Iowa, government still works. All problems, even a 500-year flood, can be managed here. And in 1993, state and local governments did just that.

In Iowa, we must never lose a healthy respect for the force and the rhythms of nature. We can work with nature but we can never fully control it. Our closeness to the land gives us a sensitivity to the environment.

In Iowa, our decade-long dedication to economic development is starting to pay off. The high waters have not choked off our economic growth. A more diverse economic base is helping us weather this storm.

Consider, for example, that in 1993:

Iowa's unemployment rate was one of the lowest in the country.

The number of people working reached an all time high.

Housing permits exceeded the record level of 1992.

Iowa exports grew at twice the rate of national exports and are valued at nearly \$6 billion.

This didn't happen by accident or by a quirk of nature. It has taken planning, hard work, cooperation and a singular focus on economic development to make Iowa grow -- flood or no flood.

In the 1980's we faced adversity during the farm crisis and we used it as a springboard for strategic planning and for building a stronger and more diversified economy. But our job is not yet finished.

We need better jobs, with higher wages. There is much more work yet to be done to realize our full potential. I will not be satisfied until we make Iowa a national model for economic development.

We must now have the courage to set higher and even more ambitious goals in order to enter the 21st century with better wages and a stronger and more diverse economy.

We need to plan for the long-term. The year 2000 is only seven years away. I want us to meet the new century with the strongest Iowa in history. We must do the tough work now to guarantee a strong tomorrow. We must plant, to harvest.

My plan for the future will meet specific goals: First, by the year 2000 more than 300,000 new jobs will be created; second, our median household income will surpass \$40,000; and third, every county in this state will increase in population, with our total population reaching an all time high.

How will we do it? Here's an example: Last summer, Lennox was considering several locations for consolidating their operations. Not only did they keep their furnace plant in Marshalltown, they are adding 400 quality jobs. We won this plant in a highly competitive economy. We beat out Ohio and several Southern states; Iowa won.

Why? Our economic climate, our excellent schools, our better Iowa workers, competitive utility rates, and a can-do attitude by both state and local governments that were not afraid to really hustle for quality jobs! We need to repeat this kind of success in every county of our state by strengthening the businesses we have and bringing new businesses here.

That approach, a common sense, step-by-step effort that relies more on hard work than flashy rhetoric is the tool we will use to build the new Iowa economy for the new century. We must also work to protect the jobs we have.

Last fall, an economic disaster was brewing in Sioux City. The John Morrell plant was facing a shutdown, and 1,300 men and women were facing the terrifying prospect of losing their jobs. With the efforts of state and local government, the employees, and the company all coming together - teamwork saved those jobs. It wasn't easy, but it was sure worth it.

I have set difficult and challenging goals but they are achievable. I know we can do it. After all, this is Iowa.

We survived a drought, a national recession, an often insensitive federal government and even the mighty Mississippi River, and we have met every challenge. We can do it if we set our minds to it and stick to our plan. Good jobs with good wages: That must be our top goal.

Having worked on many diverse economic development projects over the years, I have reached the conclusion that the really good paying jobs in manufacturing come from massive capital investment in machinery and equipment. Today, Iowa is one of only a few states in the Midwest that penalizes that investment.

Governor Ray recognized this when he began the process of exempting machinery and equipment from property taxes in 1981.

We have already recognized the need for a complete exemption with Weyerhaeuser. We should now do the same for quality home-grown companies like Maytag and hundreds of smaller Iowa businesses, as well.

Will it make a difference? Let me share portions of a letter with you from the Chief Executive Officer of Maytag who is trying to decide whether to build a new washing machine plant here in Iowa or in Illinois:

"We are faced with stiff competition both at home and abroad. For this reason, the business climate in those states where our appliances are manufactured has assumed growing importance. A major factor that would improve Iowa's business climate would be the state's adoption of a full exemption from property taxation for all new machinery and equipment.

We believe that such action would contribute significantly to the state's economic growth by attracting new business and by encouraging companies like Maytag to expand their existing facilities."

Yes, it will make a difference for Maytag and it will make a difference for small Iowa businesses all over the state. Iowa's economy is good and getting better.

But if we are to achieve our full potential we must also:  
take advantage of the North American Free Trade Agreement by expanding our trade presence in Canada and Mexico;  
make a good labor force even better by setting up Workforce Development Centers;  
authorize special quality job enterprise zones for development projects paying good wages and making large investments;  
increase Iowa's share of the national livestock production market by investing in agricultural research and promoting Iowa meat exports.

In a few days, I will be traveling to Washington D.C. with several midwestern governors to testify in support of ethanol, a renewable fuel made from corn. Increased ethanol use can add \$1 billion to Iowa farmers' incomes while cleaning up the air in the nation's dirtiest cities. Last month, big oil companies and their Washington lobbyists fought hard to keep ethanol out of the new environmental rules. We are fighting back harder and the battle is not over. We will not back off until the full potential of ethanol is realized. It's good for Iowa's economy and it's good for America's environment.

Creating a more competitive climate for good wage jobs and investment; marketing and promoting our state; educating and retraining our labor force; adding value to agricultural products; and helping train local community leaders. That is our plan, that is our agenda. We must sustain an abiding commitment to that agenda if we are to reach our goals.

My hope is that by 1996, the year of our 150th birthday as a state, former Iowans in record numbers will be moving back home to the good jobs we have created for them.

Take for example the Rubber Development Company. During the last year, Vernon Gidley and his wife Cyndi, a native of Corwith, Iowa, moved their entire company to Waverly from San Jose, California. They are one of eight California companies that have recently chosen to move to Iowa due to our better business climate and quality workforce. Next year let's bring in even more.

Our plan to make Iowa better includes making Iowa's schools the best in world. Thanks to Iowa's historic commitment to quality education we don't have to play catch up, like so many other states, whose schools are in crisis.

In local schools all across Iowa, I have personally seen educational improvement: Iowa students have consistently improved test scores on the Iowa Test of Basic Skills and Iowa Test of Educational Development, and we continue to rank at the top of college entrance exams;

The number of students participating in Advanced Placement Program has doubled since 1988;

Recent 8th grade math tests show Iowa students, unlike those from other states, are competitive in mathematics with their peers in Asia.

But we can't rest on our laurels. Our children are locked into an international race for knowledge and skills. We need to equip them to win that race.

To do that, we need to follow a plan which will; provide Iowa students with an opportunity to pursue higher education and vocational training to be a part of a highly skilled and productive Iowa workforce; encourage and support community efforts to be innovative in education; provide school leaders funding, flexibility and fewer mandates.

I am recommending \$40.3 million more in state aid to public schools to achieve this plan. We should increase the funding for the Iowa Tuition Grant program and set up a new Iowa Community Scholarship program to make certain that Iowa students have access to quality higher education.

I am also recommending increased support for our Regent institutions and community colleges. I urge you to provide financing for a new wellness center for students at University of Northern Iowa. And, in remembrance of our late and beloved friend and colleague, I am suggesting the Board of Regents name that building the Harry Slife Wellness Center. That is the least we can do for a man who gave us, and all Iowans, so much.

We're building a better and more advanced fiber optic learning network than any state in America -- because we want Iowa to have the best schools anywhere in the world. In the global economy, if we can out-teach Europe and Japan, our kids will out-compete Europe and Japan.

Our work to make Iowa a better place to live would not be complete without a health care plan and strong efforts to crack down on crime. I offer both to you today.

The Iowa Health Care Reform Council has helped sketch out a plan we should adopt this year. This Iowa Plan makes health care more accessible to all Iowans, particularly those who are between jobs or who are suffering a serious illness. This Iowa Plan makes health insurance more affordable by increasing competition, managing care, reforming our liability insurance laws and cutting out unnecessary paperwork. This Iowa Plan improves the quality of health care for Iowans by setting accountability standards for health care and emphasizing prevention not just treatment.

But it is also important to note what this Iowa Plan does not do. It does not set up a whole new state bureaucracy. It does not drive doctors and hospitals out of rural areas; in fact, it creates an incentive for doctors to locate in rural areas. And it does not impose new job-killing taxes on small businesses. In short, it is not a plan from Washington, but a plan for Iowa. We should adopt it this year to keep the feds from dictating our health care system. We can do it better here in Iowa.

Not only do Iowa families have the right to health care, they deserve to be safe. Crime will not poison Iowa; to those who say crime is too tough a problem

to handle, I say we are tougher. We need hard time for violent crime and no easy parole. A new 750 bed prison in Clarinda will help us do that.

For juvenile offenders, we need more parental accountability and boot camps with effective follow-up: A tough love punishment that stings-so young people who are toying with a criminal lifestyle can learn appropriate discipline to help them straighten out their lives. We need tough laws to keep guns out of juveniles' hands and out of our schools.

I am committed to strong and effective juvenile laws that hold juveniles who commit crimes accountable for their acts. We have developed a well-balanced juvenile program that includes prevention, treatment, and enforcement, and I urge you to adopt it this year. And for the worst murdering criminals, we need a death penalty -- because thugs who live by terror only understand fear.

We need tougher penalties for child abusers and a recognition of the needs of children. Iowa's children and families are the heart and soul of this great state. What happens within families ultimately determines our well-being, our productivity, our social needs, our economy. This past week I signed a proclamation declaring 1994 "The Year of the Family" and have asked Lt. Governor Joy Corning to lead our efforts to strengthen and preserve Iowa families.

Finally, our state's remarkable comeback from the flood is matched by the dramatic turnaround in our state's finances. There is no question that, despite the flood and the financial demands put on our state government today, our budget is back on track. With your help, we have put in place budget reforms that will allow us to pursue the aggressive agenda that I have presented to you today with no new taxes.

In fact, thanks to federal deductibility and the new tax credit I am proposing for taxpayers over 65, next year many Iowans will get a state income tax reduction.

Consider, for example:

For the last three years in a row we have spent less than we have collected in the state's coffers.

We have reduced the state payroll by 10.4% since 1991, saving every Iowa family over \$70 each year.

The number of state agency supervisors was cut by over 16% in the last three years.

Annual Medicaid costs increases, which are out of control for most states, have been reduced from 20% to less than 2%.

Iowans are getting what they deserve -- a government that is careful with their tax dollar and spends it only on what is needed. But we cannot grow faint-hearted in our fiscal reform efforts. To reach our goal as the best managed state in the country we need to keep spending under control, hold the line on taxes, pass the Taxpayers Rights Amendment, and adopt more reforms to give Iowans more for their dollar.

I am recommending that we:

sunset programs and budget on a biennial basis,  
eliminate unnecessary mandates on local governments,  
implement managed care to reduce the burden of mental health costs on property taxpayers,

extend the property tax freeze, which in its first year alone, saved lowans over \$28 million. It should be retained.

The Great Flood of '93 battered our state but it did not break it. The Great Recovery of '93 and '94 continues unabated, and with our help, our work and our prayers it will lift Iowa to new heights.

We have downsized state government and upsized the Iowa economy. We can and must do more. We have created the best education system in the nation, but now our challenge is the world. We have a health care system that is envied by many, but now we must do better. We have some of the safest streets and communities, but one senseless murder is one too many. We have a good state here in Iowa, doing good things. I want to make it better; I want to make it great.

If the flood of the past year taught us but one lesson, it is this: No one can do it alone. Iowa needs farmers and families, businesses and laborers, citizens and public officials, all working together to make this state great.

I know that this is a political year. And the temptation will be strong for some to put politics and personal gain above the good of the state. We must resist that temptation. The land, the history, the people of Iowa call us to higher aspirations, to do great things as we prepare this state to enter the 21st century. And we will not let them down.

Let us remember, that just as the rainbow takes shape in a storm-ridden sky, many rewards are in store for those who never lose the faith. With God's help, we will never have a flood like that of 1993 again in our lifetime. So now is the time to sow so we can reap; work so we will be rewarded; join together so our state can realize its full potential.

In the wise words of Daniel Webster, "Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may perform something worthy to be remembered."

With your help we can and we will make Iowa a truly great state.

Thank you, and God bless you.

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

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

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

### INTRODUCTION OF BILL

**Senate File 2013**, by committee on State Government, a bill for an act repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date.

Read first time and placed on calendar.

### RECESS

On motion of Senator Husak, the Senate recessed at 11:50 a.m., until 4:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** January 10, 1994, 3:01 p.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Fuhrman, Ranking Member; Buhr, Connolly, Giannetto, Maddox, Murphy and Redfern.

**Members Absent:** Taylor (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:09 p.m.

#### HUMAN RESOURCES

**Convened:** January 10, 1994, 2:38 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Riordan and Rittmer.

**Members Absent:** Sturgeon and Varn (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:42 p.m.

#### LOCAL GOVERNMENT

**Convened:** January 10, 1994, 2:02 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Rittmer, Vilsack and Ziemann.

**Members Absent:** Priebe (excused) and Szymoniak.

**Committee Business:** Organizational meeting.

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

#### STATE GOVERNMENT

**Convened:** January 10, 1994, 3:37 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Sorensen and Welsh.

**Members Absent:** Priebe (excused).

**Committee Business:** Approved SSB 2002 as a committee bill.

**Adjourned:** 3:49 p.m.

## WAYS AND MEANS

**Convened:** January 10, 1994, 1:36 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rosenberg and Szymoniak.

**Members Absent:** Fuhman and Riordan.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 1:47 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### Senate Concurrent Resoution 36

**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM:** Riordan, Chair; Vilsack and Zieman

### Senate File 2006

**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM:** Vilsack, Chair; Bartz and Bisignano

### House File 170 (Reassigned)

**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM:** Riordan, Chair; Vilsack and Zieman

**STUDY BILLS RECEIVED****SSB 2005 Human Resources**

Relating to restrictions on the use of tobacco products in public places and providing penalties.

**SSB 2006 Human Resources**

Providing for licensing of athletic trainers, imposing fees, and making penalties applicable.

**SSB 2007 Human Resources**

Relating to child endangerment and establishing penalties.

**SSB 2008 Human Resources**

Relating to access to and the use of child or dependent adult abuse information and the access to the use of criminal records in evaluating licensure and regulation of certain programs and facilities and their personnel.

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 2016 (SSB 2004), a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Riordan, Bartz, Fraise, Hedge, Hester, Husak, Judge, Sorensen and Zieman. Nays, none. Absent or not voting, 6: Priebe, Banks, Boswell, Giannetto, McLaren and Palmer.

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

**STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2013 (SSB 2002), a bill for an act repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Lind, McKean, McLaren, Pate and Sorensen. Nays, none. Absent or not voting, 3: Kramer, Priebe and Welsh.

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

## AFTERNOON SESSION

The Senate reconvened at 4:01 p.m., Senator Kersten presiding.

### INTRODUCTION OF BILLS

**Senate File 2014**, by Kersten, a bill for an act relating to sanitary landfill leachate control systems and requiring a study.

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

**Senate File 2015**, by Kersten, a bill for an act relating to sanitary landfill scales and including a retroactive applicability provision.

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

**Senate File 2016**, by committee on Agriculture, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements.

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

**Senate File 2017**, by Bisignano, a bill for an act authorizing the department of economic development to assist in the establishment of quality jobs enterprise zones, establishing a quality jobs enterprise zone and providing certain tax incentives, and providing an effective date.

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

**Senate File 2018**, by Riordan and Bartz, a bill for an act relating to insurance coverage for certain services provided by a licensed physician assistant.

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

### QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

**BILLS ASSIGNED TO COMMITTEE**

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

S. C.R.	101	Rules & Administration
S.F.	2012	Transportation
S.F.	2014	Environment & Energy Utilities
S.F.	2015	Environment & Energy Utilities
S.F.	2017	Small Business
S.F.	2018	Commerce

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:07 p.m., until 9:00 a.m., Wednesday, January 12, 1994.

# JOURNAL OF THE SENATE

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THIRD CALENDAR DAY  
THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 12, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Craig Palmer, pastor of the Union Park Presbyterian Church, Des Moines, Iowa.

The Journal of Tuesday, January 11, 1994, was approved.

## INTRODUCTION OF BILLS

**Senate File 2019**, by Maddox, Szymoniak, Tinsman, and Riordan, a bill for an act relating to procedures for correction or expungement of child abuse information.

Read first time and passed on file.

**Senate File 2020**, by Deluhery, a bill for an act relating to charges for the provision of certain medical records and making penalties applicable.

Read first time and passed on file.

## QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2016.

## Senate File 2016

On motion of Senator Priebe, Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, was taken up for consideration.

Senator Priebe offered amendment S—5001 filed by him from the floor to page 2 and the title page of the bill and moved its adoption.

Amendment S—5001 was adopted by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McLaren and Kramer until they arrive on request of Senator Rife.

## BUSINESS PENDING

## Senate File 2016

The Senate resumed consideration of Senate File 2016.

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

On the question "Shall the bill pass?" (S.F. 2016) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Fuhrman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Dieleman

Kramer

Murphy

Welsh

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

Senator Horn asked and received unanimous consent that **Senate File 2016** be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 9:30 a.m., until 1:15 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** January 11, 1994, 8:00 a.m.

**Members Present:** Riordan, Vice Chair; Bartz, Ranking Member; Fraise, Hedge, Hester, Husak, Judge, Sorensen and Zieman.

**Members Absent:** Priebe, Chair; Banks, Boswell, Giannetto, McLaren and Palmer (all excused).

**Committee Business:** Approved SSB 2004 as a committee bill.

**Adjourned:** 8:13 a.m.

#### EDUCATION

**Convened:** January 11, 1994, 1:35 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Tinsman, Varn and Vilsack.

**Members Absent:** Taylor (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:02 p.m.

#### ENVIRONMENT AND ENERGY UTILITIES

**Convened:** January 11, 1994, 2:10 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Fink, Gronstal, Hedge, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Discussed EPA primacy requirements.

**Adjourned:** 2:25 p.m.

**JUDICIARY**

**Convened:** January 11, 1994, 3:34 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Fuhrman, Giannetto, Pate, Redfern, Szymoniak, Vilsack and Welsh.

**Members Absent:** Lloyd-Jones and Taylor (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:42 p.m.

**NATURAL RESOURCES**

**Convened:** January 11, 1994, 3:05 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Judge, Kibbie, McKean, Rensink, Riordan and Sturgeon.

**Members Absent:** Priebe (excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:13 p.m.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 61**  
(Reassigned)

**HUMAN RESOURCES:** Szymoniak, Chair; Riordan and Tinsman

**Senate File 2009**

**HUMAN RESOURCES:** Lloyd-Jones, Chair; Buhr and Rittmer

**House File 597**

**ENVIRONMENT & ENERGY UTILITIES:** Rosenberg, Chair; Banks and Deluhery

**SSB 2005**

**HUMAN RESOURCES:** Riordan, Chair; Lloyd-Jones and Tinsman

**SSB 2006**

HUMAN RESOURCES: Sturgeon, Chair

**SSB 2007**

HUMAN RESOURCES: Sturgeon, Chair; Lloyd-Jones and Varn

**SSB 2008**

HUMAN RESOURCES: Kramer, Chair; Judge and Rittmer

**AMENDMENT FILED**

S-5001      S.F.      2016      Berl E. Priebe

## AFTERNOON SESSION

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

## COMMITTEE FROM THE HOUSE

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

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

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 1:21 p.m., President Boswell presiding.

Senator Horn 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 Boswell declared a quorum present and the joint convention duly organized.

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

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Vilsack, Giannetto and Kersten, on the part of the Senate, and Representatives Beaman, Royer and Brand, on the part of the House.

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

The motion prevailed by a voice vote and the Chair appointed as such committee Senators Sturgeon, Lloyd-Jones and Fuhrman, on the part of the Senate, and Representatives McNeal, Vande Hoef and Moreland, on the part of the House.

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

The joint convention resumed session, President Boswell presiding.

The following guests were escorted into the House chamber:

Ed McGiverin, cousin of the Chief Justice; Secretary of State, Elaine Baxter; Treasurer of State, Michael Fitzgerald; State Auditor, Richard Johnson; Attorney General, Bonnie Campbell; Secretary of Agriculture, Dale Cochran; and Lieutenant Governor Joy Corning.

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

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

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

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

MR. PRESIDENT, MR. SPEAKER, GOVERNOR, SENATORS, REPRESENTATIVES, STATE OFFICIALS, JUSTICES, JUDGES, MY FELLOW IOWANS:

WE WARMLY THANK THE LEGISLATURE FOR THE OPPORTUNITY TO SPEAK HERE TODAY. OUR ANNUAL REPORT IS OUR BEST OPPORTUNITY FOR PROMOTING UNDERSTANDING ABOUT THE JUDICIAL BRANCH AND IMPROVING THE COMMUNICATION AND COOPERATION BETWEEN THE LEGISLATURE AND THE JUDICIARY.

LET ME BEGIN BY ACKNOWLEDGING SOME OF THE PEOPLE PRESENT. WE HAVE WITH US OUR NEWEST MEMBER OF THE SUPREME COURT, JUSTICE MARSHA TERNUS. ALSO PRESENT IS THE JUDICIAL COUNCIL COMPOSED OF THE CHIEF JUDGE OF EACH JUDICIAL DISTRICT, AND REPRESENTATIVES OF IOWA'S ATTORNEY ORGANIZATIONS.

LAST YEAR, I ASKED YOU TO BECOME ACQUAINTED WITH THE COURTS BY VISITING YOUR LOCAL JUDGES, JUVENILE COURT OFFICERS, CLERKS AND OTHER COURT PERSONNEL. I HOPE YOU WERE ABLE TO DO THAT. IOWANS WILL BE BETTER SERVED WHENEVER THOSE

OF US WHO SERVE IN ANY BRANCH OF GOVERNMENT REACH A BETTER UNDERSTANDING OF THE OTHER TWO.

YOU MAY RECALL THAT MY ADDRESS TO YOU A YEAR AGO WAS A SOMBER ONE. THE JUDICIAL BRANCH HAD REACHED THE POINT WHERE BUDGET CUTS AND RISING CASE LOADS THREATENED ITS ABILITY TO SAFEGUARD THE RIGHTS OF IOWANS. BY MY REMARKS, I DID NOT INTEND TO CONVEY THAT IT WAS MY DESIRE, OR THE DESIRE OF THE COURT, TO CLOSE ANY LOCAL COURT OFFICES. MY PURPOSE WAS SIMPLY TO INFORM YOU OF THE SERIOUS PROBLEMS CONFRONTING THE JUDICIAL BRANCH AND TO SUGGEST THAT WE EXPLORE ALTERNATIVE DELIVERY OF SERVICES IF FUNDING SHORTAGES WERE TO CONTINUE.

YOU AND THE GOVERNOR DESERVE THANKS FOR RESPONDING TO OUR CONCERNS. THOUGH NOT THE FULL AMOUNT WE REQUESTED, THE APPROPRIATION WE RECEIVED FOR THIS FISCAL YEAR WAS ENOUGH TO RESTORE MOST OF THE CUTS MADE IN PREVIOUS YEARS. IT WAS ENOUGH TO MAINTAIN REASONABLY ACCESSIBLE COURT SERVICES IN ALL NINETY-NINE COUNTIES.

WE HAVE BEEN BUSY. ALL JUDGES, CLERKS OF COURTS, JUVENILE COURT OFFICERS AND OTHER COURT STAFF HAVE BEEN DOING SUPERIOR WORK TRYING TO KEEP UP WITH THE LOAD. WE ARE VERY PROUD OF THEM.

ONE OF THE WAYS YOU HAVE ASSISTED US WITH AT LEAST PARTIALLY COPING WITH THE CASE LOAD IS THE SENIOR JUDGE PROGRAM. I AM PLEASED TO REPORT THAT SENIOR JUDGES ARE WORKING BEYOND THEIR OBLIGATIONS AND BEYOND OUR EXPECTATIONS. WITHOUT THIS PROGRAM THERE IS NO DOUBT THAT OUR COURTS WOULD BE FURTHER BEHIND.

MEANWHILE, THE PUBLIC'S DEMAND FOR COURT SERVICES HAS CONTINUED TO GROW. THE CASE LOAD IS THE STRONGEST INDICATION WE HAVE OF THE PUBLIC'S DEMANDS ON THE COURTS AND CASES ARE CONTINUING TO COME INTO THE COURTS AT AN EVER INCREASING AND RECORD PACE.

THE GROWTH IN THE CRIMINAL CASE LOAD IS DOWNRIGHT STAGGERING. BETWEEN 1987 AND 1992, THE CRIMINAL CASE LOAD EXPERIENCED UNPRECEDENTED GROWTH. DURING THIS PERIOD, THE NUMBER OF CRIMINAL FILINGS INCREASED 60%. THE TREND CONTINUES; IN 1993 THE NUMBER OF FILINGS ROSE APPROXIMATELY 4%.

THIS EXPLOSION IN CRIMINAL CASES REFLECTS A NATIONAL TREND. ACCORDING TO THE NATIONAL CENTER FOR STATE COURTS, FELONY FILINGS INCREASED SUBSTANTIALLY THROUGHOUT THE COUNTRY DURING THE SAME PERIOD.

THE NATIONAL CENTER PREDICTS NO LET UP. EVEN MORE FELONY CASES LOOM IN THE FUTURE. WE PROJECT THAT THE NUMBER OF CRIMINAL FILINGS IN IOWA WILL GROW AN ADDITIONAL 49% BY THE END OF THIS CENTURY.

THE JUVENILE CASE LOAD IS JUST AS GRIM. FROM 1987 THROUGH 1992, THE NUMBER OF JUVENILE CASES FILED JUMPED 28%. JUVENILE CASE FILINGS INCREASED ANOTHER 9% IN 1993 AND WE PROJECT A GROWTH OF 29% BY THE YEAR 2000.

LAST YEAR, A LEGISLATOR ASKED ME WHY WE HAVE HAD SUCH AN INCREASE IN JUVENILE AND CRIMINAL CASES. I FRANKLY DID NOT HAVE A GOOD ANSWER TO THAT QUESTION AT THE TIME. LATER, I FOUND AN ARTICLE BY A UNITED STATES PROSECUTING ATTORNEY THAT CAST SOME LIGHT ON THE MATTER BY COMPARING THE RESULTS OF TWO GALLUP POLLS - ONE IN THE 1940s AND ONE IN THE 1980s. THEY DEMONSTRATE DRAMATICALLY HOW JUVENILE BEHAVIOR IN OUR SOCIETY HAS CHANGED.

IN THE 1940s, ACCORDING TO THE EDUCATORS WHO WERE ASKED, AMONG THE MOST PRESSING DISCIPLINE PROBLEMS IN THE PUBLIC SCHOOLS WERE:

1. TALKING
2. CHEWING GUM
3. MAKING NOISE
4. RUNNING IN THE HALLS, AND
5. GETTING OUT OF TURN IN LINE.

IN THE 1980s, SOME OF THE BIGGEST PROBLEMS WERE:

1. DRUG ABUSE
2. ALCOHOL ABUSE
3. PREGNANCY
4. SUICIDE, AND
5. RAPE.

THE INCREASE IN JUVENILE FILINGS IS PARTICULARLY DISTURBING BECAUSE, SADLY, MANY OF THE CHILDREN NOW INVOLVED IN THE JUVENILE COURT SYSTEM WILL BE BACK IN THE COURTS IN THE FUTURE AS ADULT CRIMINAL DEFENDANTS.

OUR COURTS HAVE ALSO EXPERIENCED A RELENTLESS INCREASE IN CIVIL FILINGS SINCE THE LATE 1980s. BETWEEN 1987 AND 1992, THE NUMBER OF CIVIL FILINGS INCREASED 28%. LAST YEAR, THE NUMBER OF CIVIL CASES ROSE SHARPLY, UP 9%. WE PREDICT THAT CIVIL CASES WILL INCREASE ANOTHER 29% BY THE YEAR 2000.

ONE REASON FOR THE SHARP JUMP IN THE CIVIL CASE LOAD IS THE SURGE IN DOMESTIC ABUSE CASES.

IN 1990, THE FIRST YEAR WE BEGAN TO COLLECT STATISTICS ON THESE TYPES OF CASES, THERE WERE 188 DOMESTIC ABUSE PETITIONS FILED. IN 1993, MORE THAN 2600 DOMESTIC ABUSE PETITIONS WERE FILED IN THE COURTS. DOMESTIC FILINGS ARE INCREASING MORE RAPIDLY THAN ANY OTHER.

DOMESTIC ABUSE CAN BE EXPECTED TO HAVE A PROFOUND RIPPLING EFFECT. PHYSICAL ABUSE WITHIN FAMILIES IS GENERALLY PASSED ON TO SUCCEEDING GENERATIONS. CHILDREN WHO WITNESS ABUSE ARE MORE LIKELY TO ATTEMPT SUICIDE, ABUSE DRUGS, RUN AWAY FROM HOME, COMMIT ASSAULT, AND ENGAGE IN OTHER DELINQUENT BEHAVIOR. IT STANDS TO REASON THAT CHILDREN VICTIMIZED BY DOMESTIC ABUSE ARE LIKELY TO END UP IN JUVENILE COURT OR, FURTHER DOWN THE ROAD WHEN THEY ARE ADULTS, IN CRIMINAL COURT.

IOWA HAS PROGRESSIVE CIVIL AND CRIMINAL STATUTES GOVERNING DOMESTIC ABUSE. TRADITIONAL LEGAL PROCEDURES, HOWEVER, HAVE NOT BEEN SUFFICIENT TO DEAL WITH THE SPECIAL PROBLEMS PRESENTED BY THIS CRIME. WE SEE DOMESTIC ABUSE AS

A STATEWIDE CRISIS AND HAVE ATTEMPTED TO RESPOND ACCORDINGLY. THE SUPREME COURT HAS, THEREFORE, TAKEN STEPS TO DEVELOP SPECIALIZED RESPONSES AND PROCEDURES TO IMPROVE ACCESS BY VICTIMS, TO ASSIST WITH THE PROCESSING OF THESE CASES, TO PROVIDE MORE EDUCATION TO ALL PARTICIPANTS, AND TO TRY TO CHANGE ATTITUDES.

AMONG OTHER THINGS, THE COURT HAS:

- ESTABLISHED A TASK FORCE ON DOMESTIC VIOLENCE TO MAKE RECOMMENDATIONS FOR IMPROVING JUDICIAL ACCESS AND TREATMENT OF DOMESTIC ABUSE CASES AND TO PROPOSE POSSIBLE STATUTORY REFORMS, AND
- ADOPTED A COURT RULE INTENDED TO PROVIDE GUIDANCE TO DOMESTIC ABUSE VICTIM ADVOCATES CONCERNING THEIR ROLE IN ASSISTING VICTIMS WITH COURT PROCEEDINGS.

WE ARE ALSO WORKING WITH THE IOWA STATE BAR ASSOCIATION AND THE JUDICIAL COUNCIL TO RECRUIT LAWYERS TO SERVE DOMESTIC ABUSE CASES ON A VOLUNTEER BASIS.

WE CANNOT IGNORE THE OBVIOUS. OUR COURTS ARE SWAMPED AND IN DANGER OF SINKING. UNLESS WE CAN MEET THE DEMANDS OF THE CRIMINAL CASE LOAD, IT WILL BE DIFFICULT TO AVOID DELAYS IN OTHER MATTERS, ALL OF WHICH ARE IMPORTANT TO SOME IOWANS. THE CIVIL CASE LOAD IS ESPECIALLY AT RISK. JUSTICE DELAYED IS ALWAYS THOUGHT TO BE JUSTICE DENIED. NOWHERE IS THIS MORE TRUE THAN IN DOMESTIC CASES. BEAR IN MIND THAT OVER 47% OF OUR CIVIL CASE LOAD INVOLVES DOMESTIC RELATIONS CASES. THINK OF THE SERIOUS CONSEQUENCES WHEN A CHILD CUSTODY BATTLE GOES UNRESOLVED, OR A DOMESTIC ABUSE HEARING IS DELAYED BECAUSE THE COURTS ARE TIED UP WITH CRIMINAL CASES.

WHAT SHOULD WE DO?

FIRST OF ALL, OF COURSE, WE MUST CONTINUE TO OPERATE AS EFFICIENTLY AS POSSIBLE AND CHANNEL AVAILABLE RESOURCES TO MEET OUR MOST PRESSING NEEDS.

LAST SUMMER, THE SUPREME COURT REALLOCATED CLERK OF DISTRICT COURT STAFF FROM RURAL COUNTIES TO SOME OF OUR BUSIEST OFFICES WITH SEVERE BACKLOGS. THIS STEP TOOK SOME OF THE PRESSURE OFF THOSE OPERATIONS. WE ARE IN THE PROCESS OF REVIEWING THE STAFFING FORMULA OF OUR CLERK OF COURT OFFICES TO HELP US DETERMINE WHERE THE NEED FOR ADDITIONAL PERSONNEL IS MOST CRUCIAL.

OVER THE YEARS, THE SUPREME COURT HAS IMPLEMENTED EVERY AVAILABLE POLICY AND PROCEDURE IN AN EFFORT TO HOLD DOWN COURT COSTS. OUR PROJECT TO COMPUTERIZE THE COURT SYSTEM IS ONE OF THE MOST SIGNIFICANT STEPS WE HAVE TAKEN TO OPERATE MORE EFFICIENTLY. WE NOW HAVE COMPUTERS OPERATING IN 28 COUNTIES.

AUTOMATION IS AN ABSOLUTELY CRUCIAL FACTOR IN OUR ABILITY TO MANAGE THE FLOOD OF CASES COMING INTO THE COURTS. THE SYSTEM WILL EVENTUALLY BENEFIT THE OTHER BRANCHES OF GOVERNMENT BY PROVIDING THEM WITH MORE DETAILED INFORMATION ON CASES. SPECIFICALLY, WE ASK THAT YOU PROVIDE THE FUNDING TO ADD COMPUTER SYSTEMS TO 12 MORE COUNTIES NEXT YEAR.

ONE OF THE SIDE BENEFITS OF OUR COMPUTER SYSTEM IS ITS ABILITY TO TRACK OUTSTANDING COURT FINES AND FEES. FOR EXAMPLE, IN POTTAWATTAMIE COUNTY THE CLERK OF COURT, SARAH TAMMS, HAS MADE AN EXTRA EFFORT TO IMPROVE COLLECTIONS OF DELINQUENT FINES BY SENDING OUT COMPUTER GENERATED NOTICES. HER HARD WORK HAS PAID OFF. SINCE SARAH STARTED THIS PROCEDURE, HER OFFICE HAS COLLECTED MORE THAN \$200,454.40.

SECOND, NEXT ONLY TO EFFICIENCY IS THE NEED FOR TOOLS TO ACCOMPLISH THE TASK. THE MOST IMMEDIATE NEEDS OF THE JUDICIAL BRANCH ARE CONTAINED IN OUR BUDGET REQUEST AND LEGISLATIVE PROGRAM. WE HAVE ALREADY SUBMITTED THEM TO YOU.

WE URGENTLY NEED MORE JUVENILE COURT STAFF TO SUPERVISE THE INCREASING NUMBER OF CHILDREN INVOLVED IN THE JUVENILE COURT SYSTEM. WE HAVE A CRITICAL NEED FOR MORE JUDGES. OF COURSE, OUR OPERATIONAL BUDGET REQUEST IS BASED UPON THE RESOURCES NEEDED FOR THE PROGRAMS AND SERVICES WE CURRENTLY PROVIDE.

THIRD, WE NEED YOUR HELP IN THE ASSIGNMENT OF TASKS. MANY FACTORS AFFECT THE DEMANDS PLACED ON THE JUDICIAL BRANCH. AS I STATED TO YOU LAST YEAR:

MANY OF THE COURT'S DUTIES ARE, OF COURSE, MANDATED BY THE LEGISLATIVE BRANCH. WHEN EXPANDING ON OUR RESPONSIBILITIES, YOU SHOULD CAREFULLY CONSIDER THE IMPACT YOUR ACTIONS HAVE ON THE COURT SYSTEM.

I AM AWARE THAT ONE OF THE BIGGEST CONCERNS OF THE PUBLIC IS CRIME. WE CERTAINLY SHARE THIS CONCERN. IN RESPONSE TO THE PROBLEM AND THE OTHER ISSUES YOU WILL BE DEALING WITH, WE CANNOT INVEST ALL THE STATE'S AVAILABLE RESOURCES IN ONE AREA TO THE EXCLUSION OF OTHERS. THERE ARE MANY COMPONENTS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEM, ALL OF WHICH MUST BE KEPT FUNCTIONING. IF ONE BREAKS DOWN, THE EFFECTIVENESS OF THE ENTIRE SYSTEM SUFFERS.

I ASK THAT YOU APPROACH THESE ISSUES IN A COMPREHENSIVE FASHION AND ALLOCATE NEW RESOURCES APPROPRIATELY TO ALL GROUPS. DO NOT NEGLECT THE COURTS WHERE, AFTER ALL, THE CASES ARE TRIED. IMPROVEMENT WON'T HAPPEN OVERNIGHT BUT IMPROVEMENTS ON ALL LEVELS OF THE JUSTICE SYSTEM WILL SERVE US BETTER IN THE LONG RUN.

IF YOU ARE GOING TO MANDATE NEW RESPONSIBILITIES SUCH AS MORE INTENSIVE TRACKING AND SUPERVISION OF DELINQUENT YOUTHS OR THE PROCESSING OF MORE DATA BY OUR CLERK OF COURT OFFICES, WE WILL NEED MORE STAFF AND EQUIPMENT TO GET THE JOB DONE.

IF YOU ARE GOING TO CREATE NEW CRIMES OR EXPAND CURRENT LAWS, WE WILL LIKewise NEED CORRESPONDING RESOURCES.

WE LOOK FORWARD TO WORKING WITH YOU IN DEVELOPING REALISTIC AND EFFECTIVE SOLUTIONS TO THESE PROBLEMS.

WE ALSO NEED TO MAINTAIN THE HIGH QUALITY OF OUR JUDICIARY AND COURT STAFF. WE ENDORSE THE RECOMMENDATIONS OF YOUR LEGISLATIVE COMMISSION ON JUDICIAL COMPENSATION. WE HAVE GOOD JUDGES AND WE DESIRE TO CONTINUE THE HIGH CALIBER OF THE PERSONS APPLYING FOR AND BEING APPOINTED TO THE JUDICIARY. ACCORDINGLY, WE NEED ADEQUATE COMPENSATION FOR OUR PEOPLE. JUSTICE IS A POOR PLACE TO SKIMP.

AS WE LOOK TO THE FUTURE, WE MUST ANTICIPATE, AS BEST WE CAN, THE MOST PRESSING PROBLEMS AND SEEK TO ELIMINATE THEM. THE SUPREME COURT RECENTLY RESUMED ITS LONG RANGE PLANNING PROCESS. A SUBCOMMITTEE OF THE COURT, CHAIRED BY JUSTICE LINDA NEUMAN, IS IN THE PROCESS OF CREATING A FUTURES TASK FORCE.

MANY STATES HAVE ESTABLISHED SIMILAR EFFORTS. SOME HAVE ALREADY COME BACK WITH RECOMMENDATIONS TO MEET FUTURE DEMANDS. OUR TASK FORCE WILL HAVE A MORE DIFFICULT TIME IN ONE SENSE BECAUSE, THANKS IN LARGE PART TO YOUR VISION, IOWA ALREADY HAS UNDERTAKEN MANY OF THE PROGRESSIVE CHANGES THAT OTHER STATE COURTS CAN ONLY DREAM OF. THE ANTICIPATION OF CONTINUED FUNDING CONSTRAINTS AND INCREASED CASE LOADS MAKE PLANNING FOR THE FUTURE EVEN MORE CRITICAL.

THE IOWA COURT OF APPEALS IS ONE OF THE BEST EXAMPLES OF HOW THE THREE BRANCHES OF GOVERNMENT HAVE WORKED TOGETHER IN THE PAST TO PLAN FOR THE FUTURE. THE IOWA COURT OF APPEALS WAS ESTABLISHED IN 1976 TO TAKE SOME OF THE PRESSURE OFF THE IOWA SUPREME COURT, WHICH WAS INUNDATED WITH APPEALS. SEVENTEEN YEARS LATER, THE IOWA COURT OF APPEALS REMAINS A VALUABLE ASSET TO THE PEOPLE OF IOWA.

THE IOWA COURT OF APPEALS CARRIES AN UNUSUALLY HEAVY CASE LOAD. THE SIX-MEMBER COURT DISPOSED OF 663 CASES IN 1993, OR OVER 110 CASES PER JUDGE. IT DECIDES SOME OF THE MOST DIFFICULT AND EMOTIONAL LEGAL ISSUES. MORE THAN HALF OF THE COURT'S CIVIL CASES INVOLVE DOMESTIC RELATIONS, INCLUDING: DISSOLUTIONS OF MARRIAGE AND MODIFICATIONS, CHILD CUSTODY AND SUPPORT, CHILD PLACEMENT, CHILD IN NEED OF ASSISTANCE PROCEEDINGS, CHILD ABUSE AND NEGLECT, DOMESTIC ABUSE, AND TERMINATION OF PARENTAL RIGHTS. THESE ARE GRAVE MATTERS THAT HAVE AN ENORMOUS IMPACT ON THE LIVES OF CHILDREN AND ADULTS.

SINCE THE COURT OF APPEALS WAS ESTABLISHED IN 1976, IT HAS DISPOSED OF 9,496 APPELLATE CASES. WE RARELY DISTURB COURT OF APPEALS DECISIONS. IN 96% OF THEIR CASES, THE DECISION OF THE COURT OF APPEALS IS THE FINAL WORD.

I AM SORRY TO REPORT THAT SOON WE WILL BE LOSING TWO VALUABLE MEMBERS OF THAT COURT. CHIEF JUDGE LEO OXBERGER PLANS TO RETIRE AS OF MARCH 1. JUDGE OXBERGER IS ONE OF THE ORIGINAL MEMBERS OF THE COURT OF APPEALS. THE TERM OF JUDGE DICK SCHLEGEL ALSO ENDS IN MARCH. JUDGE SCHLEGEL JOINED THE COURT IN 1982. I WANT TO PAY SPECIAL TRIBUTE TO THEM AND THE OTHER MEMBERS OF THE IOWA COURT OF APPEALS FOR THEIR FINE SERVICE TO THE PEOPLE OF IOWA.

WE ALSO CONTINUE TO STRIVE TO ACHIEVE EQUALITY IN THE COURTS FOR ALL PERSONS. WE ARE RECOMMENDING TO YOU IN OUR BUDGET REQUEST SEVERAL IDEAS THE COURT HAS ADOPTED, MOST OF WHICH WERE INITIALLY RECOMMENDED BY THE EQUALITY IN THE COURTS TASK FORCE WHICH YOU FUNDED. I ASK ALL OF YOU TO MAKE A SPECIAL EFFORT TO EXAMINE THESE PROPOSALS. IOWA HAS A REMARKABLE HISTORY IN MATTERS OF INDIVIDUAL LIBERTIES. WE URGE YOU TO CONTINUE THAT HISTORY BY ASSURING ALL PEOPLE A LEVEL PLAYING FIELD IN YOUR COURT SYSTEM.

THERE IS MORE I COULD TELL YOU ABOUT OUR VERY BUSY COURT SYSTEM. BUT THAT WILL COME OUT DURING THE BUDGET HEARINGS TO BE HELD SOON. MY PURPOSE HERE TODAY HAS BEEN TO GIVE YOU AN OVERVIEW OF OUR CONCERNS AND TO PROPOSE SOME SOLUTIONS.

IOWANS EXPECT AND DESERVE THE HIGHEST LEVEL OF JUDICIAL SERVICE. WITH YOUR HELP, WE WILL CONTINUE OUR COMMITMENT TO DELIVER THE QUALITY OF JUDICIAL SERVICE THAT GUARANTEES THE RIGHTS AND LIBERTIES OF ALL OUR PEOPLE UNDER THE RULE OF LAW.

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

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

Representative 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 Boswell presiding.

## RECESS

On motion of Senator Connolly, the Senate recessed at 2:07 p.m., until 4:00 p.m.

## RECONVENED

The Senate reconvened at 4:01 p.m., President Boswell presiding.

## QUORUM CALL

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

The vote revealed 44 present, 6 absent and a quorum present.

## INTRODUCTION OF BILLS

**Senate File 2021**, by Bisignano, a bill for an act excluding political subdivisions from underground storage tank remedial fund prioritization.

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

**Senate File 2022**, by Priebe, a bill for an act to repeal state fees and taxes imposed upon pari-mutuel racetracks, gambling games, and excursion gambling boats and their licensees, and to authorize a refund, and to provide an effective date and retroactive applicability.

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

**Senate File 2023**, by Priebe, a bill for an act requiring the department of human services to apply for federal waivers involving the family investment program and related human services programs.

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

**Senate File 2024**, by Boswell, a bill for an act relating to the exemption of baling wire and twine from the state sales, services, and use taxes.

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

**Senate File 2025**, by Murphy, a bill for an act relating to the provision of health care insurance coverage for individuals receiving or who have received unemployment compensation, and providing for employee contributions.

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

## APPENDIX

### STUDY BILLS RECEIVED

#### **SSB 2009 Small Business, Economic Development and Tourism**

Relating to funding tourism marketing from certain sales tax revenues and making an appropriation.

#### **SSB 2010 Communications and Information Policy**

Relating to establishing a short form to be filed annually with the secretary of state by certain nonprofit domestic and foreign corporations.

#### **SSB 2011 Appropriations**

Relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an effective date.

#### **SSB 2012 Small Business, Economic Development and Tourism**

Establishing a modernization and technology change program in the department of economic development and including a conditional implementation provision.

#### **SSB 2013 Appropriations**

Relating to cultural grant program moneys administered by the department of cultural affairs.

#### **SSB 2014 Appropriations**

Making an annual appropriation to the passenger rail service revolving fund.

#### **SSB 2015 Appropriations**

Relating to the establishment of a national guard billeting and recreation fund.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2014

ENVIRONMENT AND ENERGY UTILITIES: Sorensen, Chair; Kersten and Rosenberg

#### Senate File 2015

ENVIRONMENT AND ENERGY UTILITIES: Kersten, Chair; Deluhery and Sorensen

#### SSB 2009

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Riordan, Chair; Bartz, Lloyd-Jones, Sorensen and Zieman

#### SSB 2011

APPROPRIATIONS: Varn, Chair; Kramer and Murphy

#### SSB 2012

SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM: Riordan, Chair; Bisignano and Borlaug

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2019	Judiciary
S. F.	2020	Human Resources
S. F.	2021	Environment & Energy Utilities
S. F.	2022	State Government
S. F.	2023	Human Resources
S. F.	2024	Ways and Means
S. F.	2025	Commerce

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:11 p.m., until 9:00 a.m., Thursday, January 13, 1994.

# JOURNAL OF THE SENATE

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FOURTH CALENDAR DAY  
FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 13, 1994

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

Prayer was offered by the Rabbi Steven Fink, of the Temple B'Nai Jeshurun, Des Moines, Iowa.

The Journal of Wednesday, January 12, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones for the day on request of Senator Horn.

## QUORUM CALL

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

The vote revealed 42 present, 8 absent and a quorum present.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2013.

### Senate File 2013

On motion of Senator Kibbie, Senate File 2013, a bill for an act repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date, 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. 2013) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Fuhrman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Varn	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Lloyd-Jones

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

## RECESS

On motion of Senator Horn, the Senate recessed at 9:25 a.m., until 2:30 p.m.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES**

**Convened:** January 12, 1994, 9:45 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 12, 1994, 9:55 a.m.

**Members Present:** Bisignano, Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Riordan, Vice Chair and Boswell (both excused).

**Committee Business:** Questions answered by Allan Thoms and Doug Wulf.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 12, 1994, 9:43 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentations by the governor's office and the department of management; discussed future agenda for committee.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 12, 1994, 9:40 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Organizational meeting; discussed future agenda for committee.

**Adjourned:** 10:15 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** January 12, 1994, 9:42 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Organizational meeting.

**Adjourned:** 10:01 a.m.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

**Convened:** January 12, 1994, 2:35 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 3:00 p.m.

### **TRANSPORTATION**

**Convened:** January 12, 1994, 3:10 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen, Kersten and Pate.

**Members Absent:** none.

**Committee Business:** Organizational meeting; assigned bills to subcommittees.

**Adjourned:** 3:42 p.m.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate Concurrent Resolution 38

**RULES AND ADMINISTRATION:** Horn, Chair; Husak and Rife

#### Senate File 138

**AGRICULTURE:** Priebe, Chair; Boswell, Hedge, Judge and Zieman

#### Senate File 175

**RULES AND ADMINISTRATION:** Horn, Chair; Gettings and Kramer

#### Senate File 353

**AGRICULTURE:** Riordan, Chair; Banks and Bartz

#### Senate File 388

**TRANSPORTATION:** Gettings, Chair; Connolly and Drake

#### Senate File 420

**AGRICULTURE:** Zieman, Chair; Hester and Judge

#### Senate File 2017

**SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM:** Riordan, Chair; Bartz, Bisignano, Maddox and Vilsack

#### Senate File 2020

**HUMAN RESOURCES:** Sturgeon, Chair; Bennett and Buhr

#### Senate File 2021

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Kersten and Rosenberg

#### Senate File 2023

**HUMAN RESOURCES:** Szymoniak, Chair; Buhr and Kramer

**House File 545**

TRANSPORTATION: Dieleman, Chair; Drake and Fink

**House Concurrent Resolution 4**

RULES AND ADMINISTRATION: Gronstal, Chair; Husak and Kramer

**SSB 2006**  
(Reassigned)

HUMAN RESOURCES: Sturgeon, Chair; Riordan and Rittmer

## AFTERNOON SESSION

The Senate reconvened at 3:00 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 102**, by Boswell, McLaren, Bartz, Jensen, Taylor, Horn, Fraise, Gronstal, Rittmer, Murphy, Gettings, Husak, Priebe, Szymoniak, Sorensen, Giannetto, Judge, Drake, Vilsack, Rosenberg, Riordan, Fink, Dieleman, and Kibbie, a concurrent resolution supporting the termination of a contract to sell the WOI-TV station.

Read first time and passed on file.

**Senate Joint Resolution 2001**, by Fuhrman, Lloyd-Jones, Lind, Rosenberg, Kersten, Sturgeon, Connolly, Bartz, and Priebe, a joint resolution supporting the use of marijuana for medical purposes in the state of Iowa.

Read first time and passed on file.

**Senate Joint Resolution 2002**, by Borlaug, Lind, Kramer, Bartz, Rensink, Banks, Tinsman, Rittmer, Taylor, McLaren, McKean, and Jensen, a joint resolution to request the President of the United States and the Congress of the United States to support a distribution formula for Chapter 1 of the federal Elementary and Secondary Education Act and other elementary and secondary education funds that is fair and equitable for Iowa.

Read first time and passed on file.

## INTRODUCTION OF BILLS

**Senate File 2026**, by Zieman, a bill for an act exempting the sale of plants, bushes, and trees to be used for specific purposes from the state sales, services, and use taxes.

Read first time and passed on file.

**Senate File 2027**, by McKean, a bill for an act relating to funding nonprofit volunteer emergency medical services organizations.

Read first time and passed on file.

**Senate File 2028**, by Kersten, a bill for an act relating to eligibility requirements for licensing of funeral directors.

Read first time and passed on file.

**Senate File 2029**, by Borlaug and Fink, a bill for an act relating to attendance requirements for graduating secondary school pupils.

Read first time and passed on file.

**Senate File 2030**, by Bennett, a bill for an act relating to open enrollment and school athletic participation.

Read first time and passed on file.

**Senate File 2031**, by Priebe, a bill for an act requiring the use of recycled paper in judicial and administrative proceedings.

Read first time and passed on file.

**Senate File 2032**, by Kibbie and Rensink, a bill for an act relating to the definition of "designated person" for purposes of the family farm tax credit and providing effective and applicability dates.

Read first time and passed on file.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2016 Human Resources**

Relating to public health issues regarding brain injured individuals, substance abuse treatment programs, the health data commission, vital records services, and immunizations.

**SSB 2017 Human Resources**

Providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

**SSB 2018 Human Resources**

Relating to temporary licensure of nurses.

**SSB 2019 Appropriations**

Relating to appropriations from the general fund of the state by reducing specific appropriations previously made for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and providing an effective date provision.

**SSB 2020 Environment and Energy Utilities**

Relating to the transportation of nuclear wastes, establishing fees, and providing civil penalties.

**SSB 2021 Business and Labor Relations**

Providing an exemption for the military forces of the state from the Iowa occupational safety and health law under certain conditions and providing an effective date.

**SSB 2022 Business and Labor Relations**

Relating to technical differences between an asbestos license and an asbestos permit.

### SUBCOMMITTEE ASSIGNMENTS

#### SSB 2016

HUMAN RESOURCES: Buhr, Chair; Sturgeon and Tinsman

#### SSB 2017

HUMAN RESOURCES: Riordan, Chair; Rittmer and Szymoniak

#### SSB 2018

HUMAN RESOURCES: Judge, Chair; Lloyd-Jones and Tinsman

#### SSB 2021

BUSINESS AND LABOR RELATIONS: Gettings, Chair; Redfern and Sturgeon

#### SSB 2022

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

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2026	Ways and Means
S. F.	2027	Appropriations
S. F.	2028	State Government
S. F.	2029	Education
S. F.	2030	Education
S. F.	2031	Environment & Energy Utilities
S. F.	2032	Ways and Means
S. J. R.	2001	Human Resources
S. J. R.	2002	Education
S. C. R.	102	State Government

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2033 (SSB 2019), a bill for an act relating to appropriations from the general fund of the state by reducing specific appropriations previously made for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and providing an effective date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 3: Horn, Palmer and Rosenberg.

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

ALSO:

**Final Bill Action:** SENATE FILE 2034 (SSB 2011), a bill for an act relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Tinsman, Varn and Vilsack. Nays, none. Absent or not voting, 3: Horn, Palmer and Rosenberg.

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

## COMMERCE

**Final Bill Action:** SENATE FILE 2035 (SSB 2003), a bill for an act relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Bisignano, Fuhrman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none. Absent or not voting, 1: Varn.

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

## INTRODUCTION OF BILLS

**Senate File 2033**, by committee on Appropriations, a bill for an act relating to appropriations from the general fund of the state by reducing specific appropriations previously made for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and providing an effective date provision.

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

**Senate File 2034**, by committee on Appropriations, a bill for an act relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an effective date.

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

**Senate File 2035**, by committee on Commerce, a bill for an act relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date.

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

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 3:13 p.m., until 9:00 a.m., Friday January 14, 1994.

# JOURNAL OF THE SENATE

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FIFTH CALENDAR DAY  
FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, January 14, 1994

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

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

The Journal of Thursday, January 13, 1994, was approved.

## APPENDIX

### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 13, 1994, 9:50 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; and Connolly.

**Members Absent:** Bartz (excused).

**Committee Business:** Discussed future agenda of committee.

**Adjourned:** 10:27 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: January 13, 1994, 10:10 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Legislative oversight and professional licensure.

**Adjourned:** 11:20 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 13, 1994, 9:50 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Reviewed budget recommendations.

**Adjourned:** 10:30 a.m.

### **APPROPRIATIONS**

**Convened:** January 13, 1994, 2:37 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Tinsman, Varn and Vilsack.

**Members Absent:** Horn, Palmer and Rosenberg (all excused).

**Committee Business:** Approved SSBs 2011 and 2019 as committee bills.

**Adjourned:** 3:44 p.m.

### **COMMERCE**

**Convened:** January 13, 1994, 1:40 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Fuhrman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh.

**Members Absent:** Varn (excused).

**Committee Business:** Approved SSB 2003 as a committee bill.

**Adjourned:** 2:30 p.m.

### **RULES AND ADMINISTRATION**

**Convened:** January 10, 1994, 9:20 a.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer and Palmer.

**Members Absent:** Lind.

**Committee Business:** Approved report and recommendations on new session-only employees; approved educational assistance request from republican staff; received information and approved action on miscellaneous items.

**Adjourned:** 9:44 a.m.

## STUDY BILL RECEIVED

### SSB 2023 Agriculture

A Senate Resolution supporting ethanol and requesting that the United States Environmental Protection Agency adopt and implement the proposed renewable oxygenate standard.

### SUBCOMMITTEE ASSIGNMENTS

**Senate File 58**  
(Reassigned)

APPROPRIATIONS: Vilsack, Chair; Buhr and Tinsman

**Senate File 122**  
(Reassigned)

APPROPRIATIONS: Bisignano, Chair; Horn and Tinsman

**Senate File 132**  
(Reassigned)

APPROPRIATIONS: Vilsack, Chair; Connolly and Kramer

**Senate File 263**  
(Reassigned)

APPROPRIATIONS: Boswell, Chair; Judge and Redfern

**Senate File 408**  
(Reassigned)

APPROPRIATIONS: Rosenberg, Chair; Gronstal and Kramer

**Senate File 414**

APPROPRIATIONS: Boswell, Chair; McLaren and Murphy

**Senate File 2003**

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

**Senate File 2004**

STATE GOVERNMENT: Welsh, Chair; Giannetto and McLaren

**Senate File 2010**

STATE GOVERNMENT: Kibbie, Chair; Bisignano and Lind

**Senate File 2022**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**House File 455**

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

**SSB 61**  
(Reassigned)

APPROPRIATIONS: Murphy, Chair; Lind and Vilsack

**SSB 2013**

APPROPRIATIONS: Kibbie, Chair; Connolly and Lind

**SSB 2014**

APPROPRIATIONS: Fraise, Chair; Bisignano and Kersten

**SSB 2015**

APPROPRIATIONS: Fraise, Chair; Kersten and Palmer

**SSB 2019**

APPROPRIATIONS: Varn, Chair; Kramer and Murphy

**SSB 2023**

AGRICULTURE: Riordan, Chair; Fraise and Hedge

**ANNOUNCEMENT OF COMMITTEE RESIGNATIONS**

January 13, 1994

Senator Wally E. Horn

Senate Majority Leader

Due to my forthcoming resignation as a member of the Senate, effective immediately I am resigning my chairmanships of the Human Services Appropriations Subcommittee and of the Communications and Information Policy committee.

Additionally, due to the nature of my position at the University of Northern Iowa, to avoid a conflict of interest I am resigning my position as a member of the Communications and Information Policy committee, also effective immediately.

Sincerely,

SENATOR RICHARD J. VARN

cc: Senator Leonard L. Boswell

**ANNOUNCEMENT BY THE MAJORITY LEADER  
APPOINTMENT OF STANDING COMMITTEE CHAIR  
January 13, 1994**

Communications and Information Policy Committee--Senator Joe Welsh.

This appointment is effective immediately.

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 9:05 a.m., until 10:00 a.m., Tuesday, January 18, 1994.

# JOURNAL OF THE SENATE

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NINTH CALENDAR DAY  
SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 18, 1994

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

Prayer was offered by Father Robert Schoemann, pastor of the St. Boniface Catholic Church, Waukee, Iowa.

The Journal of Friday, January 14, 1994, was approved.

## QUORUM CALL

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

The vote revealed 35 present, 15 absent and a quorum present.

The Senate stood at ease at 10:12 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 11:05 a.m., President Boswell presiding.

## RECESS

On motion of Senator Buhr, the Senate recessed at 11:07 a.m., until 4:30 p.m.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2024 Environment and Energy Utilities**

Relating to dumping of solid waste by a private or public agency.

**SSB 2025 Environment and Energy Utilities**

Striking the moratorium on wastewater treatment plant compliance with effluent requirements.

**SSB 2026 Human Resources**

Relating to the application of licensing and certificate of need requirements to inpatient hospice facilities.

**SSB 2027 Ways and Means**

Relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions.

**SSB 2028 Ways and Means**

Increasing the elderly personal exemption credit for state individual income tax purposes and providing a retroactive applicability date provision.

**SSB 2029 Education**

Relating to professional employment under school district sharing agreements.

**SSB 2030 Education**

A Joint Resolution to request that the Congress of the United States continue to support Iowa's schools and students by maintaining Iowa's Chapter 1 of the federal Elementary and Secondary Education Act funds at current levels.

**SSB 2031 Education**

Relating to the regular program district cost guarantee for a school district and providing an effective and applicability date provision.

**SSB 2032 Education**

Relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

ANNOUNCEMENT BY THE MAJORITY LEADER  
APPOINTMENT OF APPROPRIATIONS SUBCOMMITTEE CHAIR  
January 18, 1994

Appropriations Subcommittee on Human Services—Senator Patrick J. Deluhery.

This appointment is effective immediately.

**COMMUNICATIONS**

The following communications have been received and placed on file in the office of the Secretary of the Senate from:

**DEPARTMENT OF NATURAL RESOURCES**

Report regarding the effectiveness of the Toxics in Packaging legislation in the State of Iowa. Prepared to meet the requirements of the Code of Iowa, Section 455D.19.

**SECRETARY OF STATE - ELAINE BAXTER**

Pursuant to SF 412, Chapter 151, 1993 Iowa Acts, a report to the Iowa General Assembly on the meeting of the Records Management Working Group.

**IOWA HIGHER EDUCATION LOAN AUTHORITY**

A copy of the 1993 Annual Report.

**DEPARTMENT OF NATURAL RESOURCES**

A copy of the 1994 Iowa comprehensive energy plan update. The energy plan and its biennial updates are the responsibilities of the Dept. of Natural Resources under Chapter 437.7 of the Iowa Code.

**DEPARTMENT OF INSPECTIONS AND APPEALS**

Report to the General Assembly on an administrative process for postconviction relief cases pursuant to Senate File 266.

**IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

Report that the Iowa Department of Agriculture and Land Stewardship prepared in cooperation with the Iowa Department of Inspections and Appeals relating to coordinating inspections. This study was mandated in H.F. 623 (Chapter 176, Laws of the Seventy-fifth General Assembly, 1993 Session).

**DEPARTMENT OF NATURAL RESOURCES**

Annual report to the General Assembly from the Iowa Department of Natural Resources to meet the requirements of the Code of Iowa, Section 455B.425 and Section 455B.427.

**STATE BOARD OF REGENTS**

Required report of the Center for Health Effects of Environmental Contamination as required in Section 228, Paragraph 4.b:Iowa Groundwater Protection Act.

**DEPARTMENT OF NATURAL RESOURCES**

Pursuant to 258A, Code of Iowa, a summary of activities for the 1993 certification programs.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

Three copies of the JTPA Annual Report to the Legislature as required in the Code of Iowa Section 7.B, Subsection 10.

**DEPARTMENT OF NATURAL RESOURCES**

A report regarding the results of the Waste Tire Collection Pilot Program conducted in the 1993 state fiscal year. The report was prepared to meet the requirements of 1992 Iowa Acts, Chapter 1218, Section 6.

**IOWA CITIZENS FOSTER CARE REVIEW BOARD**

A report as required by SF 266, directing the Iowa Citizens Foster Care Review Board, in conjunction with the Department of Human Services and the Judicial Department, to develop a proposal for the establishment of one statewide foster care review system which provides for citizen involvement.

**DEPARTMENT OF CORRECTIONS**

A Literacy Project Report submitted in compliance with the legislative mandate established in Chapter 171, Section 4, Subsection 4, Acts of the 1993 General Assembly.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

A copy of the FY 93 Annual Report of the Iowa Conservation Corps.

**BOARD OF PAROLE**

Pursuant to Chapter 171 of the Acts of the Seventy-fifth General Assembly, the Parole Board submits a report on race and gender statistics.

**INTERNET**

Annual Report for 1993.

**THE STATE PSEUDORABIES ADVISORY COMMITTEE**

Official 1994 Report on Calendar Year 1993 Activities.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 135**  
(Reassigned)

**APPROPRIATIONS:** Buhr, Chair; Palmer and Rensink

**Senate File 150**  
(Reassigned)

**BUSINESS AND LABOR RELATIONS:** Connolly, Chair; Gettings and Redfern

**Senate File 277**

**COMMERCE:** Gronstal, Chair; Deluhery, Fuhrman, Jensen and Varn

**Senate File 417**

**WAYS AND MEANS:** Husak, Chair; Dieleman and Hedge

**Senate File 2005**

**COMMERCE:** Bisignano, Chair; Fuhrman and Welsh

**Senate File 2018****COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten, Palmer and Varn****Senate File 2024****WAYS AND MEANS: Husak, Chair; Hester and Palmer****Senate File 2025****COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten, Palmer and Varn****Senate File 2027****APPROPRIATIONS: Murphy, Chair; Judge and Redfern****House File 208  
(Reassigned)****BUSINESS AND LABOR RELATIONS: Buhr, Chair; Gettings and Redfern****House File 602****BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Fuhrman and Gettings****SSB 2026****HUMAN RESOURCES: Riordan, Chair; Judge and Kramer**

## AFTERNOON SESSION

The Senate reconvened at 4:32 p.m., President pro tempore Palmer presiding.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 18, 1994, adopted the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 105**, a concurrent resolution in appreciation of Maytag Corporation and urging its continued expansion in Newton.

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

### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for immediate consideration House Concurrent Resolution 105.

#### **House Concurrent Resolution 105**

On motion of Senator Dieleman, House Concurrent Resolution 105, a concurrent resolution in appreciation of Maytag Corporation and urging its continued expansion in Newton, was taken up for consideration.

Senator Dieleman moved the adoption of House Concurrent Resolution 105, which motion prevailed by a voice vote.

Senator Horn asked and received unanimous consent that **House Concurrent Resolution 105** be immediately messaged to the House.

### ADJOURNMENT

On motion of Sendor Horn, the Senate adjourned at 5:01 p.m., until 9:00 a.m., Wednesday, January 19, 1994.

# JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 19, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by Father Gordon Gittins, pastor of the St. Clare's Catholic Church, Clarinda, Iowa.

The Journal of Tuesday, January 18, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fuhrman for the day on request of Senator Jensen.

## INTRODUCTION OF BILL

**Senate File 2036**, by Borlaug, a bill for an act relating to the exemption of local governmental advisory bodies from the open meetings law.

Read first time and passed on file.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:11 a.m., until 4:30 p.m.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2033 Ways and Means**

Relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive date provisions.

**SSB 2034 Human Resources**

Relating to procedures for correction or expungement of child abuse information.

**SSB 2035 Human Resources**

Relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities.

**SSB 2036 Human Resources**

Relating to the Iowa uniform controlled substances Act and the Iowa pharmacy practice Act and making penalties applicable.

**SSB 2037 State Government**

Relating to the suspension or revocation of the certificate of registration of a professional engineer or land surveyor.

**SSB 2038 Education**

Establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions.

**SSB 2039 Local Government**

Relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing an effective date.

## REPORTS OF COMMITTEE MEETINGS

## COMMERCE

Convened: January 18, 1994, 2:15 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Gettings, Gronstal, Kersten, Priebe, Redfern, Sturgeon and Welsh.

**Members Absent:** Bisignano (excused), Fuhrman, Lind, Pate and Varn (excused).

**Committee Business:** Presentation by the Insurance Commissioner.

Adjourned: 3:05 p.m.

## EDUCATION

Convened: January 18, 1994, 3:50 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack.

**Members Absent:** Lind and Varn (both excused).

**Committee Business:** Indefinitely postponed bills laid over from last session; assigned bills to subcommittees.

Adjourned: 3:56 p.m.

## LOCAL GOVERNMENT

Convened: January 18, 1994, 3:05 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** none.

**Committee Business:** Presentation by ISAC on policy and legislative objectives.

Adjourned: 3:30 p.m.

## WAYS AND MEANS

Convened: January 18, 1994, 1:10 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Deluhery, Drake, Fuhrman and Palmer.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 2:02 p.m.

## COMMITTEE REPORT

### AGRICULTURE

**Final Bill Action:** SENATE RESOLUTION 101 (SSB 2023), a senate resolution supporting ethanol and requesting that the United States Environmental Protection Agency adopt and implement the proposed renewable oxygenate standard.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 10: Priebe, Riordan, Bartz, Banks, Hedge, Hester, Husak, McLaren, Sorensen and Zieman. Nays, none. Absent or not voting, 5: Boswell, Fraise, Giannetto, Judge and Palmer.

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

## SUBCOMMITTEE ASSIGNMENTS

### Senate Joint Resolution 2002

**EDUCATION:** Connolly, Chair; Kibbie and Kramer

**Senate File 217**

**LOCAL GOVERNMENT:** Maddox, Chair; Sorensen and Vilsack

**Senate File 2007**

**EDUCATION:** Vilsack, Chair; Deluhery and Taylor

**Senate File 2029**

**EDUCATION:** Fink, Chair; Tinsman and Varn

**Senate File 2030**

**EDUCATION:** Murphy, Chair; Tinsman and Vilsack

**House File 234**

LOCAL GOVERNMENT: Vilsack, Chair; Fraise and Jensen

**SSB 2024**

ENVIRONMENT AND ENERGY UTILITIES: Deluhery, Chair; Gronstal and Kersten

**SSB 2025**

ENVIRONMENT AND ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Kersten

**SSB 2029**

EDUCATION: Kibbie, Chair; Fink and Rensink

**SSB 2030**

EDUCATION: Vilsack, Chair; Deluhery and Kramer

**SSB 2031**

EDUCATION: Connolly, Chair; Rensink and Vilsack

**SSB 2032**

EDUCATION: Kibbie, Chair; Lind and Varn

**SSB 2034**

HUMAN RESOURCES: Lloyd-Jones, Chair; Riordan and Rittmer

**SSB 2035**

HUMAN RESOURCES: Tinsman, Chair; Buhr and Sturgeon

**SSB 2036**

HUMAN RESOURCES: Buhr, Chair; Lloyd-Jones and Tinsman

**SSB 2039**

LOCAL GOVERNMENT: Szymoniak, Chair; Fraise and Rittmer

## CERTIFICATES OF RECOGNITION

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

Matthew Pinkston, Cedar Rapids — For attaining the rank of Eagle Scout. Senator McKean (1-22-94).

Eric Eisenbacker, Davenport — For attaining the rank of Eagle Scout. Senator Rife (1-19-94).

Yale Jarvis, Washington — For being named Iowa State Sheriffs and Deputies Association 1993 Iowa Sheriff of the Year. Senator Hedge (12-7-93).

## AFTERNOON SESSION

The Senate reconvened at 4:35 p.m., President Boswell presiding.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 101**, by committee on Agriculture, a Senate resolution supporting ethanol and requesting that the United States Environmental Protection Agency adopt and implement the proposed renewable oxygenate standard.

Read first time and placed on calendar.

### INTRODUCTION OF BILLS

**Senate File 2037**, by Szymoniak, a bill for an act relating to modification of child support orders based upon misrepresentation of paternity.

Read first time and passed on file.

**Senate File 2038**, by Szymoniak, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

Read first time and passed on file.

**Senate File 2039**, by Priebe, a bill for an act relating to gambling games and pari-mutuel wagering at racetrack enclosures and excursion gambling boats, authorizing the purchase or lease-purchase of gambling equipment, providing for the conditional distribution of gambling proceeds, eliminating betting and loss limits, making other properly related amendments, subjecting violators to penalties, and providing an effective date.

Read first time and passed on file.

**Senate File 2040**, by Maddox and Fuhrman, a bill for an act relating to requirements for sponsors of gun shows and providing penalties for failure of gun show sponsors to meet the requirements.

Read first time and passed on file.

The Senate stood at ease at 4:38 p.m. until the fall of the gavel.

The Senate resumed session at 4:57 p.m., President Boswell presiding.

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2036	State Government
S. F.	2037	Human Resources
S. F.	2038	Judiciary
S. F.	2039	State Government
S. F.	2040	Judiciary

### COMMITTEE REPORT

#### EDUCATION

**Final Bill Action:** SENATE FILE 2041 (SSB 2038), a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Connolly, Kibbie, Deluhery, Dieleman, Fink, Murphy, Szymoniak, Taylor, Tinsman, Varn and Vilsack. Nays, 3: Kramer, Redfern and Rensink. Absent or not voting, 1: Lind.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

### INTRODUCTION OF BILL

**Senate File 2041**, by committee on Education, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions.

Read first time under Rule 28 and placed on calendar.

### ADJOURNMENT

On motion of Senator Fraise, the Senate adjourned at 4:59 p.m., until 9:00 a.m., Thursday, January 20, 1994.

# JOURNAL OF THE SENATE

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ELEVENTH CALENDAR DAY  
EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 20, 1994

The Senate met in regular session at 9:08 a.m., Senator Riordan presiding.

Prayer was offered by the Reverend David Avery, pastor of the Central Christian Church, Boone, Iowa.

The Journal of Wednesday, January 19, 1994, was approved.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 19, 1994, receded from the House amendment and passed the following bill in which the concurrence of the House was asked:

**Senate File 94**, a bill for an act relating to fertilizers or soil conditioners and pesticides by prohibiting regulations by local governmental entities.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:11 a.m., until 2:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** January 19, 1994, 9:45 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member; Horn and Zieman.

**Members Absent:** none.

**Committee Business:** Distribution and explanation of reports by the legislative fiscal bureau.

**Adjourned:** 10:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

**Convened:** January 19, 1994, 9:45 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Discussed sub-subcommittee topics.

**Adjourned:** 10:10 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 19, 1994, 9:58 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentations by representatives of the division of tourism and Burlington's convention of tourism.

**Adjourned:** 11:43 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 19, 1994, 9:45 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Bartz and Connolly.

**Members Absent:** Lind, Ranking Member (excused).

**Committee Business:** Presentation by the college student aid commission.

**Adjourned:** 11:30 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 19, 1994, 9:42 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Budget presentations by the department of elder affairs and the department for the blind.

**Adjourned:** 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 19, 1994, 9:45 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member and Hedge.

**Members Absent:** Palmer.

**Committee Business:** Presentation by the racing and gaming commission.

**Adjourned:** 11:22 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** January 19, 1994, 9:47 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Jensen and Lloyd-Jones.

**Members Absent:** Kersten, Ranking Member.

**Committee Business:** Presentation by the Iowa law enforcement academy; FY 1995 budget review by the LFB staff.

**Adjourned:** 11:57 a.m.

## AGRICULTURE

**Convened:** January 19, 1994, 8:00 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Sorensen and Zieman.

**Members Absent:** Palmer.

**Committee Business:** Reinstated bills from 1993 session and assigned same subcommittees; assigned 1994 bills to subcommittees; approved SSB 2023 as a committee resolution; deferred action on Senate File 420.

**Adjourned:** 8:35 a.m.

## COMMUNICATIONS AND INFORMATION POLICY

**Convened:** January 19, 1994, 3:45 p.m.

**Members Present:** Welsh, Chair; Deluhery, Fraise, Jensen and Kersten.

**Members Absent:** Fuhrman, Ranking Member (excused) and Fraise; (a vice chair has not been appointed).

**Committee Business:** Assigned bills to subcommittees; indefinitely postponed all bills from 1993 session.

**Adjourned:** 4:03 p.m.

## EDUCATION

**Convened:** January 19, 1994, 4:45 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman, Varn and Vilsack.

**Members Absent:** Lind (excused).

**Committee Business:** Approved SSB 2038 as a committee bill.

**Adjourned:** 5:01 p.m.

## **ENVIRONMENT AND ENERGY UTILITIES**

**Convened:** January 19, 1994, 3:15 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Fink, Gronstal, Hedge and Sorensen.

**Members Absent:** Welsh.

**Committee Business:** Presentation and discussion on water quality primacy requirements.

**Adjourned:** 3:50 p.m.

## **HUMAN RESOURCES**

**Convened:** January 19, 1994, 3:02 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Rittmer and Sturgeon.

**Members Absent:** Riordan and Varn.

**Committee Business:** Discussed future agenda of committee; indefinitely postponed all 1993 bills except Senate File 61; discussed health care reform bill.

**Adjourned:** 3:12 p.m.

## **NATURAL RESOURCES**

**Convened:** January 19, 1994, 1:05 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Judge, Kibbie, Priebe, Rensink, Riordan and Sturgeon.

**Members Absent:** McKean.

**Committee Business:** Indefinitely postponed all 1993 bills; assigned bills to subcommittees; presentation by the director of the department of natural resources.

**Adjourned:** 2:10 p.m.

**SMALL BUSINESS AND ECONOMIC DEVELOPMENT**

**Convened:** January 19, 1994, 3:50 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2006.

**Adjourned:** 4:37 p.m.

**STATE GOVERNMENT**

**Convened:** January 19, 1994, 2:21 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Buhr, Fink, Giannetto, Kramer, Priebe and Sorensen.

**Members Absent:** Bisignano, Dieleman, Drake, Lind, McKean, McLaren, Pate and Welsh.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 2:26 p.m.

**COMMITTEE REPORT****SMALL BUSINESS AND ECONOMIC DEVELOPMENT**

**Final Bill Action:** SENATE FILE 2006, a bill for an act making certain joint governmental entities and groups of cities or counties eligible to receive certain funds for economic development purposes.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Riordan, Vilsack, Zieman, Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. Nays, none.

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

**SUBCOMMITTEE ASSIGNMENTS**

**Senate Concurrent Resolution 102**

STATE GOVERNMENT: Kibbie, Chair; Giannetto and Rittmer

**Senate File 135**  
(Reassigned)

APPROPRIATIONS: Murphy, Chair; Palmer and Rensink

**Senate File 195**

STATE GOVERNMENT: Bisignano, Chair; Giannetto and McLaren

**Senate File 203**

STATE GOVERNMENT: Priebe, Chair; Gronstal and Pate

**Senate File 356**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**Senate File 396**

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Maddox

**Senate File 2011**

NATURAL RESOURCES: Riordan, Chair; Fink and Rensink

**Senate File 2028**

STATE GOVERNMENT: Dieleman, Chair; Buhr and Kramer

**House File 230**

NATURAL RESOURCES: Kibbie, Chair; Hester and Judge

**ANNOUNCEMENT OF RESIGNATION**

January 19, 1994

Senator Leonard L. Boswell  
President of the Senate

Mr. President,

I resign from representating Senate District 25 effective 6:00 p.m., Wednesday, February 2, 1994.

Sincerely,

RICHARD J. VARN

## AFTERNOON SESSION

The Senate reconvened at 2:37 p.m., President Boswell presiding.

## INTRODUCTION OF BILLS

**Senate File 2042**, by Sturgeon, a bill for an act relating to the use of Terrace Hill, and making an appropriation for housing for the governor.

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

**Senate File 2043**, by Szymoniak, a bill for an act relating to child abuse investigations and reports involving the presence of an illegal drug in a child.

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

## DISTINGUISHED GUEST

Senator Horn presented the Honorable Tom Harkin, United States Senator from Cumming, Iowa. Senator Harkin addressed the Senate briefly and expressed his thanks and appreciation for the efforts of the people of Iowa during the floods of 1993. He noted that the efforts did not go unnoticed in Washington.

The Senate stood at ease at 2:42 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:15 p.m., Senator Deluhery presiding.

## APPENDIX

### STUDY BILLS RECEIVED

#### SSB 2040 Appropriations

Relating to funding of the regional conferences and statewide caucus on arts and cultural enhancement.

#### SSB 2041 Human Resources

Relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy.

#### SSB 2042 Human Resources

Establishing a mutual consent adoption registry.

#### SSB 2043 Human Resources

Relating to the public health and persons with communicable diseases.

### BILLS ASSIGNED TO COMMITTEE

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

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

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: January 19, 1994, 9:46 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentation by the director of the department of human services on significant policy issues in the FY 95 budget.

**Adjourned:** 11:43 a.m.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate Joint Resolution 2001

**HUMAN RESOURCES:** Lloyd-Jones, Chair; Bartz and Sturgeon

#### Senate File 2001

**LOCAL GOVERNMENT:** Sorensen, Chair; Fraise and Rittmer

#### Senate File 2037

**HUMAN RESOURCES:** Szymoniak, Chair; Kramer and Lloyd-Jones

#### SSB 2038

**EDUCATION:** Connolly, Chair; Kibbie, Kramer, Murphy and Tinsman

#### SSB 2040

**APPROPRIATIONS:** Kibbie, Chair; Connolly and Lind

#### SSB 2041

**HUMAN RESOURCES:** Riordan, Chair; Bartz and Judge

#### SSB 2042

**HUMAN RESOURCES:** Buhr, Chair; Lloyd-Jones and Rittmer

#### SSB 2043

**HUMAN RESOURCES:** Buhr, Chair; Bartz and Judge

### COMMITTEE REPORT

#### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** SENATE FILE 2044 (SSB 2022), a bill for an act relating to technical differences between an asbestos license and an asbestos permit.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Gettings, Sturgeon, Buhr, Giannetto, Maddox, Murphy, Redfern and Taylor. Nays, none. Absent or not voting, 2: Fuhrman and Connolly.

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

### INTRODUCTION OF BILL

**Senate File 2044**, by the committee on Business and Labor Relations, a bill for an act relating to technical differences between an asbestos license and an asbestos permit.

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

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:16 p.m., until 10:00 a.m., Monday, January 24, 1994.

# JOURNAL OF THE SENATE

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FIFTEENTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 24, 1994

The Senate met in regular session at 10:06 a.m., President Boswell presiding.

A moment of silence was observed by the Senate in memory of Senator Linn Fuhrman, member of the Senate from Buena Vista County, Aurelia, Iowa, who passed away on January 23, 1994.

Prayer was offered by the Reverend Gabriel Anderson, pastor of the St. Francis Xavier Catholic Church, Dyersville, Iowa.

The Journal of Thursday, January 20, 1994, was approved.

## INTRODUCTION OF BILLS

**Senate File 2045**, by Rosenberg, a bill for an act relating to the transfer of employees who have been convicted of sex offenses involving children to positions of employment that require contact with children, and providing for civil liability.

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

**Senate File 2046**, by Rosenberg, a bill for an act establishing an alcohol-related motor vehicle accident fund, providing for appropriations from the fund, imposing a surtax on beer and wine wholesalers, and imposing a markup on alcoholic liquor.

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

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 19, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2013**, a bill for an act repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date.

### TRIBUTE TO SENATOR FUHRMAN

Senators Horn, Rife, Drake, Dieleman and Tinsman addressed the Senate in memory of the late Senator Linn Fuhrman. They spoke of his ability to get along with everyone, his dedication, fairness, intelligence, articulation and that he was always a gentleman.

His Senate desk #34 was draped in black in honor of his contributions to the Senate and the State of Iowa.

The Senate stood at ease at 10:22 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 11:41 a.m., President Boswell presiding.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 103**, by Husak, Dieleman, Priebe, Jensen, Borlaug, Banks, Rensink, Bartz, Hedge, Kersten, Zieman, Rittmer, Bennett, Pate, Maddox, Taylor, Palmer, Drake, Hester, Kramer, McLaren, Boswell, Gettings, Sorensen, Kibbie, Vilsack, Fraise, and Riordan, a concurrent resolution to request that the United States Congress propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to protect the American flag from physical desecration.

Read first time and passed on file.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:42 a.m., until 3:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** January 20, 1994, 9:50 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Ziemann.

**Members Absent:** Horn (excused).

**Committee Business:** Presentations by the department of revenue and finance and the governor's alliance on substance abuse.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

**Convened:** January 20, 1994, 9:51 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Presentation by the general manager of the Iowa State Fair on capital improvements.

**Adjourned:** 10:47 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 20, 1994, 9:47 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentations by the city of Des Moines on the mid-city business center incubator project; deaf services commission of Iowa on facilities to accommodate deaf and hard of hearing persons in Iowa businesses.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 20, 1994, 9:47 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member and Bartz.

**Members Absent:** Connolly (excused).

**Committee Business:** Board of Regents discussion.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 20, 1994, 9:45 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Budget presentation by the Veterans Affairs Commission.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 20, 1994, 9:45 a.m.

**Members Present:** Deluhery, Chair; Szymoniak Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentations by divisions of the department of human services.

**Adjourned:** 11:51 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 19, 1994, 9:45 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member; Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Budget presentations.

**Adjourned:** 11:02 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 20, 1994, 9:46 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member; Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Courts presentation and ICIS discussion.

**Adjourned:** 11:45 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 20, 1994, 9:45 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Presentations by the department of commerce.

**Adjourned:** 11:30 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** January 20, 1994, 9:55 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Jensen and Lloyd-Jones.

**Members Absent:** Kersten, Ranking Member (excused).

**Committee Business:** Budget presentation by the director of the department of transportation.

**Adjourned:** 11:50 a.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** January 20, 1994, 2:05 p.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Buhr, Gianetto, Maddox, Murphy, Redfern and Taylor.

**Members Absent:** Fuhrman, Ranking Member and Connolly (both excused).

**Committee Business:** Approved SSB 2022 as a committee bill; assigned bills to subcommittees; presentation by the department of employment services.

**Adjourned:** 2:35 p.m.

**PETITION**

The following petition was presented and placed on file by:

Senator Vilsack from 1,500 residents of Iowa favoring legislation imposing a 2-year moratorium on the contracting out of public services (privatization), allowing the legislature and the public to examine the real costs of privatization; and requesting the legislature to order the governor to fill all vacant social worker and income maintenance worker positions which were to be funded in accordance with the 1993 budget.

**PRESENTATION OF VISITORS**

Senator Riordan welcomed the following visitors from the Asian Foundation who were present in the Senate chamber and will be in Iowa for the remainder of the 1994 legislation session:

Matelita Nagatalevu, Secretary to the Senate in Fiji; Dilan Perera, leader of the Opposition in the Uva Provincial Council in Sri Lanka; Sakiusa Rabuka, bill drafter in the Attorney General's Office in Fiji; and Som Bahadur Thapa, section officer of the Public Account Committee of the Parliament Secretariat in Nepal. They were accompanied by Rudi Jeung, program office of the Asian-American Exchange of the Asia Foundation in San Francisco.

**STUDY BILLS RECEIVED**

**SSB 2044 Agriculture**

Relating to motor vehicles, by defining special mobile equipment, expanding the exemption for vehicles used in combination from federal motor carrier safety regulations, and exempting oversized vehicles from certain regulations.

**SSB 2045 Environment and Energy Utilities**

Allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

**SSB 2046 Human Resources**

Relating to termination of parental rights and adoption procedures and providing penalties.

**SSB 2047 Local Government**

Relating to the calculation of the threshold amount of local revenue in the definition of state mandates included in statute or administrative rule.

**SSB 2048 Education**

Relating to employment under school district whole grade sharing agreements.

**SSB 2049 Education**

Relating to elementary and secondary school instructional time.

**SSB 2050 Ways and Means**

Exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2026**

WAYS AND MEANS: Husak, Chair; Hester and Palmer

**Senate File 2031**

ENVIRONMENT AND ENERGY UTILITIES: Gronstal, Chair; Borlaug and Rosenberg

**Senate File 2032**

WAYS AND MEANS: Riordan, Chair; Husak and McLaren

**Senate File 2036**

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

**Senate File 2039**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**Senate File 2042**

STATE GOVERNMENT: Welsh, Chair; Lind and Sorensen

**Senate File 2043**

HUMAN RESOURCES: Szymoniak, Chair; Riordan and Rittmer

**SSB 2027**

WAYS AND MEANS: Rosenberg, Chair; Deluhery and Drake

**SSB 2028**

WAYS AND MEANS: Dieleman, Chair; Bennett and Husak

**SSB 2033**

WAYS AND MEANS: Rosenberg, Chair; Deluhery and Drake

**SSB 2037**

STATE GOVERNMENT: Welsh, Chair; Pate and Sorensen

**SSB 2044**

AGRICULTURE: Bartz, Chair; Boswell and Sorensen

**SSB 2045**

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Hedge and Sorensen

**SSB 2046**

HUMAN RESOURCES: Buhr, Chair; Kramer and Szymoniak

**SSB 2047**

**LOCAL GOVERNMENT: Vilsack, Chair; Fraise and Jensen**

**SSB 2050**

**WAYS AND MEANS: Dieleman, Chair; Hester and Murphy**

## AFTERNOON SESSION

The Senate reconvened at 3:02 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2047**, by Bartz, a bill for an act relating to jury instructions.

Read first time and passed on file.

**Senate File 2048**, by Kramer, a bill for an act providing immunity from civil liability for an employer who in good faith discloses information about a current or former employee of the employer.

Read first time and passed on file.

**Senate File 2049**, by Boswell, a bill for an act relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty.

Read first time and passed on file.

**Senate File 2050**, by Bartz, a bill for an act relating to termination of parental rights and adoption procedures and providing penalties.

Read first time and passed on file.

**Senate File 2051**, by Szymoniak and Vilsack, a bill for an act relating to access to founded child abuse information by child day care resource and referral agencies.

Read first time and passed on file.

### QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie for the day on request of Senator Horn.

## CONSIDERATION OF BILL (Appropriations Calendar)

### Senate File 2034

On motion of Senator Varn, Senate File 2034, a bill for an act relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2034) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Varn	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 3:

Kibbie	McLaren	Sturgeon
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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 Horn asked and received unanimous consent to take up for consideration Senate Resolution 101.

**Senate Resolution 101**

On motion of Senator Riordan, Senate Resolution 101, a Senate resolution supporting ethanol and requesting that the United States Environmental Protection Agency adopt and implement the proposed renewable oxygenate standard, was taken up for consideration.

Senator Riordan moved the adoption of Senate Resolution 101, which motion prevailed by a voice vote.

**CONSIDERATION OF BILL**  
(Appropriations Calendar)

**Senate File 2033**

On motion of Senator Varn, Senate File 2033, a bill for an act relating to appropriations from the general fund of the state by reducing specific appropriations previously made for the fiscal year beginning July 1, 1993, and ending June 30, 1994, and providing an effective date provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2033) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate

Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Varn	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 1:

Kibbie

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

### CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2041.

#### Senate File 2041

On motion of Senator Connolly, Senate File 2041, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions, was taken up for consideration.

(Action on Senate File 2041 was temporarily deferred.)

The Senate stood at ease at 3:34 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:14 p.m., President Boswell presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the remainder of the day and January 25, 1994, on request of Senator Jensen.

## QUORUM CALL

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

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

## BUSINESS PENDING

### Senate File 2041

The Senate resumed consideration of Senate File 2041, previously deferred.

Senator Taylor offered amendment S—5002 filed by him from the floor to page 1 and the title page of the bill.

Senator Connolly raised the point of order that amendment S—5002 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5002 out of order.

Senator Lind raised the point of order that the Senate was in violation of Senate Rule 39, subsection 7, wherein a committee meeting was being held when the Senate was in session.

The Chair ruled the point not well taken because the committee meeting was not a standing committee.

The Senate stood at ease at 4:48 p.m. until the fall of the gavel.

The Senate resumed session at 4:53 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2041

The Senate resumed consideration of Senate File 2041, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions, previously deferred.

Senator Kramer offered amendment S—5003 filed by Senators Kramer, et al., from the floor to page 1 of the bill and moved its adoption.

Amendment S—5003 lost by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz for the remainder of the day on request of Senator Borlaug.

### BUSINESS PENDING

#### Senate File 2041

The Senate resumed consideration of Senate File 2041.

Senator Banks offered amendment S—5004 filed by Senators Banks, et al., from the floor to page 1 and the title page of the bill.

Senator Connolly raised the point of order that amendment S—5004 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5004 out of order.

Senator Lind offered amendment S—5005 filed by him from the floor to page 1 of the bill.

(Action on amendment S—5005 and Senate File 2041 was temporarily deferred.)

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:50 p.m., President Boswell presiding.

### BUSINESS PENDING

#### Senate File 2041

The Senate resumed consideration of Senate File 2041 and amendment S—5005, previously deferred.

Senator Lind moved the adoption of amendment S—5005 and requested a record roll call.

On the question "Shall amendment S—5005 be adopted?" (S.F. 2041) the vote was:

Ayes, 1:

Lind

Nays, 43:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kramer
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Varn
Vilsack	Welsh	Zieman	

Absent or not voting, 5:

Bartz	Drake	Hester	Kersten
Kibbie			

Amendment S—5005 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake for the remainder of the day on request of Senator Rife.

### BUSINESS PENDING

### Senate File 2041

The Senate resumed consideration of Senate File 2041.

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

On the question "Shall the bill pass?" (S.F. 2041) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Bisignano	Borlaug	Boswell	Buhr
Connolly	Deluhery	Dieleman	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kersten
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Priebe	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Tinsman	Varn	Vilsack	Welsh

Nays, 13:

Banks	Bennett	Hedge	Jensen
Kramer	Lind	McLaren	Pate
Redfern	Rensink	Rife	Taylor
Zieman			

Absent or not voting, 4:

Bartz	Drake	Hester	Kibbie
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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 Horn asked and received unanimous consent that Senate Files 2033, 2034 and 2041 be immediately messaged to the House.

### INTRODUCTION OF BILLS

**Senate File 2052**, by Rittmer and Sorensen, a bill for an act relating to the employment of a county engineer by two or more counties.

Read first time and passed on file.

Senate File 2053, by Judge, a bill for an act relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable.

Read first time and passed on file.

#### AMENDMENTS FILED

S-5002	S.F.	2041	Ray Taylor
S-5003	S.F.	2041	Mary Kramer Maggie Tinsman Wilmer Rensink O. Gene Maddox Ray Taylor
S-5004	S.F.	2041	Brad Banks John W. Jensen H. Kay Hedge Wayne Bennett Wilmer Rensink
S-5005	S.F.	2041	Jim Lind

#### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:06 p.m., until 9:00 a.m., Tuesday, January 25, 1994.

# JOURNAL OF THE SENATE

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SIXTEENTH CALENDAR DAY  
TENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 25, 1994

The Senate met in regular session at 9:08 a.m., President Boswell presiding.

Prayer was offered by Imam Ako Abdul Samad, Imam of the Organization of Islamic Ummah, Des Moines, Iowa.

The Journal of Monday, January 24, 1994, was approved.

## INTRODUCTION OF BILLS

**Senate File 2054**, by Sorensen and Rittmer, a bill for an act relating to a county's power to allow eligible electors of the county to propose or request reconsideration of a county ordinance.

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

**Senate File 2055**, by Palmer, McLaren, and Kibbie, a bill for an act relating to the rate of interest charged for delinquent property taxes and providing an applicability date provision.

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

**Senate File 2056**, by committee on Local Government, a bill for an act relating to the calculation of the threshold amount of local revenue in the definition of state mandates included in statute or administrative rule.

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Drake for the day and Senator Bartz until he arrives on request of Senator Jensen; Senator Kibbie for the day on request of Senator Horn.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:12 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### LOCAL GOVERNMENT

**Convened:** January 24, 1994, 2:22 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** none.

**Committee Business:** Approved SSB 2047 as a committee bill; assigned bills to subcommittees.

**Adjourned:** 3:00 p.m.

#### STATE GOVERNMENT

**Convened:** January 24, 1994, 11:45 a.m.

**Members Present:** Gronstal, Chair; Rittmer, Ranking Member; Buhr, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Priebe and Sorensen.

**Members Absent:** Kibbie, Vice Chair (excused); Bisignano, Dieleman, Drake, Pate and Welsh.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 11:47 a.m.

#### TRANSPORTATION

**Convened:** January 20, 1994, 1:10 p.m.

**Members Present:** Lloyd-Jones, Chair; Drake, Ranking Member; Dieleman, Fink, Gettings, Jensen and Kersten.

**Members Absent:** Fraise, Vice Chair; Connolly and Pate (all excused).

**Committee Business:** Presentation by the director of the DOT.

**Adjourned:** 2:02 p.m.

## **WAYS AND MEANS**

**Convened:** January 24, 1994, 1:37 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; approved SSB 2027 as a committee bill.

**Adjourned:** 1:50 p.m.

## **STUDY BILLS RECEIVED**

### **SSB 2051 Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

### **SSB 2052 Human Resources**

Relating to parental rights, including establishment of paternity, grounds for termination, and notice provisions.

### **SSB 2053 Transportation**

Relating to peace officer status for state department of transportation employees.

### **SSB 2054 Judiciary**

Relating to nonsubstantive Code corrections.

### **SSB 2055 Judiciary**

Relating to the numbers of and facilities for offices and employees of the judicial department, and providing for additional

judges on the court of appeals and district court; permitting an increase in the number of district associate judges in certain counties; providing for increases in the number of staff for the court of appeals; permitting use of available funds for offices for judges on the court of appeals; providing for an alternative method of appointment of certain new judges; appropriating funds for the additional district court and court of appeals judges, staff support, equipment and supplies; and for maintaining certain county law libraries and providing an effective date.

### **SSB 2056 Judiciary**

Relating to court operations, including duties of clerks of the district court, court space requirements for counties, recordkeeping requirements, and the assessment of interest.

### **SSB 2057 Judiciary**

Relating to public safety by allowing the computerized sharing of criminal intelligence data and making the interception of communications chapter permanently effective, and providing an effective date.

### **SSB 2058 Judiciary**

Relating to the entry and transmission of human immunodeficiency virus-related information on the Iowa criminal justice information system and the national crime information center system.

### **SSB 2059 Judiciary**

To permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center.

### **SSB 2060 Judiciary**

To extend the date for repeal of the chapter authorizing the interception of wire and certain other transmission of oral communications under certain circumstances, and providing an effective date.

**SSB 2061 Judiciary**

Expanding the definition of domestic abuse to include certain persons who are or have been involved together in a dating relationship, and providing penalties.

**SSB 2062 Judiciary**

Relating to rental security deposits.

**SSB 2063 Judiciary**

To permit certain dissolutions of marriage to take place without a hearing.

**SSB 2064 Commerce**

Relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2002**

JUDICIARY: Sturgeon, Chair; Drake and Vilsack

**Senate File 2008**

JUDICIARY: Rosenberg, Chair; Pate and Sturgeon

**Senate File 2019**

JUDICIARY: Szymoniak, Chair; Pate and Rosenberg

**SSB 2048**

EDUCATION: Kibbie, Chair; Rensink and Vilsack

**SSB 2049**

EDUCATION: Connolly, Chair; Fink and Taylor

**SSB 2051**

JUDICIARY: Vilsack, Chair; Giannetto and McKean

**SSB 2052**

HUMAN RESOURCES: Szymoniak, Chair; Kramer and Sturgeon

**SSB 2055**

JUDICIARY: Vilsack, Chair; Bisignano and Rife

**SSB 2056**

JUDICIARY: Vilsack, Chair; Bisignano and McKean

**SSB 2057**

JUDICIARY: Rosenberg, Chair; Drake and Sturgeon

**SSB 2058**

JUDICIARY: Rosenberg, Chair; Sturgeon and Taylor

**SSB 2059**

JUDICIARY: Giannetto, Chair; Bisignano and McKean

**SSB 2060**

JUDICIARY: Rosenberg, Chair; Drake and Sturgeon

**SSB 2061**

JUDICIARY: Sturgeon, Chair; Connolly and Taylor

**SSB 2062**

JUDICIARY: Rosenberg, Chair; Redfern and Sturgeon

**SSB 2063**

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

**ANNOUNCEMENT BY THE MAJORITY LEADER  
REVISED COMMITTEE ASSIGNMENTS  
(TO FILL VACANCIES)  
JANUARY 25, 1994  
(ALL ARE EFFECTIVE IMMEDIATELY)**

Ranking Member, Business and Labor Relations--Senator Don Redfern

Commerce--Senator Jack Rife

Communications and Information Policy--Senator Jack Rife

Ranking Member, Communications and Information Policy--Senator Jim Kersten

Judiciary--Senator Jack Rife

Ways and Means--Senator Jack Rife

## COMMITTEE REPORTS

### EDUCATION

**Final Bill Action:** SENATE JOINT RESOLUTION 2003 (SSB 2030), a joint resolution to request that the Congress of the United States continue to support Iowa's schools and students by maintaining Iowa's Chapter 1 of the federal Elementary and Secondary Education Act funds at current levels.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Fink, Lind, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Murphy and Varn.

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

### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2056 (SSB 2047), a bill for an act relating to the calculation of the threshold amount of local revenue in the definition of state mandates included in statute or administrative rule.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2057 (SSB 2027), a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none.

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

## AFTERNOON SESSION

The Senate reconvened at 4:38 p.m., President Boswell presiding.

## INTRODUCTION OF BILLS

**Senate Joint Resolution 2003**, by committee on Education, a joint resolution to request that the Congress of the United States continue to support Iowa's schools and students by maintaining Iowa's Chapter 1 of the federal Elementary and Secondary Education Act funds at current levels.

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

**Senate File 2057**, by committee on Ways and Means, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions.

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

**Senate File 2058**, by McKean, a bill for an act relating to inclusion of certain employees of the department of corrections within the protection occupation classification of the Iowa public employees' retirement system.

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

## APPENDIX

### COMMITTEE REPORT

#### HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2043, a bill for an act relating to child abuse investigations and reports involving the presence of an illegal drug in a child.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 2: Bartz and Varn.

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

### PRESENTATION OF VISITOR

Senator Kramer welcomed Lynn Martin, former U.S. Secretary of Labor, who was present in the Senate chamber.

### BILLS ASSIGNED TO COMMITTEE

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

S. C.R.	103	Rules and Administration
S. F.	2045	Business and Labor Relations
S. F.	2046	Appropriations
S. F.	2047	Judiciary
S. F.	2048	Business and Labor Relations
S. F.	2049	Agriculture
S. F.	2050	Human Resources
S. F.	2051	Human Resources
S. F.	2052	Local Government
S. F.	2053	Human Resources
S. F.	2054	Local Government
S. F.	2055	Ways and Means
S. F.	2058	State Government

**EXPLANATION OF VOTES**

**MR. PRESIDENT:** I was necessarily absent from the Senate chamber when votes were taken on amendment S-5005 to Senate File 2041 and final passage of Senate File 2041.

Had I been present, I would have voted "aye" on both.

**MERLIN E. BARTZ**

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:40 p.m., until 9:00 a.m., Wednesday, January 26, 1994.

# JOURNAL OF THE SENATE

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SEVENTEENTH CALENDAR DAY  
ELEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 26, 1994

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

Prayer was offered by the Reverend Dennis Zuber, faculty member of the Faith Baptist College, Ankeny, Iowa.

The Journal of Tuesday, January 25, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake for the remainder of the week on request of Senator Rife.

## INTRODUCTION OF BILL

**Senate File 2059**, by Riordan, a bill for an act relating to employer practices regarding persons summoned to jury duty and providing a penalty.

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

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 9:38 a.m., President Boswell presiding.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:40 a.m., until 3:45 p.m.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2065 State Government**

Relating to administrative activities by the department of public safety concerning the state fire marshal.

**SSB 2066 State Government**

Relating to the qualifications of an applicant for a license to sell real estate in this state.

**SSB 2067 State Government**

Relating to the regulation of alcoholic beverages licensees and permittees, by providing for the imposition, suspension, and revocation of civil penalties, by establishing a broker's permit and annual fee, by eliminating the alcoholic liquor wholesaler license and bond, by prohibiting certain gifts of liquor, by making other properly related amendments, and subjecting violators to existing penalties.

**SSB 2068 Agriculture**

Relating to an exemption from the state sales tax for fertilizers, pesticides, and machinery and equipment used in the production of certain plants.

**SSB 2069 Agriculture**

Relating to procedures and criteria for recovery by private property owners due to inverse condemnation of property by government action and providing an applicability date.

**SSB 2070 Ways and Means**

Exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION**

**Convened:** January 25, 1994, 10:05 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Ziemann.

**Members Absent:** Horn (excused).

**Committee Business:** Presentation on ICN appropriation.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** January 25, 1994, 10:05 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Representatives from the workforce development and the workforce center.

**Adjourned:** 11:36 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** January 25, 1994, 10:00 a.m.

**Members Present:** Welsh, Vice Chair; Lind, Ranking Member and Connolly.

**Members Absent:** Kibbie, Chair and Bartz (both excused).

**Committee Business:** Presentation by the department of cultural affairs.

**Adjourned:** 11:22 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 25, 1994, 10:10 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Budget presentation by the department of public health.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 25, 1994, 9:59 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentations by the administrator of the Iowa department of human services division of medical assistance on key issues and initiatives in the medical assistance program.

**Adjourned:** 11:23 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 25, 1994, 10:05 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Courts continued previous committee discussion on ICIS.

**Adjourned:** 11:39 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 25, 1994, 10:15 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Presentation by the labor division.

**Adjourned:** 11:45 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** January 25, 1994, 10:03 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Budget presentation by the adjutant general and staff.

**Adjourned:** 11:28 a.m.

### **AGRICULTURE**

**Convened:** January 25, 1994, 8:05 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Banks, Boswell, Fraise, Giannetto, Hedge, Husak, Judge, Sorensen and Ziemann.

**Members Absent:** Bartz, Ranking Member (excused); Hester, McLaren and Palmer (excused).

**Committee Business:** Assigned bill to subcommittee and presentation by the state director of FMHA.

**Adjourned:** 8:58 a.m.

### **EDUCATION**

**Convened:** January 25, 1994, 1:37 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack.

**Members Absent:** Murphy and Varn (both excused).

**Committee Business:** Assigned bills to subcommittees; approved SSB 2030 as a committee bill.

**Adjourned:** 1:47 p.m.

**HUMAN RESOURCES**

**Convened:** January 25, 1994, 2:17 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Bartz (excused) Varn.

**Committee Business:** Recommended passage of Senate File 2043; approved SSBs 2017, 2041 and 2006 as committee bills.

**Adjourned:** 3:00 p.m.

**JUDICIARY**

**Convened:** January 25, 1994, 3:09 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Giannetto, Lloyd-Jones, Pate, Redfern, Rife, Szymoniak and Taylor.

**Members Absent:** Drake (excused) Vilsack and Welsh.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 3:12 p.m.

**SMALL BUSINESS AND ECONOMIC DEVELOPMENT**

**Convened:** January 25, 1994, 3:50 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; presentation by the state economist, DED, regarding IPSCO.

**Adjourned:** 4:35 p.m.

**CERTIFICATES OF RECOGNITION**

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

Sarah Jarvis, Minneapolis, MN — Thanking Sara for her years of service as an Iowa newscaster and wishing her well in her new position in Minnesota. Senator Bisignano (1-25-94).

Ruth and Russell Nash, Dubuque — For contributions to the Arts in Iowa. Senator Connolly (1-26-94).

Jim Waller, Dubuque — For 24 years of service as financial secretary-treasurer of U.A.W. Local 94. Senator Connolly (1-10-94).

**ADMINISTRATIVE RULES REVIEW COMMITTEE  
REFERRALS TO SENATE COMMITTEES  
BY SENATE PRESIDENT LEONARD BOSWELL  
January 26, 1994**

General Referral. ARC 4507A, relating to standards for elder group homes - Human Resources.

General Referral, ARC 4487A, relating to burning of abandoned houses - Environment and Energy Utilities.

General Referral, ARC 4213A, relating to the use of title insurance by state chartered banks - Commerce.

General Referral, ARC 4479A, relating to crime victim assistance board - State Government.

Session Delay, ARC 3760A, relating to complaint procedures before the Iowa Civil Rights Commission - reassigned from State Government to Judiciary.

**COMMITTEE REPORTS**

**HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 2060 (SSB 2041), a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 2: Bartz and Varn.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2061 (SSB 2006), a bill for an act providing for licensing of athletic trainers, imposing fees, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 2: Bartz and Varn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2061 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2062 (SSB 2017), a bill for an act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Szymoniak, Lloyd-Jones, Bennett, Judge, Kramer, Riordan and Rittmer. Nays, none. Pass, 3: Tinsman, Buhr and Sturgeon. Absent or not voting, 2: Bartz and Varn.

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

## **RULES AND ADMINISTRATION**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 103, a concurrent resolution to request that the United States Congress propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to protect the American flag from physical desecration.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Horn, Boswell, Rife, Gettings, Husak, Kramer and Palmer. Nays, 2: Gronstal and Lind.

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

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 101**

**RULES AND ADMINISTRATION:** Gronstal, Chair; Gettings and Rife

**Senate Concurrent Resolution 103**

**RULES AND ADMINISTRATION:** Husak, Chair; Boswell and Rife

**Senate File 265**

**ENVIRONMENT AND ENERGY UTILITIES:** Fink, Chair; Kersten and Rosenberg

**Senate File 334**

**ENVIRONMENT AND ENERGY UTILITIES:** Rosenberg, Chair; Deluhery and Kersten

**Senate File 2012**

**TRANSPORTATION:** Fink, Chair; Fraise and Kersten

**Senate File 2045**

**BUSINESS AND LABOR RELATIONS:** Connolly, Chair; Buhr and Taylor

**Senate File 2046**

**APPROPRIATIONS:** Husak, Chair; Redfern and Rosenberg

**Senate File 2048**

**BUSINESS AND LABOR RELATIONS:** Sturgeon, Chair; Giannetto and Maddox

**Senate File 2049**

**AGRICULTURE:** Judge, Chair; Boswell and Hedge

**Senate File 2052**

**LOCAL GOVERNMENT:** Sorensen, Chair; Fraise and Rittmer

**House File 542**  
(Reassigned)

**HUMAN RESOURCES:** Lloyd-Jones, Chair; Bartz and Judge

**SSB 2053**

TRANSPORTATION: Fraise, Chair; Fink and Jensen

**SSB 2054**

JUDICIARY: Welsh, Chair; Drake and Giannetto

**SSB 2064**

COMMERCE: Gronstal, Chair; Deluhery and Jensen

**SSB 2068**

AGRICULTURE: Riordan, Chair; Hester and Judge

**SSB 2069**

AGRICULTURE: Priebe, Chair; Husak and McLaren

**BILLS ASSIGNED TO COMMITTEE**

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

S. C. R.	104	Human Resources
S. F.	2059	Business and Labor Relations
S. F.	2063	Local Government
S. F.	2064	Human Resources

## AFTERNOON SESSION

The Senate reconvened at 3:48 p.m., President pro tempore Palmer presiding.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 104**, by Bartz and Borlaug, a concurrent resolution encouraging the United States Drug Enforcement Agency to provide for adequate supplies of the drug methylphenidate sold under the brand name Ritalin, for therapeutic purposes for America's children.

Read first time and passed on file.

### INTRODUCTION OF BILLS

**Senate File 2060**, by committee on Human Resources, a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy.

Read first time and placed on calendar.

**Senate File 2061**, by committee on Human Resources, a bill for an act providing for licensing of athletic trainers, imposing fees, and making penalties applicable.

Read first time and placed on calendar.

**Senate File 2062**, by committee on Human Resources, a bill for an act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

Read first time and placed on calendar.

**Senate File 2063**, by Rittmer and Sorensen, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance.

Read first time and passed on file.

**Senate File 2064**, by Priebe and Kibbie, a bill for an act exempting from regulation certain homeowners' association swimming pools.

Read first time and passed on file.

#### COMMITTEE REPORTS

##### COMMERCE

**Final Bill Action:** SENATE FILE 2065 (SSB 2064), a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Deluhery, Palmer, Jensen, Bisignano, Gettings, Gronstal, Kersten, Pate, Redfern, and Welsh. Nays, 3: Lind, Priebe and Rife. Absent or not voting, 2: Sturgeon and Varn.

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

##### TRANSPORTATION

**Final Bill Action:** HOUSE FILE 545, a bill for an act relating to motor carrier certificates and permits and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings and Jensen. Nays, none. Absent or not voting, 3: Drake, Kersten and Pate.

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

#### INTRODUCTION OF BILL

**Senate File 2065**, by committee on Commerce, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date.

Read first time under rule 28 and placed on calendar.

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 3:51 p.m., until 8:00 a.m., January 27, 1994.

# JOURNAL OF THE SENATE

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EIGHTEENTH CALENDAR DAY  
TWELFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 27, 1994

The Senate met in regular session at 8:03 a.m., President Boswell presiding.

Prayer was offered by the Honorable Mary Kramer, member of the Senate from Polk County, West Des Moines, Iowa.

The Journal of Wednesday, January 26, 1994, was approved.

## INTRODUCTION OF BILL

**Senate File 2066**, by Judge and Lloyd-Jones, a bill for an act providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers.

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

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** January 26, 1994, 9:50 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member; Horn and Zieman.

**Members Absent:** none.

**Committee Business:** Presentations by the department of personnel and department of management.

**Adjourned:** 11:00 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** January 26, 1994, 9:45 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentation by representatives of the national conferences of state legislatures, DMACC, ISU, manufacturing technology center, wallace technology, and north Iowa area community college.

**Adjourned:** 11:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** January 26, 1994, 9:51 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentation by the board of education examiners and NISDC director.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** January 26, 1994, 9:55 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon.

**Committee Business:** Budget presentation by the health data commission.

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** January 26, 1994, 9:50 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentation by the DHS division of economic assistance and the Des Moines coalition for the homeless.

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** January 26, 1994, 10:04 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Budget presentation by the department of corrections director.

**Adjourned:** 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** January 26, 1994, 9:50 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Presentations by the superintendent of banking and labor division.

**Adjourned:** 11:30 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** January 26, 1994, 9:57 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Budget presentation by the commissioner of public safety.

**Adjourned:** 11:20 a.m.

## **ENVIRONMENT AND ENERGY UTILITIES**

**Convened:** January 26, 1994, 3:10 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Fink, Gronstal, Hedge, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Indefinitely postponed bills; presentation on Iowa's energy plan.

**Adjourned:** 3:45 p.m.

## **TRANSPORTATION**

**Convened:** January 26, 1994, 1:32 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Connolly, Dieleman, Fink, Gettings, Jensen and Pate.

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

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 545; presentation by Betsy Dittmore.

**Adjourned:** 2:20 p.m.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 2054

**LOCAL GOVERNMENT:** Rittmer, Chair; Szymoniak and Vilsack

##### Senate File 2058

**STATE GOVERNMENT:** Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

##### SSB 2065

**STATE GOVERNMENT:** Giannetto, Chair; Buhr and Pate

##### SSB 2066

**STATE GOVERNMENT:** Bisignano, Chair; Kibbie and McLaren

##### SSB 2067

**STATE GOVERNMENT:** Welsh, Chair; Dieleman and Kramer

#### STUDY BILL RECEIVED

##### SSB 2071 Human Resources

Relating to vital statistics information relating to births based upon the marital status of the parents of a child.

#### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Robert Lourens, Colfax — For above and beyond the call of citizenship in assisting stranded travelers in snowstorm on I-80, winter 1993. Senator Murphy (1-26-94).

#### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2066	Agriculture
S. F.	2067	Human Resources

### INTRODUCTION OF BILL

Senate File 2067, by Rittmer, a bill for an act relating to termination of parental rights including the creation of a declaration of paternity registry.

Read first time under rule 28 and passed on file.

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 8:06 a.m., until 10:00 a.m., Monday, January 31, 1994.

# JOURNAL OF THE SENATE

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TWENTY-SECOND CALENDAR DAY  
THIRTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 31, 1994

The Senate met in regular session at 10:16 a.m., President Boswell presiding.

Prayer was offered by Bishop Chris Epting of the Episcopal Diocese of Iowa, Des Moines, Iowa.

The Journal of Thursday, January 27, 1994, was approved.

## INTRODUCTION OF BILLS

**Senate File 2068**, by Lloyd-Jones, a bill for an act relating to direct deposit of city taxes by the county treasurer and providing an applicability date.

Read first time and passed on file.

**Senate File 2069**, by Szymoniak and Kramer, a bill for an act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the health data commission.

Read first time and passed on file.

## QUORUM CALL

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

The vote revealed 44 present, 6 absent and a quorum present.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 637

Senator Priebe called up for consideration House File 637, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—3694 to Senate amendment H—4094 filed April 29, 1993.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

## CONSIDERATION OF BILL (Regular Calendar)

### Senate File 2006

On motion of Senator Vilsack, Senate File 2006, a bill for an act making certain joint governmental entities and groups of cities or counties eligible to receive certain funds for economic development purposes, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2006) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife

Riordan  
Szymoniak  
Welsh

Rittmer  
Taylor  
Zieman

Rosenberg  
Tinsman

Sorensen  
Vilsack

Nays, none.

Absent or not voting, 3:

Lind

Sturgeon

Varn

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 Lind until he arrives on request of Senator Rife.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2044

On motion of Senator Buhr, Senate File 2044, a bill for an act relating to technical differences between an asbestos license and an asbestos permit, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2044) the vote was:

Ayes, 45:

Banks  
Borlaug  
Deluhery  
Fraise  
Hedge  
Jensen  
Kramer  
McLaren  
Redfern  
Rittmer  
Taylor  
Zieman

Bartz  
Boswell  
Dieleman  
Gettings  
Hester  
Judge  
Lloyd-Jones  
Murphy  
Rensink  
Rosenberg  
Tinsman

Bennett  
Buhr  
Drake  
Giannetto  
Horn  
Kersten  
Maddox  
Pate  
Rife  
Sorensen  
Vilsack

Bisignano  
Connolly  
Fink  
Gronstal  
Husak  
Kibbie  
McKean  
Priebe  
Riordan  
Szymoniak  
Welsh

Nays, none.

Absent or not voting, 4:

Lind Palmer Sturgeon Varn

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

### Senate Joint Resolution 2003

On motion of Senator Vilsack, Senate Joint Resolution 2003, a joint resolution to request that the Congress of the United States continue to support Iowa's schools and students by maintaining Iowa's Chapter 1 of the federal Elementary and Secondary Education Act funds at current levels, was taken up for consideration.

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

On the question "Shall the resolution pass?" (S.J.R. 2003) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 3:

Lind Sturgeon Varn

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

**CONSIDERATION OF RESOLUTION**  
(Regular Calendar)

**Senate Concurrent Resolution 103**

On motion of Senator Husak, Senate Concurrent Resolution 103, a concurrent resolution to request that the United States Congress propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to protect the American flag from physical desecration, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate Concurrent Resolution 103** be deferred.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **House File 637, Senate Joint Resolution 2003 and Senate Files 2006 and 2044** be immediately messaged to the House.

**RECESS**

On motion of Senator Horn, the Senate recessed at 10:53 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** January 27, 1994, 8:40 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Horn (excused).

**Committee Business:** Presentations by the office of the treasurer of state and the office of the governor.

**Adjourned:** 9:15 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** January 27, 1994, 9:05 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentations by the following DHS representatives: administrator of the division of policy coordination, division of economic assistance and the policy writer for the bureau of collection on child support.

**Adjourned:** 10:16 a.m.

#### COMMERCE

**Convened:** January 26, 1994, 2:22 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Rife and Welsh.

**Members Absent:** Sturgeon and Varn.

**Committee Business:** Presentation by the chair of the Iowa Utilities Board; approved SSB 2064 as a committee bill.

**Adjourned:** 3:07 p.m.

**RULES AND ADMINISTRATION**

**Convened:** January 26, 1994, 11:52 a.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer, Lind and Palmer.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate Concurrent Resolution 103; approved floor access for political party officials.

**Adjourned:** 11:58 a.m.

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of January, 1994:

Senate Files 94 and 2013.

**JOHN F. DWYER**  
Secretary of the Senate

**COMMUNICATIONS FROM THE GOVERNOR**

The following communications from the Governor were received in the office of the Secretary of the Senate:

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration the following Governor's appointees as members of state boards, departments and commissions pursuant to 1993 Code of Iowa sections:

April 22, 1993

Eldon E. Leonard, Ankeny, Polk County, for appointment to the Iowa Economic Development Board pursuant to Section 15.103 to fulfill an unexpired term beginning immediately and ending April 30, 1995.

April 28, 1993

Dale L. Tieden, Elkader, Clayton County, for appointment to the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board pursuant to Section 455G.4 for a term beginning immediately and ending April 30, 1997.

May 20, 1993

Leslie S. Miller, Knoxville, Marion County, for appointment to the Agricultural Development Authority pursuant to Section 175.3 to fulfill an unexpired term beginning immediately and ending April 30, 1998.

June 3, 1993

Janet Stone, Council Bluffs, Pottawattamie County, for appointment to the State Judicial Nominating Commission pursuant to Section 46.1 for a term beginning May 1, 1993, and ending April 30, 1999.

June 24, 1993

For reappointment to the Accountancy Examining Board pursuant to Section 542C.3:

John Cain, Sheldon, O'Brien County, to complete the term for which he was previously appointed. This term began May 1, 1992, and ends April 30, 1995.

Thomas L. Erpelding, Algona, Kossuth County, to complete the term for which he was previously appointed. This term began May 1, 1991, and ends April 30, 1994.

Daryl K. Henze, Urbandale, Polk County, to complete the term for which he was previously appointed. This term began May 1, 1991, and ends April 30, 1994.

Jean E. Kruse, Cedar Rapids, Linn County, to complete the term for which she was previously appointed. This term began May 1, 1992, and ends April 30, 1995.

For reappointment to the Architectural Examining Board pursuant to Section 544A.1:

Richard W. Pattschull, Iowa City, Johnson County, to complete the term for which he was previously appointed. This term began May 1, 1991, and ends April 30, 1994.

Norman H. Rudi, Ames, Story County, to complete the term for which he was previously appointed. This term began May 1, 1992, and ends April 30 1995.

For reappointment to the Engineering and Land Surveying Examining Board pursuant to Section 542B.3:

Dwayne C. Garber, Beaman, Marshall County, to complete the term for which he was previously appointed. This term began May 1, 1992, and ends April 30, 1995.

Richard A. Marr, Muscatine, Muscatine County, to complete the term for which he was previously appointed. This term began May 1, 1991, and ends April 30, 1994.

July 1, 1993

Jack Dack, Marshalltown, Marshall County, for reappointment as the Commandant of the Iowa Veterans Home pursuant to Section 35D.13 for a term beginning July 1, 1993, and to serve at the pleasure of the Governor.

July 2, 1993

Thomas M. Collins, Cedar Rapids, Linn County, for appointment to the State Board of Regents pursuant to Section 262.2 for a term beginning immediately and ending April 30, 1999.

August 19, 1993

Paul S. Stave, Spencer, Clay County, for reappointment as a member of the Accountancy Examining Board pursuant to Section 542C.3 for a term beginning May 1, 1993, and ending April 30, 1996.

Michael A. Logan, Coralville, Johnson County, for appointment as a member of the Investment Board of the IPERS pursuant to Section 97B.8, for a term beginning August 5, 1993, and ending April 30, 1998.

For appointment to the Iowa Ethics and Campaign Disclosure Board pursuant to Section 68B.32:

Freeman H. Forrest, Ames, Story County, for a term beginning July 9, 1993, and ending April 30, 1999.

Bernard L. McKinley, Waterloo, Black Hawk County, for a term beginning July 9, 1993, and ending April 30, 1998.

Mary C. Williams, Davenport, Scott County, for a term beginning July 9, 1993, and ending April 30, 1998.

October 22, 1993

Julie-Anita Ingoli, Cedar Rapids, Linn County, for appointment as a member of the Iowa Emergency Response Commission pursuant to Section 30.2 for a term beginning October 20, 1993, and ending April 30, 1994.

Carol J. McCarty, Sheldon, O'Brien County, for reappointment as a member of the Personnel Commission pursuant to Section 19A.6 for a term beginning October 22, 1993, and ending April 30, 1999.

October 25, 1993

Jerry L. Maas, Clive, Polk County, for appointment as a member of the Renewable Fuel Advisory Committee pursuant to Section 159A.4 for a term beginning September 24, 1993, and ending April 30, 1996.

November 16, 1993

Mitchell L. O'Neel, Ankeny, Polk County, for appointment as the Executive Director of the Commission of Veterans Affairs pursuant to Section 35A.8 for a term beginning November 15, 1993, and to serve at the pleasure of the Governor.

Mary Jean Montgomery, Spencer, Clay County, for appointment as a member of the State Board of Education pursuant to Section 256.3 for a term beginning November 15, 1993, and ending April 30, 1996.

November 24, 1993

For appointment to the Iowa Council on Human Investment pursuant to Section 89A.1:

Willie J. Culpepper, Waterloo, Black Hawk County, for a term beginning November 22, 1993, and ending April 30, 1994.

Arlene Dayhoff, Cedar Rapids, Linn County, for a term beginning November 22, 1993, and ending April 30, 1996.

Lois H. Eichacker, Fort Madison, Lee County, for a term beginning November 22, 1993, and ending April 30, 1995.

Thomas M. Glenn, Des Moines, Polk County, for a term beginning November 22, 1993, and ending April 30, 1996.

Charles S. Johnson, Des Moines, Polk County, for a term beginning November 22, 1993, and ending April 30, 1994.

Austin B. Turner, Corning, Adams County, for a term beginning November 22, 1993, and ending April 30, 1994.

Charese E. Yanney, Sioux City, Woodbury County, for a term beginning November 22, 1993, and ending April 30, 1995.

November 29, 1993

Larry J. Jatho, Des Moines, Polk County, for appointment as a member of the Commission of Veterans Affairs pursuant to Section 35A.2 for a term beginning November 22, 1993, and ending June 30, 1995.

December 3, 1993

Jeffrey D. Eaton, Waterloo, Black Hawk County, for appointment as a member of the Higher Education Strategic Planning Council pursuant to Section 272D.1, for a term beginning December 3, 1993, and ending April 30, 1994.

Sally J. Frudden, Charles City, Floyd County, for appointment as a member of the State Board of Education pursuant to Section 256.3 for a term beginning December 22, 1993, and ending April 30, 1994.

December 15, 1993

Don B. Grove, Runnells, Polk County, for appointment as Director of the Iowa State Civil Rights Commission pursuant to Section 216.3 for a term beginning December 1, 1993, and to serve at the pleasure of the Governor.

December 16, 1993

Thomas G. Kunz, Waterloo, Black Hawk County, for appointment to the Iowa Product Development Corporation pursuant to Section 15E.83 to fulfill an unexpired term beginning December 16, 1993, and ending April 30, 1995.

December 20, 1993

Haleen E. Pellett, Atlantic, Cass County, for appointment as a member of the State Board of Chiropractic Examiners pursuant to Section 147.14(8), for a term beginning December 20, 1993, and ending April 30, 1996.

January 7, 1994

Elaine A. Pfalzgraf, Cedar Falls, Black Hawk County, for appointment as a member of the Iowa Council on Human Investment pursuant to Section 8A.1 for a term beginning January 7, 1994, and ending April 30, 1995.

January 24, 1994

For appointment to the Higher Education Strategic Planning Council pursuant to Section 272D.1 for terms beginning January 24, 1994, and ending April 30, 1994:

Marvin S. Berenstein, Sioux City, Woodbury County, and Betty J. Furgerson, Waterloo, Black Hawk County.

Harriet B. Gottlieb, Pleasant Valley, Scott County, for appointment as a member of the Iowa Higher Education Loan Authority pursuant to Section 261A.5 for a term beginning January 24, 1994, and ending April 30, 1996.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**Communications were referred to the committee on Rules and Administration.**

**COMMUNICATIONS**  
(Racing and Gaming Division)

The following communications from the Iowa Racing and Gaming Division were received in the office of the Secretary of the Senate:

December 21, 1993

John F. Dwyer  
Secretary of the Senate  
State Capitol  
Des Moines, IA 50319

Dear Mr. Dwyer:

I am writing to notify the Senate that Jack P. Ketterer, Altoona, has been appointed as Administrator of the Iowa Racing and Gaming Division of the Department of Inspections and Appeals. Mr. Ketterer will fill the unexpired term of Mick Lura. The term began May 3, 1993, and will expire April 30, 1994.

The appointment was made in accordance with Iowa Code, Chapter 99D.6.

Sincerely,

LORRAINE MAY  
Chair

ALSO:

January 21, 1994

Dear Mr. Dwyer:

I am writing to notify the Senate that Jack P. Ketterer, has been appointed as Administrator of the Iowa Racing and Gaming Division of the Department of Inspections and Appeals. The term will begin May 1, 1994, and will expire April 30, 1998.

The appointment was made in accordance with Iowa Code, Chapter 99D.6.

Sincerely,

LORRAINE MAY  
Chair

Communications were referred to the committee on **Rules and Administration**.

### STUDY BILLS RECEIVED

#### **SSB 2072 Agriculture**

Providing for the inspection of commercial weighing and measuring devices, and providing for fees.

#### **SSB 2073 Ways and Means**

Relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax and providing an effective date.

#### **SSB 2074 Ways and Means**

Relating to the definition of improvements in a revitalization area and providing an applicability date.

#### **SSB 2075 Natural Resources**

Relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

**SSB 2076 Ways and Means**

Relating to the issuance of bonds by a county to fund an urban renewal project and providing an effective date.

**SSB 2077 Ways and Means**

Relating to the exemption from property taxation for certain new machinery and computer equipment used to produce certain products from recycling property.

**SSB 2078 Ways and Means**

Relating to a property tax exemption for machinery and computer equipment and providing effective and retroactive applicability dates.

**SSB 2079 Environment and Energy Utilities**

Requiring the environmental protection commission to codify the special waste authorization program and relating to environmental permit fees.

**SSB 2080 Environment and Energy Utilities**

Requiring the environmental protection commission to establish fees for the issuance of water supply permits.

**SSB 2081 Environment and Energy Utilities**

Relating to electric transmission line franchises.

**SSB 2082 Local Government**

Relating to the collection of a document management fee by the county recorder on each recorded transaction.

**SSB 2083 Transportation**

Relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, leased motor vehicles, and single registration for motor carriers and other technical changes.

**SSB 2084 State Government**

Relating to the regulation of alcoholic beverages licensees and permittees, by providing for the imposition, suspension, and revocation of civil penalties, by establishing a brokers's permit and annual fee, by eliminating the alcoholic liquor wholesaler license and bond, by prohibiting certain gifts of liquor, by making other properly related amendments, and subjecting violators to existing penalties.

**BILL ASSIGNED TO COMMITTEE**

President Boswell announced the assignment of the following bill to committee:

S.F. 2069 Human Resources

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 104**

HUMAN RESOURCES: Bartz, Chair; Lloyd-Jones and Sturgeon

**Senate File 2050**

HUMAN RESOURCES: Buhr, Chair; Kramer and Szymoniak

**Senate File 2051**

HUMAN RESOURCES: Szymoniak, Chair; Kramer and Lloyd-Jones

**Senate File 2053**

HUMAN RESOURCES: Judge, Chair; Bennett and Riordan

**Senate File 2055**

WAYS AND MEANS: Palmer, Chair; Lloyd-Jones and McLaren

**Senate File 2059**

BUSINESS AND LABOR RELATIONS: Connolly, Chair; Maddox and Murphy

**Senate File 2063**

LOCAL GOVERNMENT: Szymoniak, Chair; Priebe and Rittmer

**Senate File 2064**

HUMAN RESOURCES: Buhr, Chair; Kramer and Riordan

**Senate File 2066**

AGRICULTURE: Riordan, Chair; Giannetto and McLaren

**Senate File 2067**

HUMAN RESOURCES: Buhr, Chair; Rittmer and Szymoniak

**Senate File 2069**

HUMAN RESOURCES: Szymoniak, Chair; Buhr and Kramer

**SSB 2070**

WAYS AND MEANS: Dieleman, Chair; McLaren and Murphy

**SSB 2072**

AGRICULTURE: Sorensen, Chair; Hester and Judge

**SSB 2073**

WAYS AND MEANS: Murphy, Chair; Dieleman and Hester

**SSB 2074**

WAYS AND MEANS: Riordan, Chair; McLaren and Palmer

**SSB 2076**

WAYS AND MEANS: Dieleman, Chair; Bennett and Murphy

**SSB 2077**

WAYS AND MEANS: Dieleman, Chair; Drake and Riordan

**SSB 2078**

WAYS AND MEANS: Dieleman, Chair; Drake and Riordan

## AFTERNOON SESSION

The Senate reconvened at 4:35 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 42 present, 7 absent and a quorum present.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2060.

#### Senate File 2060

On motion of Senator Riordan, Senate File 2060, a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy, was taken up for consideration.

Senator Priebe asked and received unanimous consent that action on **Senate File 2060** be deferred.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 26, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2034**, a bill for an act relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an effective date.

ALSO: That the House has on January 26, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2013**, a bill for an act relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date.

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

### INTRODUCTION OF BILLS

**Senate File 2070**, by Riordan, a bill for an act relating to the liability of persons involved in equine activities, and providing a penalty.

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

**Senate File 2071**, by Fink, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property.

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

**Senate File 2072**, by Jensen, a bill for an act relating to availability of the family farm tax credit on land leased by a family farm corporation.

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

**Senate File 2073**, by Taylor, a bill for an act requiring the establishment of paternity of a child prior to adoption.

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

**Senate File 2074**, by committee on Ways and Means, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date.

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

**Senate File 2075**, by Rosenberg, a bill for an act relating to support order provisions for annual amended income statements and cost-of-living adjustments.

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

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2068	Local Government
S. F.	2070	Judiciary
S. F.	2071	Natural Resources
S. F.	2072	Ways and Means
S. F.	2073	Human Resources

### COMMITTEE REPORTS

#### STATE GOVERNMENT

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 102, a concurrent resolution supporting the termination of a contract to sell the WOI-TV station.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McLaren, Priebe and Sorensen. Nays, 4: Lind, McKean, Pate and Welsh. Pass, 1: Kramer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2010, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, Bisignano, Buhr, Dieleman, Fink, Giannetto, Priebe and Sorensen. Nays, 7: Rittmer, Drake, Kramer, Lind, McKean, McLaren and Pate. Absent or not voting, 1: Welsh.

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

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 2074 (SSB 2050), a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Deluhery, Drake, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan and Szymoniak. Nays, 3: Hedge, Hester and Rosenberg.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**AMENDMENT FILED**

S—5006      S. C. R.    103      Michael E. Gronstal  
   Jim Lind

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:55 p.m., until 9:00 a.m., Tuesday, February 1, 1994.

# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 1, 1994

The Senate met in regular session at 9:10 a.m., President Boswell presiding.

Prayer was offered by the Reverend Don Orange, pastor of the Third Reformed Church, Pella, Iowa.

The Journal of Monday, January 31, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the day on request of Senator Hester.

## INTRODUCTION OF BILLS

**Senate File 2076**, by Palmer, a bill for an act creating a state capitol complex infrastructure fund in the state treasury to fund repairs and renovations to state buildings.

Read first time and passed on file.

**Senate File 2077**, by Palmer, a bill for an act relating to minors' motor vehicle school licenses and including a retroactive application provision.

Read first time and passed on file.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:25 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following appointments to state boards, commissions and departments to Senate standing committees as indicated for investigation on February 2, 1994:

#### AGRICULTURE

Leslie S. Miller — Agricultural Development Authority.

#### EDUCATION

Marvin S. Berenstein, Jeffrey D. Eaton and Betty J. Furgerson — Higher Education Strategic Planning Council.

Harriet B. Gottlieb — Iowa Higher Education Loan Authority.

Sally J. Frudden and Mary Jean Montgomery — State Board of Education.

Thomas M. Collins — State Board of Regents.

#### ENVIRONMENT AND ENERGY UTILITIES

Dale L. Tieden — Iowa Comprehensive Petroleum Underground Storage Tank Fund Board.

Jerry L. Maas — Renewable Fuel Advisory Committee.

#### HUMAN RESOURCES

Willie J. Culpepper, Arlene Dayhoff, Lois Eichacker, Thomas M. Glenn, Charles S. Johnson, Elaine A. Pfalzgraf, Austin B. Turner and Charese E. Yanney — Iowa Council on Human Investment.

#### JUDICIARY

Don B. Grove — Director of the Iowa State Civil Rights Commission.

Janet Stone - State Judicial Nominating Commission.

#### SMALL BUSINESS AND ECONOMIC DEVELOPMENT

Eldon E. Leonard — Iowa Economic Development Board.

Thomas G. Kunz — Iowa Product Development Corporation.

**STATE GOVERNMENT**

John Cain, Thomas L. Erpelding, Daryl K. Henze, Jean E. Kruse and Paul S. Stave — Accountancy Examining Board.

Jack P. Ketterer — Administrator of the Iowa Racing and Gaming Division of the Department of Inspections and Appeals.

Richard W. Patschull and Norman H. Rudi — Architectural Examining Board.

Haleen E. Pellett — Board of Chiropractic Examiners.

Jack Dack — Commandant of the Iowa Veterans Home.

Larry J. Jatho — Commission of Veterans Affairs.

Dwayne C. Garber and Richard A. Marr — Engineering and Land Surveying Examining Board.

Mitchell L. O'Neel — Executive Director of the Commission of Veterans Affairs.

Michael A. Logan — Investment Board of the IPERS.

Julie-Anita Ingoli — Iowa Emergency Response Commission.

Freeman H. Forrest, Bernard L. McKinley and Mary C. Williams — Iowa Ethics and Campaign Disclosure Board.

Carol J. McCarty — Personnel Commission.

**COMMITTEE REPORT**

(Vote Total Corrected From 1/31/94)

**STATE GOVERNMENT**

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 102, a concurrent resolution supporting the termination of a contract to sell the WOI-TV station.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, Rittmer, Bisignano, Dieleman, Drake, Fink, Giannetto, McLaren, Priebe and Sorensen. Nays, 4: Lind, McKean, Pate and Welsh. Pass, 2: Buhr and Kramer.

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

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

**Convened:** January 31, 1994, 3:50 p.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Redfern, Ranking Member; Buhr, Connolly, Giannetto, Maddox, Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; presentation by the actuary of the department of employment services.

**Adjourned:** 4:40 p.m.

**LOCAL GOVERNMENT**

**Convened:** January 31, 1994, 2:16 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 2:18 p.m.

**STATE GOVERNMENT**

**Convened:** January 31, 1994, 3:05 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; recommended passage of Senate Concurrent Resolution 102 and Senate File 2010.

**Adjourned:** 3:20 p.m.

**WAYS AND MEANS**

**Convened:** January 31, 1994, 1:40 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; approved SSB 2050 as a committee bill.

**Adjourned:** 2:17 p.m.

## BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on February 1, 1994, the Governor approved and transmitted to the Secretary of State the following bills:

**SENATE FILE 94** — An act relating to fertilizers or soil conditioners and pesticides by prohibiting regulations of local governmental entities.

**SENATE FILE 2013** — Repealing restrictions on South Africa-related deposits and investments, and providing an immediate effective date.

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** SENATE FILE 2079 (SSB 2072), a bill for an act providing for the inspection of commercial weighing and measuring devices, and providing for fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Hedge, Hester, Husak, Judge, McLaren, Sorensen and Zieman. Nays, none. Absent or not voting, 2: Giannetto and Palmer.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2080 (SSB 2044), a bill for an act relating to motor vehicles, by defining special mobile equipment, expanding the exemption for vehicles used in combination from federal motor carrier safety regulations, and exempting oversized vehicles from certain regulations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none. Absent or not voting, 1: Giannetto.

**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 2080 and they were attached to the committee report.

## STUDY BILLS RECEIVED

### SSB 2085 Education

Relating to the appropriation of certain state use tax receipts to pay claims of public school districts for transportation services to nonpublic school pupils.

### SSB 2086 Education

Allowing school districts to carry special education year-end balances into the next school budget year.

### SSB 2087 Appropriations

Relating to energy conservation including making appropriations of petroleum overcharge funds.

### SSB 2088 Human Resources

Relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, correction of child abuse information, and criminal and child abuse checks of persons associated with state-regulated facilities and programs.

### SSB 2089 Judiciary

Relating to rights of action and liability under the dram shop Act.

### SSB 2090 Judiciary

Relating to the offenses of harassment and stalking, and providing for penalties and other related matters.

**SSB 2091 Judiciary**

To prohibit the receipt of deferred judgments or deferred sentences by persons convicted of the offense of operating while intoxicated.

**SSB 2092 Judiciary**

Relating to the jurisdiction of district associate judges.

**SSB 2093 Judiciary**

Relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the treatment of stepchildren for inheritance tax purposes, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances.

**SSB 2094 Judiciary**

Relating to the statutes of limitations on actions for damages for sexual abuse of a child and providing for the extension of the periods of limitations under certain circumstances.

**SSB 2095 Judiciary**

Providing for an automatic temporary restraining order in dissolution of marriage, separate maintenance, and annulment actions, and containing an applicability provision.

**SSB 2096 Judiciary**

Relating to dependent adult abuse and establishing criminal penalties.

**SSB 2097 Judiciary**

Resolution proposing an amendment to the Constitution of the State of Iowa to provide certain rights to victims of crime.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2040**

**JUDICIARY:** Redfern, Chair; Rosenberg and Szymoniak

**Senate File 2047**

**JUDICIARY: Sturgeon, Chair; Bisignano and Taylor**

**Senate File 2071**

**NATURAL RESOURCES: Fink, Chair; Hester and Riordan**

**SSB 2075**

**NATURAL RESOURCES: Judge, Chair; Hester and Riordan**

**SSB 2079**

**ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Hedge and Sorensen**

**SSB 2080**

**ENVIRONMENT AND ENERGY UTILITIES: Rosenberg, Chair; Deluhery and Kersten**

**SSB 2081**

**ENVIRONMENTAL AND ENERGY UTILITIES: Deluhery, Chair; Borlaug and Gronstal**

**SSB 2082**

**LOCAL GOVERNMENT: Sorensen, Chair; Buhr and Maddox**

**SSB 2084**

**STATE GOVERNMENT: Welsh, Chair; Dieleman and Kramer**

**SSB 2085**

**EDUCATION: Connolly, Chair; Kibbie and Lind**

**SSB 2086**

**EDUCATION: Fink, Chair; Kibbie and Taylor**

**SSB 2087**

**APPROPRIATIONS: Rosenberg, Chair; Banks and Husak**

**SSB 2088**

**HUMAN RESOURCES: Szymoniak, Chair; Kramer and Sturgeon**

**SSB 2089**

JUDICIARY: Vilsack, Chair; Giannetto and Taylor

**SSB 2090**

JUDICIARY: Sturgeon, Chair; Rife and Rosenberg

**SSB 2091**

JUDICIARY: Sturgeon, Chair; Connolly and McKean

**SSB 2092**

JUDICIARY: Vilsack, Chair; Drake and Sturgeon

**SSB 2093**

JUDICIARY: McKean, Chair; Giannetto and Redfern

**SSB 2094**

JUDICIARY: Rosenberg, Chair; Giannetto and Pate

**SSB 2095**

JUDICIARY: Vilsack, Chair; Drake and Lloyd-Jones

**SSB 2096**

JUDICIARY: Giannetto, Chair; Connolly and Pate

**SSB 2097**

JUDICIARY: Rosenberg, Chair; Rife and Vilsack

## AFTERNOON SESSION

The Senate reconvened at 4:31 p.m., President pro tempore Palmer presiding.

### INTRODUCTION OF BILLS

**Senate File 2078**, by Boswell, a bill for an act relating to the cost of educational programs for children in a licensed child foster care facility or a substance abuser facility for school funding purposes.

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

**Senate File 2079**, by committee on Agriculture, a bill for an act providing for the inspection of commercial weighing and measuring devices, and providing for fees.

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

**Senate File 2080**, by committee on Agriculture, a bill for an act relating to agricultural and other motor vehicles, by defining special mobile equipment, expanding the exemption for vehicles used in combination from federal motor carrier safety regulations, and exempting oversized vehicles from certain regulations.

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

**Senate File 2081**, by Borlaug, a bill for an act relating to the establishment of an optional group of recipients of medical assistance.

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

**Senate File 2082**, by Sturgeon, a bill for an act relating to disqualification for unemployment compensation for receiving certain pay or allowances upon becoming unemployed.

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

**Senate File 2083**, by Sturgeon, a bill for an act relating to termination of parental rights involving abuse or neglect of a child by the child's parent.

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

**Senate File 2084**, by Judge and Riordan, a bill for an act relating to advanced registered nurse practitioners by providing for coverage of services provided by such practitioners under a policy or contract providing for health care coverage.

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

## APPENDIX

### COMMITTEE REPORTS

#### HUMAN RESOURCES

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 104, a concurrent resolution encouraging the United States Drug Enforcement Agency to provide for adequate supplies of the drug methylphenidate sold under the brand name Ritalin, for therapeutic purposes for America's children.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Varn.

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

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 102 (LSB 4040SB), a resolution honoring Senator Richard J. Varn.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 7: Horn, Boswell, Rife, Husak, Kramer, Lind and Palmer. Nays, 1: Gronstal. Absent or not voting, 1: Gettings.

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

### INTRODUCTION OF RESOLUTION

**Senate Resolution 102**, by committee on Rules and Administration, a resolution honoring Senator Richard J. Varn.

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

**BILLS ASSIGNED TO COMMITTEE**

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

S. F.	2075	Judiciary
S. F.	2076	State Government
S. F.	2077	Transportation
S. F.	2078	Education
S. F.	2081	Human Resources
S. F.	2082	Business and Labor Relations
S. F.	2083	Human Resources
S. F.	2084	Human Resources

**AMENDMENT FILED**

S-5007      S. F.      2060      Berl E. Priebe

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:34 p.m., until 9:00 a.m., Wednesday, February 2, 1994.

# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 2, 1994

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

Prayer was offered by the Reverend Tom Conrey, pastor of the Hartford Community United Presbyterian Church, Hartford, Iowa.

The Journal of Tuesday, February 1, 1994, was approved.

## INTRODUCTION OF BILL

**Senate File 2085**, by Kibbie and Rittmer, a bill for an act relating to the amount of the homestead credit and providing effective and applicability date provisions.

Read first time and passed on file.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:07 a.m., until 3:45 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** February 1, 1994, 9:45 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Horn (excused).

**Committee Business:** Presentation by the department of general services.

**Adjourned:** 10:50 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

**Convened:** February 1, 1994, 9:50 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Budget presentation by the secretary of agriculture.

**Adjourned:** 10:50 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 1, 1994, 9:45 a.m.

**Members Present:** Bisignano, Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Riordan, Vice Chair and Boswell (both excused).

**Committee Business:** Presentations by the business development (CEBA) and small business programs and center.

**Adjourned:** 12:02 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 1, 1994, 9:47 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentations by the directors of the department of education and division of vocational rehabilitation services.

**Adjourned:** 11:07 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 1, 1994, 9:45 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Budget presentations by the CRC and DHR.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 1, 1994, 9:40 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentations by representatives of DHS division of adult, children and family services.

**Adjourned:** 11:44 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 1, 1994, 9:45 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Murphy.

**Members Absent:** Taylor (excused).

**Committee Business:** Presentation by Clarinda medium security.

**Adjourned:** 11:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 1, 1994, 9:45 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Presentation by the Iowa ethics and campaign disclosure board.

**Adjourned:** 10:50 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 1, 1994, 9:38 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Presentation by the DOT administration division budget and capitol projects.

**Adjourned:** 11:30 a.m.

#### **AGRICULTURE**

**Convened:** February 1, 1994, 8:05 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; approved SSB 2072 as a committee bill; amended and approved SSB 2044 as a committee bill; presentation by the state director of ASCS.

**Adjourned:** 8:57 a.m.

## **COMMUNICATIONS AND INFORMATION POLICY**

**Convened:** February 1, 1994, 4:00 p.m.

**Members Present:** Welsh, Chair; Kersten, Ranking Member; Deluhery, Fraise, Jensen and Rife. (A vice chair has not been appointed).

**Members Absent:** none.

**Committee Business:** Approved SSB 2098 as a committee bill.

**Adjourned:** 4:12 p.m.

## **EDUCATION**

**Convened:** February 1, 1994, 1:42 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Tinsman, Varn and Vilsack.

**Members Absent:** Taylor (excused).

**Committee Business:** Assigned bills to subcommittees; amended and approved SSB 2048 as a committee bill; deferred action on SSB 2032.

**Adjourned:** 2:21 p.m.

## **HUMAN RESOURCES**

**Convened:** February 1, 1994, 2:28 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Varn.

**Committee Business:** Recommended passage of Senate File 2069 as amended; recommended passage of the Senate Concurrent Resolution 104.

**Adjourned:** 3:19 p.m.

## **JUDICIARY**

**Convened:** February 1, 1994, 3:33 p.m.

**Members Present:** Sturgeon, Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Pate, Redfern, Rife, Szymoniak, Vilsack and Welsh.

**Members Absent:** Rosenberg, Vice Chair and Taylor (excused).

**Committee Business:** Assigned bills to subcommittees; approved SSB 2051 as a committee bill; deferred action on SSB 2063.

**Adjourned:** 3:48 p.m.

## **SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

**Convened:** February 1, 1994, 3:55 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** Bisignano.

**Committee Business:** Presentation by the legislative fiscal bureau regarding IPSCO.

**Adjourned:** 4:30 p.m.

## **STUDY BILLS RECEIVED**

### **SSB 2098 Communications and Information Policy**

Relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

### **SSB 2099 State Government**

Relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties.

### **SSB 2100 State Government**

Relating to the provision of contact lenses and eyeglasses and providing penalties.

**SSB 2101 Ways and Means**

Relating to a property tax exemption for property used for the recycling of ferrous and nonferrous metal, tires, scrap tires, and shredded tires, and for property used to manufacture new products composed primarily of recycled material.

**SSB 2102 Ways and Means**

Relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision.

**SSB 2103 Ways and Means**

Increasing the maximum property tax levy for certain county hospitals.

**SSB 2104 Education**

Relating to teacher licensure terms and endorsements.

**SSB 2105 Education**

Relating to weighting for a student receiving competent private instruction under dual enrollment.

**SSB 2106 Local Government**

Relating to instruments filed or recorded with the county recorder.

**SSB 2107 Commerce**

Adopting the uniform transfer on death security registration act.

**SSB 2108 Commerce**

Relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, making appropriations, and establishing penalties.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 15**

COMMERCE: Gronstal, Chair; Bisignano and Jensen

**Senate File 46  
(Reassigned)**

COMMERCE: Bisignano, Chair; Gronstal, Jensen, Kersten and Palmer

**Senate File 173  
(Reassigned)**

COMMERCE: Sturgeon, Chair; Lind and Welsh

**Senate File 204  
(Reassigned)**

COMMERCE: Welsh, Chair; Gronstal and Jensen

**Senate File 277  
(Reassigned)**

COMMERCE: Gronstal, Chair; Deluhery and Jensen

**Senate File 344  
(Reassigned)**

COMMERCE: Palmer, Chair; Deluhery and Redfern

**Senate File 375**

COMMERCE: Welsh, Chair; Deluhery and Redfern

**Senate File 2005  
(Reassigned)**

COMMERCE: Bisignano, Chair; Pate and Welsh

**Senate File 2038**

JUDICIARY: Szymoniak, Chair; Bisignano and McKean

**Senate File 2068**

LOCAL GOVERNMENT: Sorensen, Chair; Buhr and Rittmer

**Senate File 2073**

HUMAN RESOURCES: Buhr, Chair; Rittmer and Szymoniak

**Senate File 2081**

HUMAN RESOURCES: Szymoniak, Chair; Bartz and Sturgeon

**Senate File 2082**

BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Murphy and Redfern

**Senate File 2083**

HUMAN RESOURCES: Sturgeon, Chair; Rittmer and Szymoniak

**Senate File 2084**

HUMAN RESOURCES: Judge, Chair; Bartz and Riordan

**House File 97**  
(Reassigned)

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer

**House File 201**  
(Reassigned)

COMMERCE: Welsh, Chair; Deluhery and Redfern

**House File 307**

COMMERCE: Palmer, Chair; Pate and Sturgeon

**SSB 42**  
(Reassigned)

COMMERCE: Deluhery, Chair; Priebe and Rife

**SSB 215**  
(Reassigned)

COMMERCE: Palmer, Chair; Bisignano, Gronstal, Jensen and Kersten

**SSB 222**  
(Reassigned)

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer

**SSB 274**  
(Reassigned)

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer

**SSB 2099**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**SSB 2100**

STATE GOVERNMENT: Fink, Chair; Bisignano and Pate

**COMMITTEE REPORTS**

**COMMUNICATIONS AND INFORMATION POLICY**

**Final Bill Action:** SENATE FILE 2089 (SSB 2098), a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Welsh, Kersten, Deluhery, Fraise, Jensen and Rife. Nays, none. (a vice chair has not been appointed).

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

**EDUCATION**

**Final Bill Action:** \*SENATE FILE 2087 (SSB 2048), a bill for an act relating to employment under school district whole grade sharing agreements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Fink, Lind, Redfern, Rensink, Varn and Vilsack. Nays, 1: Tinsman. Absent or not voting, 3: Murphy, Szymoniak and Taylor.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2087 and they were attached to the committee report.

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2069, a bill for an act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the health data commission.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5008.

**Final Vote:** Ayes, 9: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer and Rittmer. Nays, none. Absent or not voting, 3: Riordan, Sturgeon and Varn.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Human Resources Government Committee on Senate File 2069 and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 2086 (SSB 2051), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sturgeon, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Pate, Redfern, Rife, Szymoniak, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Rosenberg and Taylor.

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

## NATURAL RESOURCES

**Final Bill Action:** SENATE FILE 2090 (SSB 2075), a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Fink, Hester, Hedge, Judge, Kibbie, McKean, Priebe, Rensink and Sturgeon. Nays, none. Absent or not voting, 3: Dieleman, Banks and Riordan.

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

## SUBCOMMITTEE ASSIGNMENTS FOR APPOINTMENTS TO BOARD AND COMMISSIONS

Pursuant to Senate Rule 59, the following senators were appointed to subcommittees of Senate standing committees on February 2, 1994, to investigate the appointment and reappointment of the following appointees:

### AGRICULTURE

As a member of the Agricultural Development Authority:

LESLIE S. MILLER: Judge, Chair; Hedge and Fraise

### STATE GOVERNMENT

As members of the Accountancy Examining Board:

JOHN CAIN: Rittmer, Chair; Kibbie and Bisignano

THOMAS L. ERPELDING: Priebe, Chair; Gronstal and Drake

DARYL K. HENZE: Kramer, Chair; Buhr and Dieleman

JEAN E. KRUSE: Pate, Chair; Priebe and Sorensen

PAUL S. STAVE: Kibbie, Chair; Gronstal and Rittmer

As Administrator of the Racing and Gaming Division of the Department of Inspections and Appeals:

JACK P. KETTERER: Welsh, Chair; Dieleman, Priebe, Rittmer and McLaren

As members of the Architectural Examining Board:

RICHARD W. PATTSCHULL: Lind, Chair; Fink and Giannetto

NORMAN H. RUDI: McKean, Chair; Welsh and Gronstal

As a member of the Board of Chiropractic Examiners:

HALEEN E. PELLETT: McLaren, Chair; Sorensen and Welsh

As Commandant of the Iowa Veterans Home:

JACK DACK: Kibbie, Chair; Dieleman, Giannetto, Lind and Pate

As a member of the Commission of Veterans Affairs:

LARRY J. JATHO: Dieleman, Chair; Giannetto and Pate

As members of the Engineering and Land Surveying Examining Board:

DWAYNE C. GARBER: Lind, Chair; Giannetto and Buhr  
 RICHARD A. MARR: Drake, Chair; Bisignano and Kibbie

As Executive Director of the Commission of Veterans Affairs:

MITCHELL L. O'NEEL: Kibbie, Chair; Dieleman and McKean

As a member of the Investment Board of the IPERS:

MICHAEL A. LOGAN: Rittmer, Chair; Fink and Welsh

As a member of the Iowa Emergency Response Commission:

JULIE-ANITA INGOLI: Pate, Chair; Gronstal and Priebe

As members of the Iowa Ethics and Campaign Disclosure Board:

FREEMAN H. FORREST: Sorensen, Chair; Dieleman and Rittmer

BERNARD L. McKINLEY: Lind, Chair; Gronstal and Priebe

MARY C. WILLIAMS: Fink, Chair; Buhr and Kramer

As a member of the Personnel Commission:

CAROL J. McCARTY: Kibbie, Chair; Bisignano and Kramer

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2085	Ways and Means
S. F.	2088	Commerce

### AMENDMENT FILED

S—5008	S. F.	2069	Human Resources
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## AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., President Boswell presiding.

The Senate stood at ease at 4:01 p.m. until the fall of the gavel.

The Senate resumed session at 4:19 p.m., President Boswell presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dieleman for the remainder of the day on request of Senator Horn.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

### Senate Concurrent Resolution 102

On motion of Senator Kibbie, Senate Concurrent Resolution 102, a concurrent resolution supporting the termination of a contract to sell the WOI-TV station, with report of committee recommending passage, was taken up for consideration.

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

## INTRODUCTION OF BILLS

**Senate File 2086**, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Read first time and placed on calendar.

**Senate File 2087**, by committee on Education, a bill for an act relating to employment under school district whole grade sharing agreements.

Read first time and placed on calendar.

**Senate File 2088**, by Riordan, a bill for an act relating to the sale price of alcoholic liquor by a class "E" liquor control licensee, and subjecting violators to existing penalties.

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

**Senate File 2089**, by committee on Communications and Information Policy, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

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

**Senate File 2090**, by committee on Natural Resources, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals.

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

### ADOPTION OF RESOLUTION (Regular Calendar)

#### Senate Resolution 102

Senator Horn asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION 102  
2           BY: COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Richard J. Varn.  
4   WHEREAS, Senator Richard J. Varn is retiring from  
5 legislative office after completing nearly two terms  
6 in office as a state Senator and two terms as a member  
7 of the House of Representatives; and  
8   WHEREAS, Senator Varn's distinguished career as a  
9 state legislator has included service as the Senate  
10 Majority Whip during the Seventy-fourth and Seventy-  
11 fifth General Assemblies; and  
12   WHEREAS, Senator Varn's service as Chairperson of  
13 the Communications and Information Policy and  
14 Judiciary Committees and of the Education and Human  
15 Services Appropriations Subcommittees is well  
16 recognized; and  
17   WHEREAS, Senator Varn's untiring dedication,  
18 valuable leadership, and uncommon determination

19 regarding telecommunications, education, and human

20 services issues are well recognized; and

21 WHEREAS, Senator Varn has played an instrumental

22 role in creating and enacting landmark state

23 government budget reform, as well as many educational

24 reform policies and programs for the state of Iowa;

25 and

26 WHEREAS, Senator Varn has served honorably and has

27 unselfishly given of his time and efforts to further

28 the interests of the State of Iowa and to provide

29 beneficial programs for the citizens of Iowa; and

30 WHEREAS, Senator Varn has served on many other

**Page 2**

1 standing committees throughout his almost twelve years

2 of legislative service and has been an influential and

3 devoted legislator in this state; and

4 WHEREAS, Senator Varn has also served in national

5 committee posts including three terms as chair of the

6 National Conference of State Legislatures' Task Force

7 on Information Policy; NOW THEREFORE,

8 BE IT RESOLVED BY THE SENATE, That the Senate pay

9 tribute to Senator Richard J. Varn for his devoted

10 service to the Iowa General Assembly and the citizens

11 of this state and wish him the very best in the years

12 ahead; and

13 BE IT FURTHER RESOLVED, That an official copy of

14 this Resolution be prepared and presented to Senator

15 Richard J. Varn.

Senator Varn was escorted to the well of the Senate by Senators Horn and Rife.

Senator Horn moved the adoption of Senate Resolution 102, which motion prevailed by voice vote.

Senator Varn addressed the Senate with brief remarks.

## APPENDIX

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2091 (SSB 2087), a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 20: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Kibbie, Lind, Palmer, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 5: Judge, Kersten, Kramer, Pate and Varn.

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

#### NATURAL RESOURCES

**Final Bill Action:** SENATE FILE 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5009.

**Final Vote:** Ayes, 9: Fink, Hester, Hedge, Judge, Kibbie, McKean, Priebe, Rensink and Sturgeon. Nays, none. Absent or not voting, 3: Dieleman, Banks and Riordan.

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

### INTRODUCTION OF BILL

**Senate File 2091**, by committee on Appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Read first time under rule 28 and placed on Appropriations Calendar.

## AMENDMENTS FILED

S—5009	S. F.	2071	Natural Resources
S—5010	S. C. R.	104	Merlin E. Bartz Allen Borlaug

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:20 p.m., until 9:00 a.m., Thursday, February 3, 1994.

# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 3, 1994

The Senate met in regular session at 9:11 a.m., President Boswell presiding.

Prayer was offered by the Reverend Richard M. Brown, pastor of the St. Paul's Lutheran Church, Postville, Iowa.

The Journal of Wednesday, February 2, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dieleman for the day on request of Senator Horn.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 1, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 610**, a bill for an act relating to the exemption for attorneys who have provided abstract services under the title guaranty program.

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

**House File 618**, a bill for an act relating to liens against employers for unpaid unemployment compensation contributions.

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

ALSO: That the House has on February 2, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2041**, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions (S—5011).

### INTRODUCTION OF BILL

**Senate File 2092**, by committee on Education, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kersten for the remainder of the day on request of Senator Jensen.

### SPECIAL VISITORS

Senator Riordan introduced the following students and sponsors from the Academic Homestay Program of Cultural Homestay International who are spending the year living with Iowa families to learn about the state's culture:

Yanna Akulova, Sevastopol, Ukraine; Natasha Birich, Pyatigorsk, Russia; Elena Borovik-Romanova, Moscow, Russia; Felix Grass, Schwab Gmund, Germany and Ara Vardanian, Yerevan, Armenia.

Each of the students said "good morning" in their native tongue and Senator Riordan presented each with an Iowa pin.

The students were accompanied by Diane Findlay, Administrator of Cultural Homestay International.

### RECESS

On motion of Senator Horn, the Senate recessed at 9:23 a.m., until 1:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** February 2, 1994, 9:43 a.m.

**Members Present:** Judge, Chair; Redfern, Ranking Member and Ziemann.

**Members Absent:** Dieleman, Vice Chair and Horn.

**Committee Business:** Presentation by the department of revenue and finance.

**Adjourned:** 10:45 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

**Convened:** February 2, 1994, 9:45 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Budget presentation by the department of natural resources.

**Adjourned:** 11:15 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 2, 1994, 9:44 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentations by the Iowa product development corporation and community and rural development.

**Adjourned:** 11:49 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 2, 1994, 9:44 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member, Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentations by the director of education and representatives of community colleges.

**Adjourned:** 11:48 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 2, 1994, 9:40 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon.

**Committee Business:** Budget presentation by the DPH.

**Adjourned:** 10:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 2, 1994, 9:41 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** Varn (excused).

**Committee Business:** Presentations by: the administrator of the DHS, coalition for family and children's services, chief of the Sioux City bureau of juvenile court, the fifth judicial juvenile court office and foster care personnel.

**Adjourned:** 11:48 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 2, 1994, 9:40 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Presentation by the state public defender.

**Adjourned:** 11:10 a.m.

## **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 2, 1994, 9:36 a.m.

**Members Present:** Fraise, Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** Gettings, Vice Chair (excused).

**Committee Business:** Presentation by DOT motor vehicle divisions budget and drivers license pilot project.

**Adjourned:** 11:13 a.m.

## **APPROPRIATIONS**

**Convened:** February 2, 1994, 4:05 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Kibbie, Lind, Palmer, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Judge, Kersten, Kramer, Pate and Varn (all excused).

**Committee Business:** Approved SSB 2087 as a committee bill.

**Adjourned:** 4:07 p.m.

## **COMMERCE**

**Convened:** February 2, 1994, 2:20 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Gettings, Gronstal, Kersten, Lind, Pate, Redfern, Sturgeon and Welsh.

**Members Absent:** Bisignano, Priebe (excused), Rife and Varn (excused).

**Committee Business:** Presentations by the director of the title guaranty division of the Iowa finance authority.

**Adjourned:** 3:11 p.m.

## EDUCATION

**Convened:** February 2, 1994, 3:16 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Varn.

**Members Absent:** Dieleman and Vilsack (both excused).

**Committee Business:** Assigned bills to subcommittees; amended and approved SSB 2032 as a committee bill; discussed fiber optics.

**Adjourned:** 3:57 p.m.

## NATURAL RESOURCES

**Convened:** February 2, 1994, 1:35 p.m.

**Members Present:** Fink, Chair; Hester, Ranking Member; Hedge, Judge, Kibbie, McKean, Priebe, Rensink and Sturgeon.

**Members Absent:** Dieleman, Vice Chair (excused); Banks and Riordan (excused).

**Committee Business:** Approved SSB 2075 as a committee bill; recommended passage of Senate File 2071 as amended.

**Adjourned:** 1:57 p.m.

## RULES AND ADMINISTRATION

**Convened:** February 1, 1994, 4:40 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gronstal, Husak, Kramer, Lind and Palmer.

**Members Absent:** Gettings.

**Committee Business:** Referred governor's appointees to standing committees and approved LSB 4040 as a committee resolution.

**Adjourned:** 4:45 p.m.

## COMMITTEE REPORT

## EDUCATION

**Final Bill Action:** \*SENATE FILE 2092 (SSB 2032), a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Connolly, Kibbie, Kramer, Deluhery, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor and Tinsman. Nays, 1: Varn. Absent or not voting, 2: Dieleman 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 Education Committee on Senate File 2092 and they were attached to the committee report.

## BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 3rd day of February, 1994:

Senate File 2034.

JOHN F. DWYER  
Secretary of the Senate

SUBCOMMITTEE ASSIGNMENTS FOR  
APPOINTMENTS TO BOARDS AND COMMISSIONS

Pursuant to Senate Rule 59, the following senators were appointed to subcommittees of Senate standing committees on February 2 and 3, 1994, to investigate the appointment and reappointment of the following appointees:

## EDUCATION

As members of the Higher Education Strategic Planning Council:

MARVIN S. BERENSTEIN: Rensink, Chair; Kibbie and Deluhery

JEFFREY D. EATON: Deluhery, Chair; Redfern and Dieleman  
BETTY J. FURGERSON: Murphy, Chair; Szymoniak and Lind

As a member of the Iowa Higher Education Loan Authority:

HARRIET B. GOTTLIEB: Deluhery, Chair; Vilsack and Tinsman

As members of the State Board of Education:

SALLY J. FRUDDEN: Szymoniak, Chair; Murphy and Tinsman  
MARY JEAN MONTGOMERY: Kibbie, Chair; Connolly and Tinsman

As a member of the State Board of Regents:

THOMAS M. COLLINS: Kibbie, Chair; Murphy and Kramer

### ENVIRONMENT AND ENERGY UTILITIES

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DALE L. TIEDEN: Gronstal, Chair; Welsh and Kersten

As a member of the Renewable Fuel Advisory Committee:

JERRY L. MAAS: Sorensen, Chair; Fink and Borlaug

### HUMAN RESOURCES

As members of the Iowa Council on Human Investment:

WILLIE J. CULPEPPER: Tinsman, Chair; Judge and Buhr  
ARLENE DAYHOFF: Rittmer, Chair; Sturgeon and Riordan  
LOIS H. EICHACKER: Judge, Chair; Rittmer and Buhr  
THOMAS M. GLENN: Bennett, Chair; Lloyd-Jones and Sturgeon  
CHARLES S. JOHNSON: Szymoniak, Chair; Bartz and Lloyd-Jones  
ELAINE A. PFALZGRAF: Kramer, Chair; Riordan and Lloyd-Jones  
AUSTIN B. TURNER: Bartz, Chair; Szymoniak and Judge  
CHARESE E. YANNEY: Sturgeon, Chair; Buhr and Rittmer

### JUDICIARY

As Director of the Iowa State Civil Rights Commission:

DON B. GROVE: Lloyd-Jones, Chair; Bisignano and Pate

As a member of the State Judicial Nominating Commission:

JANET STONE: Redfern, Chair; Welsh and Drake

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As a member of the Iowa Economic Development Board:

**ELDON E. LEONARD:** Riordan, Chair; Kibbie and Maddox

As a member of the Iowa Product Development Corporation:

**THOMAS G. KUNZ:** Borlaug, Chair; Giannetto and Lloyd-Jones

**AMENDMENT FILED**

**S—5011      S.F.      2041      House amendment**

## AFTERNOON SESSION

The Senate reconvened at 1:43 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 43 present, 5 absent and a quorum present.

The Senate stood at ease at 1:58 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 41 present, 7 absent and a quorum present.

## UNFINISHED BUSINESS (Deferred January 31, 1994)

### Senate File 2060

The Senate resumed consideration of Senate File 2060, a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy, deferred January 31, 1994.

Senator Priebe offered amendment S—5007 filed by him on February 1, 1994, to pages 1 and 2 of the bill.

Senator Riordan offered amendment S—5012 filed by him from the floor to amendment S—5007 and moved its adoption.

Amendment S—5012 was adopted by a voice vote.

Senator Priebe moved the adoption of amendment S—5007 as amended, which motion prevailed by voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Pate until he returns on request of Senator Lind.

### BUSINESS PENDING

#### Senate File 2060

The Senate resumed consideration of Senate File 2060.

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

On the question "Shall the bill pass?" (S.F. 2060) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 2:

Dieleman                      Pate

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

**UNFINISHED BUSINESS**  
(Deferred January 31, 1994)

**Senate Concurrent Resolution 103**

The Senate resumed consideration of Senate Concurrent Resolution 103, a concurrent resolution to request that the United States Congress propose a constitutional amendment, for ratification by the states, which would specify that the Congress and the states have the power to protect the American flag from physical desecration, deferred January 31, 1994.

Senator Sturgeon raised the point of order that pursuant to Senate Rules 38 and 52, Senate Concurrent Resolution 103 should be referred to the committee on Judiciary.

Senator Sturgeon withdrew his point of order.

Senator Horn asked and received unanimous consent that **Senate Concurrent Resolution 103** be referred to the committee on Judiciary.

**CONSIDERATION OF BILL**  
(Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2089.

**Senate File 2089**

On motion of Senator Welsh, Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2089) the vote was:

Ayes, 47:

Banks

Bartz

Bennett

Bisignano

Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 1:

Dieleman

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

### INTRODUCTION OF BILLS

**Senate Joint Resolution 2004**, by Connolly, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualifications of electors.

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

**Senate File 2093**, by Bartz, a bill for an act providing an appropriation to support a historical farmstead restoration.

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

**APPENDIX****STUDY BILLS RECEIVED****SSB 2109 Education**

Relating to funding of gifted and talented programs.

**SSB 2110 Environment and Energy Utilities**

Relating to regulated toxics in packaging.

**SSB 2111 Transportation**

Relating to safety of railway employees.

**SSB 2112 Transportation**

Relating to railroad crossing safety.

**SSB 2113 Appropriations**

A concurrent resolution relating to the state board of regents five-year building program and providing for the financing of certain building and remodeling projects.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2076**

STATE GOVERNMENT: Gronstal, Chair; Drake and Sorensen

**Senate File 2078**

EDUCATION: Vilsack, Chair; Rensink and Szymoniak

**SSB 2104**

EDUCATION: Fink, Chair; Deluhery and Redfern

**SSB 2105**

EDUCATION: Deluhery, Chair; Fink and Taylor

**SSB 2106**

LOCAL GOVERNMENT: Sorensen, Chair; Buhr and Maddox

## SSB 2113

APPROPRIATIONS: Kibbie, Chair; Lind and Rosenberg

## BILLS ASSIGNED TO COMMITTEE

S. J. R.	2004	State Government
H.F.	610	Judiciary
H.F.	618	Business and Labor Relations

## EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 2060.

Had I been present, I would have voted "aye" on the bill.

PAUL PATE

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2089 passed the Senate on February 3, 1994.

JOE WELSH

## AMENDMENTS FILED

S—5012	S. F.	2060	Jim Riordan
S—5013	S. C. R.	103	Al Sturgeon
			Jean Lloyd-Jones
			Ralph Rosenberg

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 3:37 p.m., until 9:00 a.m., Friday, February 4, 1994.

# JOURNAL OF THE SENATE

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TWENTY-SIXTH CALENDAR DAY  
SEVENTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, February 4, 1994

The Senate met in regular session at 9:01 a.m., Senator Hedge presiding.

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

The Journal of Thursday, February 3, 1994, was approved.

## HOUSE MESSAGES RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 2, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 218**, a bill for an act relating to the compensation of deputy county sheriffs.

ALSO: That the House has on February 2, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 294**, a bill for an act relating to qualifications for sheriffs (S—5014).

## BILLS REFERRED TO COMMITTEE

Senator Rosenberg asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

S.F.	2061	State Government
S.F.	2080	Transportation

**IMMEDIATELY MESSAGED**

Senator Rosenberg asked and received unanimous consent that Senate File 2060 be immediately messaged to the House.

**APPENDIX****REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION**

**Convened:** February 3, 1994, 9:45 a.m.

**Members Present:** Judge, Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Dieleman, Vice Chair (excused) and Horn.

**Committee Business:** Presentation by members of the ICN team.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES**

**Convened:** February 3, 1994, 9:45 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Discussed expenditure oversight issues; presentation of former trust fund balances; presentation by CAIP - coalition for agriculture's image and promotion.

**Adjourned:** 11:20 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 3, 1994, 9:38 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentations by the state library and IPTV.

**Adjourned:** 11:55 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 3, 1994, 9:43 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon.

**Committee Business:** Budget presentation by the department of human rights; subcommittees met.

**Adjourned:** 10:20 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 3, 1994, 9:45 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Presentations by the Iowa attorney general on child support recovery and a representative of the DHS division of adult, children and family services on child care budget and issues.

**Adjourned:** 11:46 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 3, 1994, 9:45 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member and Hedge.

**Members Absent:** Palmer (excused).

**Committee Business:** Presentation by the state foster care review board.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 3, 1994, 9:33 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Jensen and Lloyd-Jones.

**Members Absent:** Kersten, Ranking Member (excused).

**Committee Business:** Budget presentation by the DOT highway division, airport program and the railroad program.

**Adjourned:** 11:17 a.m.

**STUDY BILL RECEIVED**

**SSB 2114 Local Government**

Relating to the probationary employment period for police dispatchers.

**AMENDMENT FILED**

S-5014      S.F.      294      House amendment

**ADJOURNMENT**

On motion of Senator Rosenberg, the Senate adjourned at 9:05 a.m., until 9:00 a.m., Tuesday, February 8, 1994.

# JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 8, 1994

The Senate met in regular session at 9:05 a.m., President Boswell presiding.

Prayer was offered by Sister Carol Freking, St. Patrick's Catholic Church, Nevada, Iowa.

The Journal of Friday, February 4, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones until she arrives on request of Senator Horn.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:16 a.m., until 2:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:24 p.m., President Boswell presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 3, 1994, adopted the following resolution in which the concurrence of the Senate is asked:

**House Joint Resolution 2007**, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with the 1994 annual meeting of the Adjutants General Association of the United States.

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

ALSO: That the House has on February 3, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2012**, a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, and providing a penalty.

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

**House File 2070**, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal.

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

**House File 2074**, a bill for an act to permit certain dissolutions of marriage to take place without a hearing.

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

#### INTRODUCTION OF BILL

**Senate File 2094**, by Rosenberg, a bill for an act relating to the awarding of joint custody of children resulting from a dissolution of marriage.

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

The Senate stood at ease at 2:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:04 p.m., President pro tempore Palmer presiding.

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 pro tempore Palmer presiding.

## INTRODUCTION OF BILLS

**Senate File 2095**, by Priebe, a bill for an act to change the name of the ethics and campaign disclosure board to the campaign finance disclosure commission and making related technical changes.

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

**Senate File 2096**, by McKean, a bill for an act relating to the disposition of private property condemned under eminent domain.

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

**APPENDIX****REPORT OF COMMITTEE MEETING****APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** February 3, 1994, 9:50 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentation by representatives of the Iowa finance authority housing program.

**Adjourned:** 11:24 a.m.

**BILL SIGNED BY THE GOVERNOR**

Communication was received announcing that on February 7, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2034 — Relating to department of human services provisions involving the family investment program and appropriating federal flood relief supplemental social services block grant funds and providing an immediate effective date.

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of February, 1994:

Senate File 218.

JOHN F. DWYER  
Secretary of the Senate

**STUDY BILLS RECEIVED**

**SSB 2115 Environment and Energy Utilities**

Relating to use of water treatment operator certification and examination fees by the department of natural resources.

**SSB 2116 Local Government**

Relating to the regulation, location, and taxation of mobile, modular, and manufactured homes.

**SSB 2117 Ways and Means**

Increasing for a limited time period the maximum property tax levy for certain county hospitals.

**SSB 2118 Agriculture**

Providing for the administration of provisions relating to the branding and marking of animals.

**SSB 2119 State Government**

Relating to the investment of funds paid to the clerk of the district court.

**BILLS ASSIGNED TO COMMITTEE**

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

S. F.	2093	Appropriations
S. F.	2094	Judiciary
H. F.	2012	Human Resources
H. F.	2070	State Government
H. F.	2074	Judiciary
H. J. R.	2007	Rules and Administration

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2072**

**WAYS AND MEANS: Husak, Chair; Drake and Palmer**

**Senate File 2085**

**WAYS AND MEANS: Husak, Chair; Bennett and Deluhery**

**House File 618**

**BUSINESS AND LABOR RELATIONS:** Gettings, Chair; Giannetto and Redfern

**SSB 2101**

**WAYS AND MEANS:** Rosenberg, Chair; Bennett and Dieleman

**SSB 2102**

**WAYS AND MEANS:** Lloyd-Jones, Chair; Bennett and Riordan

**SSB 2103**

**WAYS AND MEANS:** Szymoniak, Chair; Hedge and Palmer

**SSB 2114**

**LOCAL GOVERNMENT:** Fraise, Chair; Priebe and Zieman

**SSB 2115**

**ENVIRONMENT AND ENERGY UTILITIES:** Fink, Chair; Borlaug and Sorensen

**SSB 2116**

**LOCAL GOVERNMENT:** Szymoniak, Chair; Jensen and Vilsack

**SSB 2117**

**WAYS AND MEANS:** Szymoniak, Chair; Drake and Palmer

**SSB 2118**

**AGRICULTURE:** Judge, Chair; Boswell and Hedge

**SSB 2119**

**STATE GOVERNMENT:** Gronstal, Chair; Drake and Kibbie

**ADJOURNMENT**

On motion of Senator Buhr, the Senate adjourned at 4:40 p.m., until 9:00 a.m., Wednesday, February 9, 1994.

# JOURNAL OF THE SENATE

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THIRTY-FIRST CALENDAR DAY  
NINETEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 9, 1994

The Senate met in regular session at 9:11 a.m., President Boswell presiding.

Prayer was offered by Dr. Greg Clapper, pastor of the Trinity United Methodist Church, Waverly, Iowa.

The Journal of Tuesday, February 8, 1994, was approved.

## INTRODUCTION OF BILL

Senate File 2097, by Kibbie, a bill for an act relating to disposition of false identification cards retained by alcoholic beverage control licensees, permittees, or employees, and subjecting violators to existing penalties.

Read first time and passed on file.

## MOTION TO RECONSIDER WITHDRAWN

### Senate File 2089

Senator Welsh withdrew the motion to reconsider Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, filed by him on February 3, 1994, and found on page 218 of the Senate Journal.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kersten until he arrives on request of Senator Hedge.

### QUORUM CALL

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

The vote revealed 46 present, 2 absent and a quorum present.

### INTRODUCTION OF BILLS

**Senate File 2098**, by Sturgeon, a bill for an act relating to the taxation of unemployment compensation benefits received for the purposes of state individual income tax and providing a retroactive applicability date.

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

**Senate File 2099**, by Sturgeon, a bill for an act relating to the application of the minimum wage law to certain employees.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 9:32 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** February 8, 1994, 9:30 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member; Horn and Zieman.

**Members Absent:** none.

**Committee Business:** Presentation by the office of the secretary of state.

**Adjourned:** 9:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

**Convened:** February 8, 1994, 9:40 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Discussed drinking water primacy.

**Adjourned:** 11:48 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 8, 1994, 9:55 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentation by representatives of the department of economic development.

**Adjourned:** 11:24 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** February 8, 1994, 10:05 a.m.

**Members Present:** Kibbie, Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** Welsh, Vice Chair (excused).

**Committee Business:** Presentations by presidents of University of Iowa, ISU and UNI on the Iowa communications network via interactive television from IPT.

**Adjourned:** 12:52 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 8, 1994, 9:50 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon.

**Committee Business:** Health data commission subcommittee report; subcommittee meetings.

**Adjourned:** 10:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 8, 1994, 10:03 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Presentations by: the DHS division of adult, children and family services on adoption issues; the administrator and members of the state foster care review board on foster care placement and support issues; representatives of the DHS field operations division and the division of fiscal management on FY95 budget proposal for general administration and staffing.

**Adjourned:** 11:58 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 3, 1994, 9:45 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Prison industries review and FY'95-96 presentation.

**Adjourned:** 11:05 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 8, 1994, 9:50 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Presentation by the Polk county attorney's office and a representative of intermediate sanctions.

**Adjourned:** 11:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 8, 1994, 10:20 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent;** none.

**Committee Business:** Presentation by DES regarding workforce development initiatives.

**Adjourned:** 11:45 a.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 8, 1994, 1:35 p.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Redfern, Ranking Member; Buhr, Connolly, Giannetto, Maddox and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Assigned bills to subcommittees; presentation by Industrial Commissioner.

**Adjourned:** 2:25 p.m.

## ENVIRONMENT AND ENERGY UTILITIES

**Convened:** February 8, 1994, 1:10 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Banks, Borlaug, Fink, Gronstal, Hedge, Sorensen and Welsh.

**Members Absent:** Kersten, Ranking Member.

**Committee Business:** Presentations on drinking water primacy issues.

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

## LOCAL GOVERNMENT

**Convened:** February 8, 1994, 4:19 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak and Zieman.

**Members Absent:** Vilsack.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 43 and Senate File 2052.

**Adjourned:** 4:31 p.m.

## WAYS AND MEANS

**Convened:** February 8, 1994, 4:12 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, McLaren, Palmer, Rife and Szymoniak.

**Members Absent:** Lloyd-Jones, Murphy and Riordan (all excused) and Rosenberg.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 4:16 p.m.

**REPORTS OF STANDING COMMITTEE**  
(Place nominees on En Bloc Confirmation Calendar)

**EDUCATION**

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following governor's appointments, completed its investigations on February 9, 1994, and recommended the appointees be confirmed:

Betty J. Furgerson as a member of the Higher Education Strategic Planning Council.

Mary Jean Montgomery as a member of the State Board of Education.

**STUDY BILLS RECEIVED**

**SSB 2120 Local Government**

Relating to the selection of trustees for a water district.

**SSB 2121 Environment and Energy Utilities**

Relating to the establishment of a certification program for certain building contractors, including continuing education regarding indoor air quality and ventilation.

**SSB 2122 Appropriations**

Relating to registration fees for certain postsecondary schools.

**SSB 2123 Appropriations**

Relating to the purchase of periodic publications in electronic form.

**SSB 2124 Small Business and Economic Development**

Relating to value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing an appropriation and an effective date.

**SSB 2125 Judiciary**

Relating to limiting the access to and carrying of weapons by juveniles by restricting possession of weapons on or near school grounds, buses, or bus stops, eliminating the notice requirement prior to school locker searches, and increasing an existing penalty.

**SSB 2126 Judiciary**

Relating to alimony.

**SSB 2127 Judiciary**

Relating to the statute of limitations on claims for damages against municipalities or any officer, employee, or agent of a municipality.

**SSB 2128 Judiciary**

Eliminating the restitution limit for the offense of operating a motor vehicle while intoxicated.

**SSB 2129 Judiciary**

Providing for the filing of a notice for pending conveyances of legal or equitable interest in real estate and the pending imposition of liens on real estate and providing for fees.

**SSB 2130 Judiciary**

Relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor.

**SSB 2131 Education**

Relating to school breakfast programs in public schools and providing an effective date.

**SSB 2132 Education**

Relating to public school open enrollment procedures.

**SSB 2133 Education**

Relating to vocational rehabilitation.

**SSB 2134 Education**

Relating to the length of a practitioner's license, the requirements for an administrator's evaluation endorsement, and

the licensure of programs for preparation and professional development of practitioners by the board of education examiners.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2093**

**APPROPRIATIONS: Murphy, Chair; Boswell and Kramer**

**House File 2012**

**HUMAN RESOURCES: Szymoniak, Chair; Kramer and Lloyd-Jones**

**SSB 2109**

**EDUCATION: Fink, Chair; Deluhery and Redfern**

**SSB 2120**

**LOCAL GOVERNMENT: Priebe, Chair; Buhr and Jensen**

**SSB 2121**

**ENVIRONMENT AND ENERGY UTILITIES: Sorensen, Chair; Hedge and Welsh**

**SSB 2122**

**APPROPRIATIONS: Kibbie, Chair; Borlaug and Murphy**

**SSB 2123**

**APPROPRIATIONS: Gronstal, Chair; Murphy and Tinsman**

**SSB 2124**

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Judge, Chair; Bartz and Kibbie**

**SSB 2131**

**EDUCATION: Fink, Chair; Szymoniak and Taylor**

**SSB 2132**

**EDUCATION: Connolly, Chair; Kibbie and Tinsman**

**SSB 2133**

EDUCATION: Deluhery, Chair; Connolly and Redfern

**SSB 2134**

EDUCATION: Fink, Chair; Deluhery and Rensink

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued a certificate of recognition as follows:

Matt Walsh, Davenport — For attaining the distinguished rank of Eagle Scout. Senator Rife (2-10-94).

**COMMITTEE REPORTS****HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 2083, a bill for an act relating to termination of parental rights involving abuse or neglect of a child by the child's parent.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Pass, 1: Bennett.

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

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 2052, a bill for an act relating to the employment of a county engineer by two or more counties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak and Zieman. Nays, none. Absent or not voting, 1: Vilsack.

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

ALSO:

**Final Bill Action:** HOUSE FILE 43, a bill for an act providing for an increase in the membership of county commissions of veteran affairs.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak and Zieman. Nays, none. Absent or not voting, 1: Vilsack.

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

**AMENDMENT FILED**

S—5015

S.F.

2057

Ralph Rosenberg

## AFTERNOON SESSION

The Senate reconvened at 4:39 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 43 present, 5 absent and a quorum present.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:40 p.m., President Boswell presiding.

## CONSIDERATION OF BILL (Regular Calendar)

### Senate File 2035

On motion of Senator Gronstal, Senate File 2035, a bill for an act relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that **House File 2013** be substituted for **Senate File 2035**.

### House File 2013

On motion of Senator Gronstal, House File 2013, a bill for an act relating to the definition of an extraordinary dividend or distribution for purposes applied to domestic insurance companies which are not life insurance companies, and providing an effective date, 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?" (H.F. 2013) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

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

Senator Gronstal asked and received unanimous consent that **Senate File 2035** be **withdrawn** from further consideration of the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2041

Senator Connolly called up for consideration Senate File 2041, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions, amended by the House in House amendment S—5011 filed February 3, 1994.

Senator Connolly offered amendment S—5017 filed by him from the floor to House amendment S—5011.

Senator Bartz offered amendment S—5018 filed by him from the floor to amendment S—5017.

Senator Gronstal raised the point of order that amendment S—5018 to amendment S—5017 to House amendment S—5011 was not germane.

The Chair ruled the point well taken and amendment S—5018 out of order.

Senator Connolly moved the adoption of amendment S—5017 to House amendment S—5011, which motion prevailed by voice vote.

Senator Connolly 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 Connolly 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. 2041) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 39:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Horn	Husak
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, 9:

Banks	Bennett	Hedge	Hester
Jensen	McLaren	Rensink	Rife
Zieman			

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2013** and **Senate File 2041** be immediately messaged to the House.

## INTRODUCTION OF BILLS

**Senate File 2100**, by Giannetto, a bill for an act relating to notice of sentencing as an habitual offender.

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

**Senate File 2101**, by Murphy, a bill for an act relating to the types of child abuse cases included in the central registry.

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

**Senate File 2102**, by Szymoniak, a bill for an act creating an Iowa comprehensive family support initiative directed to families of individuals with a disability and making an appropriation.

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

**Senate File 2103**, by Connolly, a bill for an act relating to the affidavit accompanying the nomination petitions or certificates for candidates for public office.

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

**Senate File 2104**, by Connolly and Bisignano, a bill for an act relating to the employment of registered nurses by a school district.

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

**Senate File 2105**, by Kibbie, a bill for an act relating to the amount to be paid by the district of residence of a pupil participating in open enrollment.

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

**Senate File 2106**, by Jensen, a bill for an act relating to consumer rental purchase agreements, by providing for lease payments made to acquire an ownership interest in musical instruments leased for use as part of an education program.

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

**Senate File 2107**, by committee on Judiciary, a bill for an act relating to the jurisdiction of district associate judges.

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

**Senate File 2108**, by committee on Human Resources, a bill for an act relating to vital statistics information relating to births based upon the marital status of the parents of a child.

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

**Senate File 2109**, by committee on Human Resources, a bill for an act relating to temporary licensure of nurses.

**Senate File 2110**, by committee on Human Resources, a bill for an act relating to the Iowa uniform controlled substances Act and the Iowa pharmacy practice Act, and making penalties applicable.

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

**Senate File 2111**, by Vilsack, a bill for an act relating to the statute of limitations on real estate contract foreclosures.

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

**Senate File 2112**, by Rosenberg, a bill for an act relating to the procedure for civil commitment hearings, establishing a time limit for the filing of the report of the examining physician and providing limitations on the refileing of applications which have been denied for lack of evidence.

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

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2095	State Government
S.F.	2096	Local Government
S.F.	2097	State Government
S.F.	2098	Ways and Means
S.F.	2099	Business & Labor Relations
S.F.	2100	Judiciary
S.F.	2101	Human Resources
S.F.	2102	Appropriations
S.F.	2103	State Government
S.F.	2104	Education
S.F.	2105	Education
S.F.	2106	Commerce

### COMMITTEE REPORTS

#### HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2051, a bill for an act relating to access to founded child abuse information by child day care resource and referral agencies.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5016.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2108 (SSB 2071), a bill for an act relating to vital statistics information relating to births based upon the marital status of the parents of a child.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2109 (SSB 2018), a bill for an act relating to temporary licensure of nurses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Szymoniak, Lloyd-Jones, Tinsman, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 2: Bartz and Bennett.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2110 (SSB 2036), a bill for an act relating to the Iowa uniform controlled substances Act and the Iowa pharmacy practice Act, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Bartz.

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

## JUDICIARY

**Final Bill Action:** SENATE FILE 2107 (SSB 2092), a bill for an act relating to the jurisdiction of district associate judges.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Redfern, Rife, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 1: Pate.

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

## AMENDMENTS FILED

S—5016	S.F.	2051	Human Resources
S—5017	S.F.	2041	Mike Connolly
S—5018	S.F.	2041	Merlin E. Bartz

ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 7:00 p.m., until 9:00 a.m., Thursday, February 10, 1994.

# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 10, 1994

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

Prayer was offered by the Reverend Larry Pauley, pastor of the United Methodist Churches in Early and Nemaha, Iowa.

The Journal of Wednesday, February 9, 1994, was approved.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:10 a.m., until 3:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 9, 1994, 9:45 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentations by: Iowa Product Development Corporation, the Wallace Foundation, the Small Business Development Centers, and Kirkwood Community College.

**Adjourned:** 11:37 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 9, 1994, 9:55 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Members Absent:** none.

**Committee Business:** Presentations by United students of Iowa and Board of Regents.

**Adjourned:** 12:30 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 9, 1994, 9:45 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon.

**Committee Business:** Considered block grant bill.

**Adjourned:** 11:37 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 9, 1994, 9:42 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Presentations by DHS acting administrator for DHS division of mental health/mental retardation/developmental disability, and the administrator for DHS division of medical services on managed mental health care.

**Adjourned:** 11:35 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 9, 1994, 9:47 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** Presentations by the Board of Parole on the parole risk assessment program and a representative of the Polk County youth offender program on the PCYO.

**Adjourned:** 11:49 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 9, 1994, 9:50 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member and Hedge.

**Members Absent:** Palmer.

**Committee Business:** Reviewed bill draft.

**Adjourned:** 11:45 a.m.

**AGRICULTURE**

**Convened:** February 9, 1994, 8:05 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Judge, Palmer, Sorensen and Zieman.

**Members Absent:** Husak and McLaren.

**Committee Business:** Assigned bill to a subcommittee; presentation by the state director of USDA animal damage control for Iowa, Illinois and Missouri on wildlife nuisances.

**Adjourned:** 8:32 a.m.

## COMMUNICATIONS AND INFORMATION POLICY

**Convened:** February 9, 1994, 3:50 p.m.

**Members Present:** Welsh, Chair; Deluhery, Fraise and Jensen (a vice chair has not been appointed).

**Members Absent:** Kersten, Ranking Member and Rife.

**Committee Business:** Discussed fiber optics network as it relates to hospitals.

**Adjourned:** 4:00 p.m.

## EDUCATION

**Convened:** February 9, 1994, 1:34 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees and recommended confirmation of governor's appointees.

**Adjourned:** 1:40 p.m.

## HUMAN RESOURCES

**Convened:** February 9, 1994, 2:15 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2018, 2036, 2071 and 2016 as committee bills; recommended passage of Senate File 2051 as amended; recommended passage of Senate File 2083.

**Adjourned:** 3:05 p.m.

## JUDICIARY

**Convened:** February 9, 1994, 3:15 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Redfern, Rife, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Pate.

**Committee Business:** Approved SSB 2092 as a committee bill.

**Adjourned:** 3:37 p.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 9, 1994, 3:50 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Assigned bill to subcommittee; approved SSB 2009 as a committee bill; presentation by the Iowa business council.

**Adjourned:** 4:30 p.m.

## COMMUNICATIONS

The following communications have been received and placed on file in the office of the Secretary of the State from:

### STATE BOARD OF REGENTS

Board of Regents 1995-1999 Five Year Building Program.

**LEGISLATIVE SERVICE BUREAU**

A memorandum on Asian Visitors. The Iowa General Assembly is honored to have been selected for 1994 by the Asia Foundation as the state to host the Asian Legislative Fellows.

**COMMON CAUSE/IOWA**

A Report on Legislative Election Campaign Finance in Iowa.

**DEPARTMENT OF GENERAL SERVICES**

Annual Report for Fiscal Year 1993.

**STATE OF IOWA**

Capitol Planning Commission - Annual Report to the General Assembly.

**OFFICE OF TREASURER OF IOWA**

As required by Iowa Code 12A.4(2), a report to the General Assembly stating that there were no South Africa-related investments administered by the Treasurer as of December 31, 1993.

**DEPARTMENT OF MANAGEMENT**

A report submitted in accordance with Chapter 8.6(2) of the Code of Iowa. Statement of Standing Appropriations report for the fiscal year ending June 30, 1993.

**DIVISION OF COMMUNITY ACTION AGENCIES**

A copy of the report, "Funding Low Income Weatherization: Replacing Energy Conservation Trust Funds." This is in accordance with House File 625, Section 1.

**IOWA COMMUNITY NUTRITION COALITION**

The Iowa Department of Public Health was mandated by the legislature to "continue efforts to realize the 'Healthy Iowans 2000' goal of the involvement of 50 counties in the Iowa Community Nutrition Coalition by January 1, 1994, and shall submit a progress report to the general assembly by January 1, 1994."

**HEALTH MANAGEMENT INFORMATION CENTER**

A copy of the CHMIS Steering Committee's report, pursuant to Chapter 170, Section 4d, Acts and Joint Resolutions enacted at the 1993 Regular Session.

**IOWA DEPARTMENT OF TRANSPORTATION**

A copy of the "1993 Iowa Airport Sufficiency Ratings", as required by Chapter 328.12 of the Code of Iowa. The report rates each of the 113 municipally owned airport facilities open to the public.

**HEALTH MANAGEMENT INFORMATION CENTER**

A copy of the CHMIS Final Report pursuant to Chapter 62, Acts and Joint Resolutions enacted at the 1993 Regular Session.

**IOWA DEPARTMENT OF INSPECTIONS AND APPEALS**

Annual Report for Fiscal Year 1993.

**DEPARTMENT OF CULTURAL AFFAIRS**

Annual Report for Fiscal Year 1993.

**IOWA DEPARTMENT OF NATURAL RESOURCES**

Backbone Lake dredging feasibility. A review of the 1974 Lake dredging study with updates through 1993, as required by Senate File 425, Section 32, 1993 General Assembly.

**IOWA COMMISSION ON THE STATUS OF WOMEN**

22nd Annual Report.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

Report to the General Assembly on the Advertising Sales Program, pursuant to Chapter 167, Section 1.1.a. of the 1993 Session laws.

**DEPARTMENT OF HUMAN SERVICES**

The final report on the AIDS/HIV Health Insurance Premium Payment (HIPP) pilot project scheduled to sunset on June 30, 1994. Submitted in accordance with the requirements of Section (6)(c) of Senate File 2355.

**PROFESSIONAL LICENSING AND REGULATION DIVISION  
DEPARTMENT OF COMMERCE**

A report pursuant to Iowa Code section 272.4(2).

**STATE OF IOWA  
OFFICE OF TREASURER OF STATE**

The Linked Investments For Tomorrow Annual Report submitted in accordance

with Iowa law. This report sets forth the linked investment made by the state treasury for the year 1993.

#### STATE BOARD OF REGENTS

Pursuant to Section 262.9, Code of Iowa 1993, the Board of Regents is submitting the report which provides the current status on purchase and use of soybean-based inks, purchase of starch-based plastic garbage can liners, and purchase of plastic product for which starch-based alternatives are available. Also enclosed information from Regent institutions on achievement of environmental mandates required by Executive Orders 36 and 37 and Chapter 455D, Code of Iowa 1993.

#### DEPARTMENT OF PERSONNEL

Annual Report of South Africa Related Investments in accordance with Iowa Code Chapter 12A.4(2a). Report summarizes the South Africa related investments held within the (IPERS) portfolio as of Dec. 31, 1993.

#### IOWA DEPARTMENT OF TRANSPORTATION

A report containing the results of the second annual recalculation of the construction and maintenance needs of roads under the jurisdiction of each county as required by Chapter 307.2(14A) of the 1993 Code of Iowa.

#### IOWA DEPARTMENT OF TRANSPORTATION

A report on Starch Based Biodegradable Plastic Bag and Soy Inks Report as required in Code of Iowa 307.21.

#### IOWA DEPARTMENT OF PUBLIC HEALTH

Health Data Commission Executive Summary pursuant to Iowa Code Chapter 145.6.

#### IOWA DEPARTMENT OF PUBLIC HEALTH

A report on the nutrition risk survey conducted on clients of home care aide and senior health project programs. Pursuant to HF 429, Sec. 4, a(9).

#### LEGISLATIVE FISCAL BUREAU

Expenditure Oversight Summary Report FY 1993.

#### IOWA DEPARTMENT OF TRANSPORTATION

The 1994 "Transportation System Fact Book" which is a part of the Iowa Department of Transportation's annual report as required by Code Section 7A.9.

## PRESENTATION OF VISITORS

Senator Welsh presented the situational drama group "Whispers" and their leaders.

The group, who is sponsored by the Dubuque Area Council on Child Abuse, would be performing in the Capitol rotunda during the day.

## COMMITTEE REPORTS

### HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2115 (SSB 2016), a bill for an act relating to public health issues regarding brain injured individuals, substances abuse treatment programs, the health data commission, vital records services, and immunizations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. 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 2115 and they were attached to the committee report.

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Final Bill Action:** \*SENATE FILE 2114 (SSB 2009), a bill for an act relating to funding tourism marketing from certain sales tax revenues and making an appropriation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Riordan, Vilsack, Zieman, Bartz, Bennett, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. Nays, 1: Bisignano.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Small Business, Economic Development, and Tourism Committee on Senate File 2114 and they were attached to the committee report.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 103**

**JUDICIARY: Rosenberg, Chair; Sturgeon and Taylor**

**Senate File 2061**

**STATE GOVERNMENT: Gronstal, Chair; Buhr and Drake**

**Senate File 2070**

**JUDICIARY: Vilsack, Chair; Rife and Szymoniak**

**Senate File 2075**

**JUDICIARY: Welsh, Chair; Connolly and Taylor**

**Senate File 2077**

**TRANSPORTATION: Gettings, Chair; Connolly and Pate**

**Senate File 2080**

**TRANSPORTATION: Fraise, Chair; Dieleman and Kersten**

**Senate File 2094**

**JUDICIARY: Vilsack, Chair; Redfern and Szymoniak**

**Senate File 2095**

**STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie**

**Senate File 2097**

**STATE GOVERNMENT: Welsh, Chair; Dieleman and Kramer**

**Senate File 2099**

**BUSINESS AND LABOR RELATIONS: Sturgeon, Chair; Murphy and Taylor**

**Senate File 2102**

**APPROPRIATIONS: Buhr, Chair; Gronstal and Kramer**

**Senate File 2103**

**STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie**

**House File 610**

JUDICIARY: Giannetto, Chair; Drake and Vilsack

**House File 2070**

STATE GOVERNMENT: Giannetto, Chair; Buhr and Pate

**House File 2074**

JUDICIARY: Vilsack, Chair; Giannetto and Pate

**SSB 2083**

TRANSPORTATION: Connolly, Chair; Drake and Gettings

**SSB 2111**

TRANSPORTATION: Gettings, Chair; Fink and Pate

**SSB 2112**

TRANSPORTATION: Dieleman, Chair; Connolly and Kersten

**SSB 2125**

JUDICIARY: Rosenberg, Chair; Lloyd-Jones and McKean

**SSB 2126**

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

**SSB 2127**

JUDICIARY: Sturgeon, Chair; Bisignano and Drake

**SSB 2128**

JUDICIARY: Rosenberg, Chair; McKean and Sturgeon

**SSB 2129**

JUDICIARY: Redfern, Chair; Giannetto and Welsh

**SSB 2130**

JUDICIARY: Rosenberg, Chair; Bisignano and Pate

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued a certificate of recognition as follows:

Brian Hansel, Dubuque — For achieving the rank of Eagle Scout. Senator Connolly (2-12-94).

**STUDY BILLS RECEIVED****SSB 2135 Communications and Information Policy**

Relating to the Iowa communications network by providing that the state shall pay for the costs of Part III connections for school districts, area education agencies, and libraries.

**SSB 2136 Local Government**

Authorizing cities to assess and collect fees for connection to a sewer or water utility.

**SSB 2137 State Government**

Abolishing the commission on compensation, expenses, and salaries for elected state officials.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 2004**

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

**SSB 2135**

COMMUNICATIONS AND INFORMATION POLICY: Deluhery, Chair; Fraise and Jensen

**SSB 2136**

LOCAL GOVERNMENT: Buhr, Chair; Maddox and Priebe

**SSB 2137**

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

## AFTERNOON SESSION

The Senate reconvened at 3:06 p.m., President Boswell presiding.

The Senate stood at ease at 3:07 p.m. until the fall of the gavel.

The Senate resumed session at 3:44 p.m., President Boswell presiding.

## QUORUM CALL

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

The vote revealed 45 present, 3 absent and a quorum present.

## CONSIDERATION OF BILL (Regular Calendar)

### Senate File 2069

On motion of Senator Szymoniak, Senate File 2069, a bill for an act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the health data commission, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5008 filed by the committee on Human Resources on February 2, 1994, to pages 2-5, 7 and 9 of the bill and called for a division: lines 2-22 as division S—5008A and lines 23-29 as division S—5008B.

Senator Szymoniak moved the adoption of division S—5008A, which motion prevailed by voice vote.

Senator Szymoniak asked and received unanimous consent that division S—5008B be withdrawn.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kibbie for the remainder of the day on request of Senator Horn.

## BUSINESS PENDING

### Senate File 2069

The Senate resumed consideration of Senate File 2069.

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. 2069) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 1:

Kibbie

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

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 10, 1994, 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 2041**, a bill for an act establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions.

**CONSIDERATION OF BILL**  
(Regular Calendar)

**Senate File 2086**

On motion of Senator Vilsack, Senate File 2086, 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, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2086) the vote was:

Ayes, 46:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 1:

Bartz

Absent or not voting, 1:

Kibbie

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

**CONSIDERATION OF BILL  
(Appropriations Calendar)**

**Senate File 2091**

On motion of Senator Rosenberg, Senate File 2091, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2091) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 1:

Kibbie

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

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that

**Senate Files 2069 and 2086 be immediately messaged to the House.**

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 105**, by Szymoniak and Pate, a concurrent resolution designating March 1994 as Iowa Women's History Month.

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

### INTRODUCTION OF BILLS

**Senate File 2113**, by Zieman, Bartz, Hedge, Bennett, Hester, Taylor, and Borlaug, a bill for an act relating to certain tort actions by limiting the maximum liability for noneconomic damages.

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

**Senate File 2114**, by committee on Small Business, Economic Development, and Tourism, a bill for an act relating to funding tourism marketing from certain sales tax revenues and making an appropriation.

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

**Senate File 2115**, by committee on Human Resources, a bill for an act relating to public health issues regarding brain injured individuals, substance abuse treatment programs, vital records services, and immunizations.

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

**Senate File 2116**, by Rife, Tinsman, Maddox, Rittmer, Pate, Rensink, Hester, Bennett, Lind, Redfern, Kramer, Hedge, Jensen, McKean, and Zieman, a bill for an act relating to criminal and juvenile justice, including the establishment of weapons free zones, establishing penalties, and making an appropriation.

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

**Senate File 2117**, by Riordan, a bill for an act relating to licensed physician assistants by providing for coverage of services provided by such licensed physician assistants under a policy or contract providing for health care coverage.

Read first time and passed on file.

## APPENDIX

### COMMITTEE REPORT

#### TRANSPORTATION

**Final Bill Action:** SENATE FILE 2012, a bill for an act relating to establishing a seat belt requirement exemption for rural newspaper carriers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Fink, Gettings, Jensen, Kersten and Pate. Nays, none. Absent or not voting, 1: Dieleman.

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

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2111	Commerce
S.F.	2112	Judiciary
S.F.	2113	Judiciary
S.F.	2117	Human Resources

### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 10th day of February, 1994:

Senate File 2041.

JOHN F. DWYER  
Secretary of the Senate

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 5:07 p.m., until 10:00 a.m., Monday, February 14, 1994.

# JOURNAL OF THE SENATE

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THIRTY-SIXTH CALENDAR DAY  
TWENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 14, 1994

The Senate met in regular session at 10:11 a.m., President Boswell presiding.

Prayer was offered by Mrs. Harriet Vande Hoef, Representative's Secretary of Harris, Iowa, who sang "The Lord's Prayer".

The Journal of Thursday, February 10, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Taylor until he arrives on request of Senator Rife; Senator Banks until he arrives on request of Senator Hedge; Senator Lloyd-Jones and Senator Deluhery until they arrive on request of Senator Horn.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 9, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 628**, a bill for an act relating to the crime of burglary.

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

**House File 2110**, a bill for an act providing for the continued suspension of certain banking laws relating to the acquisition of savings and loan associations.

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

## CONSIDERATION OF BILLS (Regular Calendar)

### Senate File 2051

On motion of Senator Szymoniak, Senate File 2051, a bill for an act relating to access to founded child abuse information by child day care resource and referral agencies, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5016 filed by the committee on Human Resources on February 9, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5016 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2051) the vote was:

Ayes, 41:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Dieleman
Fink	Fraise	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 7:

Banks	Deluhery	Drake	Lloyd-Jones
Rosenberg	Sturgeon	Taylor	

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 Sorensen, Senate File 2052, a bill for an act relating to the employment of a county engineer by two or more counties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2052) the vote was:

Ayes, 42:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 6:

Banks	Deluhery	Lloyd-Jones	Rosenberg
Sturgeon	Taylor		

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

### Senate File 2087

On motion of Senator Kibbie, Senate File 2087, a bill for an act relating to employment under school district whole grade sharing agreements, 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. 2087) the vote was:

Ayes, 41:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Dieleman
Drake	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 7:

Banks	Deluhery	Lloyd-Jones	Maddox
Rosenberg	Sturgeon	Taylor	

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

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2109.

### Senate File 2109

On motion of Senator Judge, Senate File 2109, a bill for an act relating to temporary licensure of nurses, was taken up for consideration.

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?" (S.F. 2109) the vote was:

Ayes, 43:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe

Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 5:

Banks	Lloyd-Jones	Rosenberg	Sturgeon
Taylor			

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

### CONSIDERATION OF BILL (Ways and Means Calendar)

#### Senate File 2074

On motion of Senator Dieleman, Senate File 2074, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2074) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bartz	Bennett	Boswell	Connolly
Deluhery	Drake	Hester	Horn
Husak	Kersten	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Redfern	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Tinsman

Nays, 20:

Bisignano	Borlaug	Buhr	Dieleman
Fink	Fraise	Gettings	Giannetto

Gronstal	Hedge	Jensen	Judge
Kibbie	McKean	Pate	Priebe
Rensink	Vilsack	Welsh	Zieman

Absent or not voting, 4:

Banks	Rosenberg	Sturgeon	Taylor
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The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2092

On motion of Senator Kibbie, Senate File 2092, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund, 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. 2092) the vote was:

Ayes, 45:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 3:

Banks	Sturgeon	Taylor
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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 Horn asked and received unanimous consent to take up for consideration Senate Files 2107 and 2012.

### Senate File 2107

On motion of Senator Vilsack, Senate File 2107, a bill for an act relating to the jurisdiction of district associate judges, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2107) the vote was:

Ayes, 45:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 3:

Banks	Sturgeon	Taylor
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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 2012

On motion of Senator Fink, Senate File 2012, a bill for an act relating to establishing a seat belt requirement exemption for rural newspaper carriers, with report of committee recommending passage, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on Senate File 2012 be deferred.

### House File 43

On motion of Senator Sorensen, House File 43, a bill for an act providing for an increase in the membership of county commissions of veteran affairs, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 43) the vote was:

Ayes, 45:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 3:

Banks	Sturgeon	Taylor
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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 Judge, Senate File 2090, a bill for an act relating to the definition of resident for the purpose of obtaining licenses to hunt, fish, trap, or take protected species of animals, was taken up for consideration.

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?" (S.F. 2090) the vote was:

Ayes, 44:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 4:

Banks	Rife	Sturgeon	Taylor
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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 Horn asked and received unanimous consent that the following bills be immediately messaged to the House:

Senate Files 2051, 2052, 2087, 2090, 2107, 2109 and House File 43.

### INTRODUCTION OF BILL

Senate File 2118, by McKean, a bill for an act providing for an expedited appeal and stay of proceedings in certain matters involving real property.

Read first time and passed on file.

## RECESS

On motion of Senator Horn, the Senate recessed at 11:37 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 10, 1994, 9:57 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Presentations by the department of employment services and the workforce coordinator.

**Adjourned:** 11:24 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 10, 1994, 9:55 a.m.

**Members Present:** Kibbie, Chair; Lind, Ranking Member, Bartz and Connolly.

**Members Absent:** Welsh, Vice Chair (excused).

**Committee Business:** Presentations by the fire marshall and university of osteopathic medicine and health services.

**Adjourned:** 12:20 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 10, 1994, 9:54 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Presentations by: department of management for council on human investment action administrator of division of data management; project manager of FACS; project manager of XPERT; policy specialist in child support; EBT coordinator; and promise jobs program manager.

**Adjourned:** 11:53 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 10, 1994, 10:00 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Reviewed bill draft.

**Adjourned:** 11:35 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 10, 1994, 9:48 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Presentation on the pilot project for drivers license by county treasurers.

**Adjourned:** 10:50 a.m.

#### **NATURAL RESOURCES**

**Convened:** February 10, 1994, 1:10 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Judge, McKean, Priebe, Rensink, Riordan and Sturgeon.

**Members Absent:** Kibbie.

**Committee Business:** Presentations by the following on protected streams: department of natural resources, Iowa cattlemen's association, consulting engineer from Emmetsburg, Iowa land improvement contractor's association from Odebolt, Iowans for better fisheries and Iowa audubon society.

**Adjourned:** 2:20 p.m.

## STATE GOVERNMENT

**Convened:** February 10, 1994, 3:07 p.m.

**Members Present:** Gronstal, Chair; Rittmer, Ranking Member; Buhr, Dieleman, Drake, Fink, Kramer, Lind, McKean, McLaren and Sorensen.

**Members Absent:** Kibbie, Vice Chair; Bisignano; Giannetto, Pate, Priebe and Welsh (all excused).

**Committee Business:** Assigned bills to subcommittees and recommended confirmation of governor's appointees.

**Adjourned:** 3:17 p.m.

## TRANSPORTATION

**Convened:** February 10, 1994, 2:25 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Fink, Gettings, Jensen, Kersten and Pate.

**Members Absent:** Dieleman (excused).

**Committee Business:** Assigned bills to subcommittees and recommended passage of Senate File 2012.

**Adjourned:** 3:40 p.m.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 10, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2041 — Establishing the state percent of growth for the school budget year beginning July 1, 1994, for purposes of the state school foundation program and providing effective and applicability date provisions.

ALSO:

A communication was received announcing that on February 11, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 218 — Relating to the compensation of deputy county sheriffs.

### PETITION

The following petition was presented and placed on file by:

Senator Hedge from 14 residents of Mahaska County favoring legislation supporting the resolution concerning the power to prohibit the physical desecration of the American flag.

### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2074 failed to pass the Senate on February 14, 1994.

WILLIAM W. DIELEMAN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2092 passed the Senate February 14, 1994.

JOE WELSH

### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate Files 2069, 2086 and 2091.

Had I been present, I would have voted "aye" on the bills.

JOHN P. KIBBIE

### STUDY BILLS RECEIVED

#### SSB 2069.1 Agriculture

Relating to procedures and criteria for recovery by private property owners due to inverse condemnation of property by government action and providing an applicability date.

**SSB 2138 Human Resources**

Relating to the establishment of supplemental needs trusts for persons with disabilities.

**SSB 2139 State Government**

Prohibiting the state from entering into contracts for the sale or lease of certain real or personal property without approval of the general assembly and governor and providing an applicability date.

**SSB 2140 State Government**

Relating to the regulations of amusement devices and gambling games, and subjecting violators to an existing penalty.

**SSB 2141 State Government**

Relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, subjecting violators to existing penalties, and providing an effective date.

**SSB 2142 State Government**

Relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2096**

LOCAL GOVERNMENT: Priebe, Chair; Fraise and Zieman

**Senate File 2098**

WAYS AND MEANS: Palmer, Chair; Deluhery and Rife

**Senate File 2101**

HUMAN RESOURCES: Lloyd-Jones, Chair; Kramer and Sturgeon

**Senate File 2102  
(Reassigned)**

APPROPRIATIONS: Murphy, Chair; Gronstal and Kramer

**Senate File 2117**

**HUMAN RESOURCES: Riordan, Chair; Rittmer and Sturgeon**

**House Joint Resolution 2007**

**RULES AND ADMINISTRATION: Husak, Chair; Boswell and Rife**

**SSB 2069.1**

**AGRICULTURE: Priebe, Chair; Husak and McLaren**

**SSB 2138**

**HUMAN RESOURCES: Judge, Chair; Riordan and Rittmer**

**SSB 2139**

**STATE GOVERNMENT: Kibbie, Chair; Gronstal and McLaren**

**REPORT OF STANDING COMMITTEE**

**(Place nominee on En Bloc Confirmation Calendar)**

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the appointment of Freeman H. Forrest as a member of the Iowa Ethics and Campaign Disclosure Board, completed its investigation on February 10, 1994, and recommended the appointee be confirmed.

## AFTERNOON SESSION

The Senate reconvened at 4:32 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 41 present, 7 absent and a quorum present.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel.

The Senate resumed session at 4:57 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2119**, by McKean, a bill for an act relating to the raffle of real property by a qualified organization.

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

**Senate File 2120**, by Priebe, a bill for an act relating to the Iowa communications network and providing access to the network to the national guard armories.

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

**Senate File 2121**, by Lind, a bill for an act relating to the timely filing of claims for credit or refund by retired federal employees under the state individual income tax and providing an effective date.

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

**Senate File 2122**, by Lind, a bill for an act relating to the Iowa public employees' retirement system, by providing for the payment of retirement dividends for certain retirees and increasing the percentage multiplier used in calculating retirement benefits for certain retirees, and providing effective and retroactive applicability dates.

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

**Senate File 2123**, by Husak, a bill for an act relating to underground storage tanks.

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

**Senate File 2124**, by Lind, a bill for an act relating to driver education courses.

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

**Senate File 2125**, by Lind, a bill for an act to permit the issuance of temporary restricted licenses by the department of transportation to persons whose licenses are suspended for failure to pay fines, penalties, surcharges, or court costs.

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

**Senate File 2126**, by Lind, a bill for an act relating to payment by clerks of the district court of amounts less than one dollar.

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

**Senate File 2127**, by Lind, a bill for an act relating to limits on the legal obligation of a parent or parents to pay for actual damages caused by unlawful acts of their unemancipated minor children.

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

**Senate File 2128**, by Lind, a bill for an act requiring certain subcontractors to provide a bond when participating in public improvements and providing sanctions.

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

**Senate File 2129**, by Murphy, a bill for an act relating to handicapped parking, increasing penalties for improper use of a handicapped identification device, and for providing false information, and creating a penalty for failure to enforce handicapped parking laws.

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

**Senate File 2130**, by Murphy, a bill for an act relating to the age of a child for whom a parent is required to pay support for educational costs.

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

**Senate File 2131**, by Szymoniak, a bill for an act relating to the recovery of costs paid by the county for a special investigation or an autopsy.

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

**Senate File 2132**, by committee on Ways and Means, a bill for an act increasing for a limited time period the maximum property tax levy for certain county hospitals.

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

**Senate File 2133**, by committee on Ways and Means, a bill for an act relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision.

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

**Senate File 2134**, by Priebe, a bill for an act relating to the Iowa communications network by providing for the Part III connection of public libraries to the network.

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

**Senate File 2135**, by committee on State Government, a bill for an act prohibiting the state from entering into contracts for the sale or lease of certain real or personal property without approval of the general assembly and governor and providing an applicability date.

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

**Senate File 2136**, by committee on Local Government, a bill for an act relating to the probationary employment period for police dispatchers.

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

**Senate File 2137**, by committee on Local Government, a bill for an act relating to the selection of trustees for a water district.

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

**Senate File 2138**, by Maddox, Jensen, Tinsman, and Zieman, a bill for an act relating to the revision or repeal of certain requirements imposed by the state on certain political subdivisions.

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

**Senate File 2139**, by Priebe, a bill for an act relating to the Iowa communications network and providing for access to cable companies.

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

#### COMMITTEE REPORT

##### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2135 (SSB 2139), a bill for an act prohibiting the state from entering into contracts for the sale or lease of certain real or personal property without approval of the general assembly and governor and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Drake, Fink, Giannetto, Lind, McKean, McLaren, Priebe and Sorensen. Nays, 1: Welsh. Absent or not voting, 3: Bisignano, Kramer and Pate.

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2135.

##### **Senate File 2135**

On motion of Senator Kibbie, Senate File 2135, a bill for an act prohibiting the state from entering into contracts for the sale or lease of certain real or personal property without approval of the general assembly and governor and providing an applicability date, 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. 2135) the vote was:

Ayes, 37:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Lind	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Vilsack
Zieman			

Nays, 8:

Bisignano	Kersten	Lloyd-Jones	Maddox
McKean	Redfern	Tinsman	Welsh

Voting present, 1:

Kramer

Absent or not voting, 2:

Riordan                      Sturgeon

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

Senator Horn asked and received unanimous consent that Senate File 2135 be immediately messaged to the House.

## APPENDIX

## COMMUNICATION FROM THE GOVERNOR

The following communication from the governor was received in the office of the secretary of the Senate:

February 14, 1994

John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

I am writing you today to request committee approval to withdraw the following names under consideration from the list of interim appointments to be confirmed by the Iowa Senate with terms expiring April 30, 1994. The purpose of this withdrawal is due to the provisions of House File 144.

Accountancy Examining Board Expires

John Cain	4/30/95
Thomas H. Erpelding	4/30/94
Paul S. Stave	4/30/96
Jean E. Kruse	4/30/95
Daryl K. Henze	4/30/94

Architectural Examining Board Expires

Norman H. Rudi	4/30/95
Richard W. Pattschull	4/30/94

Engineering and Land Surveying  
Examining Board Expires

Richard A. Marr	4/30/94
Dwayne C. Garber	4/30/95

Your attention to this matter is greatly appreciated.

Sincerely,  
TERRY E. BRANSTAD  
Governor

## BILLS ASSIGNED TO COMMITTEE

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

S.F.	2116	Judiciary
S.F.	2118	Judiciary
S.F.	2119	State Government
S.F.	2120	Communications & Information Policy
S.F.	2121	Ways and Means
S.F.	2122	State Government
S.F.	2123	Environment & Energy Utilities
S.F.	2124	Transportation
S.F.	2125	Transportation
S.F.	2126	Judiciary
S.F.	2127	Judiciary
S.F.	2128	State Government
S.F.	2129	Transportation
S.F.	2130	Education
S.F.	2131	Local Government
S.F.	2134	Communications & Information Policy
S.C.R.	105	Rules and Administration
H.F.	628	Judiciary
H.F.	2110	Commerce

## COMMITTEE REPORTS

### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2136 (SSB 2114), a bill for an act relating to the probationary employment period for police dispatchers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Maddox.

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

ALSO:

**Final Bill Action:** SENATE FILE 2137 (SSB 2120), a bill for an act relating to the selection of trustees for a water district.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 9: Sorensen, Buhr, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Maddox.

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

**RULES AND ADMINISTRATION**

**Final Bill Action:** HOUSE JOINT RESOLUTION 2007, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with the 1994 annual meeting of the Adjutants General Association of the United States.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE RESOLUTION 103, a resolution relating to gubernatorial appointments requiring Senate confirmation.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

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

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 2132 (SSB 2117), a bill for an act increasing for a limited time period the maximum property tax levy for certain county hospitals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak. Nays, none.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE FILE 2133 (SSB 2102), a bill for an act relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Rife.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 103**, by committee on Rules and Administration, a resolution relating to gubernatorial appointments requiring Senate confirmation.

Read first time under rule 28 and placed on calendar.

## AMENDMENTS FILED

S—5019	S.F.	2012	Merlin E. Bartz Bill Fink
S—5020	S.F.	2012	Merlin E. Bartz

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:07 p.m., until 9:00 a.m., Tuesday, February 15, 1994.

# JOURNAL OF THE SENATE

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THIRTY-SEVENTH CALENDAR DAY  
TWENTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 15, 1994

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

Prayer was offered by Father Howard Fitzgerald, pastor of the Holy Spirit Catholic Church, Creston, Iowa.

The Journal of Monday, February 14, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 10, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2086**, a bill for an act relating to federal dimensional requirements for handicapped parking spaces.

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

**House File 2133**, a bill for an act relating to public safety by allowing the computerized sharing of criminal intelligence data.

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

## INTRODUCTION OF BILLS

**Senate File 2140**, by Jensen, a bill for an act relating to termination of parental rights including the creation of a declaration of paternity registry, prohibition of a waiver for the time limitations regarding release of custody, and providing a penalty for misrepresentation of the identity of a parent.

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

**Senate File 2141**, by Borlaug, Taylor, and Bartz, a bill for an act relating to claims for credit or refund of state individual income taxes paid by retired federal employees and the timely filing of these claims, and providing an effective date.

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

### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 103.

#### **Senate Resolution 103**

On motion of Senator Gronstal, Senate Resolution 103, a senate resolution relating to gubernatorial appointments requiring Senate confirmation, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 104**, by Hester, a resolution to recommend that the city of Audubon be chosen as the pilot project site for a facility for youthful offenders.

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

### INTRODUCTION OF BILLS

**Senate File 2142**, by Murphy, a bill for an act relating to merger of congregate nutrition sites and school lunch programs.

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

**Senate File 2143**, by Sturgeon, a bill for an act relating to the detention of juveniles held as material witnesses or for contempt of court.

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

**Senate File 2144**, by Sturgeon, a bill for an act relating to the abolishment of the department of human rights, transfer of its various divisions to other entities of state government, and providing effective dates.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 10:19 a.m., until 4:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** February 14, 1994, 3:50 p.m.

**Members Present:** Gettings, Chair; Redfern, Ranking Member; Buhr, Giannetto; Maddox and Taylor.

**Members Absent:** Sturgeon, Vice Chair; Connolly and Murphy (all excused).

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 3:53 p.m.

#### LOCAL GOVERNMENT

**Convened:** February 14, 1994, 2:22 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Ziemann.

**Members Absent:** Maddox, Ranking Member (excused).

**Committee Business:** Assigned bills to subcommittees; approved SSBs 2114 and 2120 as committee bills.

**Adjourned:** 2:58 p.m.

#### RULES AND ADMINISTRATION

**Convened:** February 14, 1994, 4:45 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer, Lind and Palmer.

**Members Absent:** none.

**Committee Business:** Approved LSB 3632 as a committee resolution; recommended passage of House Joint Resolution 2007; received and approved governor's request to withdraw appointees.

**Adjourned:** 4:50 p.m.

**STATE GOVERNMENT**

**Convened:** February 14, 1994, 3:05 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Buhr, Dieleman, Drake, Fink, Giannetto, Lind, McKean, McLaren, Priebe, Sorensen and Welsh.

**Members Absent:** Bisignano (excused); Kramer and Pate.

**Committee Business:** Assigned a bill to subcommittee; approved SSB 2139 as a committee bill; recommended confirmation of governor's appointees.

**Adjourned:** 3:22 p.m.

**WAYS AND MEANS**

**Convened:** February 14, 1994, 1:41 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2102 and 2117 as committee bills; assigned a bill to subcommittee.

**Adjourned:** 2:15 p.m.

**PRESENTATION OF VISITOR**

Senator Rittmer presented Brian Feldpausch, the 1993-94 Iowa FFA President from DeWitt. Brian, a sophomore at Iowa State University, was in Des Moines to answer questions about the 10th annual FFA legislative symposium which will be held next week at the Iowa Historical Building.

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)**AGRICULTURE**

Pursuant to Senate Rule 59, the committee on Agriculture assigned to investigate the appointment of Leslie S. Miller as a member of the Agricultural Development Authority, completed its investigation on February 15, 1994, and recommended the appointee be confirmed.

## EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following governor's appointments, completed its investigations on February 15, 1994, and recommended the appointees be confirmed:

Marvin S. Berenstein and Jeffrey D. Eaton as members of the Higher Education Strategic Planning Council.

Harriet B. Gottlieb as a member of the Iowa Higher Education Loan Authority.

Sally J. Frudden as a member of the State Board of Education.

Thomas M. Collins as a member of the State Board of Regents.

## ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following governor's appointments, completed its investigations on February 15, 1994, and recommended the appointees be confirmed:

Dale L. Tieden as a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund.

Jerry L. Maas as a member of the Renewable Fuel Advisory Committee.

## STUDY BILLS RECEIVED

### **SSB 2143 Natural Resources**

Relating to the licensing of nonresident hunters of deer and turkey, providing for the disposition of license fees, and providing an effective date.

### **SSB 2144 Transportation**

A concurrent resolution relating to state and federal fuel tax collections.

### **SSB 2145 Transportation**

Requiring riders aged eighteen years and under of motorcycles and motorized bicycles to wear protective headgear and making penalties applicable.

**SSB 2146 Human Resources**

Amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date.

**SSB 2147 Human Resources**

Relating to the use of alternative licensing for nursing facilities.

**SSB 2148 Human Resources**

Relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

**SSB 2149 Judiciary**

Relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

**SSB 2150 Judiciary**

Relating to juvenile justice, including providing for the release of certain records concerning juveniles, exemption from juvenile court jurisdiction for certain offenses, suspending the motor vehicle license of a juvenile under certain circumstances, eliminating the notice required for students before certain locker searches, establishing parental responsibility for the costs of certain treatment for children, affecting rights of citizenship, and enhancing or creating penalties.

**SSB 2151 Education**

Relating to the imposition by a school district of the tax levy for payment of bonds to be issued.

**SSB 2152 Natural Resources**

A senate resolution expressing appreciation and thanks to United States Air Force cadets who assisted with flood cleanup efforts at Ledges State Park.

**SSB 2153 State Government**

Relating to the Iowa public employees' retirement system, and providing effective and retroactive applicability dates.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2100**

JUDICIARY: Giannetto, Chair; McKean and Vilsack

**Senate File 2104**

EDUCATION: Connolly, Chair; Szymoniak and Taylor

**Senate File 2105**

EDUCATION: Connolly, Chair; Szymoniak and Taylor

**Senate File 2112**

JUDICIARY: Rosenberg, Chair; Bisignano and Taylor

**Senate File 2113**

JUDICIARY: Vilsack, Chair; Redfern and Sturgeon

**Senate File 2116**

JUDICIARY: Rosenberg, Chair; McKean and Sturgeon

**Senate File 2118**

JUDICIARY: McKean, Chair; Giannetto and Vilsack

**Senate File 2119**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**Senate File 2122**

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

**Senate File 2123**

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

**Senate File 2126**

JUDICIARY: Redfern, Chair; Bisignano and Lloyd-Jones

**Senate File 2127**

JUDICIARY: Rosenberg, Chair; Redfern and Szymoniak

**Senate File 2128**

STATE GOVERNMENT: Welsh, Chair; Drake and Fink

**Senate File 2130**

EDUCATION: Murphy, Chair; Deluhery and Kramer

**House File 628**

JUDICIARY: Rosenberg, Chair; Drake and Giannetto

**SSB 2140**

STATE GOVERNMENT: Dieleman, Chair; Drake and Gronstal

**SSB 2141**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**SSB 2142**

STATE GOVERNMENT: Gronstal, Chair; Drake, Kibbie, Rittmer and Sorensen

**SSB 2143**

NATURAL RESOURCES: Judge, Chair; Hester and Riordan

**SSB 2146**

HUMAN RESOURCES: Szymoniak, Chair; Riordan and Tinsman

**SSB 2147**

HUMAN RESOURCES: Judge, Chair; Bartz and Buhr

**SSB 2148**

HUMAN RESOURCES: Judge, Chair; Bartz and Lloyd-Jones

**SSB 2149**

JUDICIARY: Vilsack, Chair; Bisignano and Pate

**SSB 2150**

JUDICIARY: Rosenberg, Chair; Lloyd-Jones and Taylor

**SSB 2151**

EDUCATION: Szymoniak, Chair; Connolly and Lind

**SSB 2152**

NATURAL RESOURCES: Fink, Chair; Hester and Riordan

**SSB 2153**

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

**LSB 4091**

AGRICULTURE: Priebe, Chair; Hester and Zieman

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** SENATE FILE 2066, a bill for an act providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Priebe, Riordan, Bartz, Banks, Boswell, Hedge, Husak, McLaren, Palmer, Sorensen and Zieman. Nays, none. Absent or not voting, 4: Fraise, Giannetto, Hester and Judge.

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

ALSO:

**Final Bill Action:** SENATE FILE 2147 (LSB 4091), a bill for an act regulating the slaughtering and processing of certain exotic animals and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Priebe, Riordan, Bartz, Banks, Boswell, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none. Absent or not voting, 1: Fraise.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2148 (SSB 2069.1), a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of property by government action and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. 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 2148 and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 4:10 p.m., President Boswell presiding.

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 106**, by Banks, a concurrent resolution relating to border city trucking agreements.

Read first time and passed on file.

## INTRODUCTION OF BILLS

**Senate File 2145**, by Szymoniak, a bill for an act relating to the provision of certain information to counties by community mental health centers.

Read first time and passed on file.

**Senate File 2146**, by Priebe, a bill for an act relating to establishing an abstract title plant board of examiners, establishing a fee, and making an appropriation.

Read first time and passed on file.

**Senate File 2147**, by committee on Agriculture, a bill for an act regulating the slaughtering and processing of certain exotic animals and making penalties applicable.

Read first time and placed on calendar.

**Senate File 2148**, by committee on Agriculture, a bill for an act relating to procedures and criteria for recovery by private property owners due to inverse condemnation of property by government action, providing an applicability date, and an effective date.

Read first time and placed on calendar.

**Senate File 2149**, by Bartz, a bill for an act relating to an individual income tax deduction from net income for student loan interest.

Read first time and passed on file.

**Senate File 2150**, by Bennett, a bill for an act relating to the issuing authority for permits for vehicles of excessive size and weight.

Read first time and passed on file.

**Senate File 2151**, by Bennett, a bill for an act relating to support of children by eliminating time limitations on actions for the modification of a child support order based upon changes in technology and actions to overcome paternity.

Read first time and passed on file.

**Senate File 2152**, by Jensen, a bill for an act relating to requirements for approval of a general permit to discharge stormwater.

Read first time and passed on file.

**Senate File 2153**, by Banks, a bill for an act providing for the distribution of earnings by cooperative associations operating on a pooling basis.

Read first time and passed on file.

**Senate File 2154**, by Sturgeon, a bill for an act relating to the repeal of the Iowa lottery, by providing for the disposition of Iowa lottery property, by providing for the transfer or layoff of employees, and by providing for other properly related matters, and by providing an effective date.

Read first time and passed on file.

**Senate File 2155**, by Redfern and McKean, a bill for an act to provide for life imprisonment for persons convicted of certain offenses.

Read first time and passed on file.

**Senate File 2156**, by Kibbie, a bill for an act relating to the statewide notification center established for the purpose of transmitting information regarding excavations.

Read first time and passed on file.

**BILLS REFERRED TO COMMITTEE**

Senator Horn asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

S. F.	2079	Ways and Means
S. F.	2114	Appropriations

## APPENDIX

### EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 14, 1994.

Had I been present, I would have voted "aye" on Senate Files 2051, 2052 and 2087.

PATRICK J. DELUHERY

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2138	Local Government
S.F.	2139	Communications & Information Policy
S.F.	2140	Human Resources
S.F.	2141	Ways and Means
S.F.	2142	Human Resources
S.F.	2143	Judiciary
S.F.	2144	State Government
S.F.	2145	Human Resources
S.F.	2146	State Government
S.F.	2149	Ways and Means
S.F.	2150	Transportation
S.F.	2151	Human Resources
S.F.	2152	Environment & Energy Utilities
S.F.	2153	Agriculture
S.F.	2154	State Government
S.F.	2155	Judiciary
S.R.	104	Judiciary
H.F.	2086	Transportation
H.F.	2133	Judiciary

### COMMITTEE REPORTS

#### ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** SENATE FILE 2157 (SSB 2081), a bill for an act relating to electric transmission line franchises.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Rosenberg, Deluhery, Kersten, Borlaug, Fink, Gronstal, Hedge and Sorensen. Nays, none. Absent or not voting, 2: Banks and Welsh.

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

## **HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 2053, a bill for an act relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5021.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2064, a bill for an act exempting from regulation certain homeowners' association swimming pools.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

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

## **REPORTS OF STANDING COMMITTEE** (Place nominees on En Bloc Confirmation Calendar)

### **HUMAN RESOURCES**

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments, completed its investigations on February 15, 1994, and recommended the appointees be confirmed:

Arlene Dayhoff, Lois H. Eichacker, Elaine A. Pfalzgraf, Austin B. Turner and Charese E. Yanney as members of the Iowa Council on Human Investment.

**INTRODUCTION OF BILL**

**Senate File 2157**, by committee on Environment and Energy Utilities, a bill for an act relating to electric transmission line franchises.

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

**AMENDMENT FILED**

S-5021      S.F.      2053      Human Resources

**ADJOURNED**

On motion of Senator Horn, the Senate adjourned at 4:13 p.m., until 9:00 a.m., Wednesday, February 16, 1994.

# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 16, 1994

The Senate met in regular session at 9:11 a. m., President Boswell presiding.

Prayer was offered by Frank Oleson, retired minister of the Evangelical Free Church, West Burlington, Iowa.

The Journal of Tuesday, February 15, 1994, was approved.

## INTRODUCTION OF BILLS

**Senate File 2158**, by Jensen, a bill for an act providing for a state capitol view preservation area.

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

**Senate File 2159**, by Banks, a bill for an act relating to certain motor vehicles by providing indivisible load regulations for vehicles that transport solid waste, and by permitting round-trip permits and nighttime travel for certain vehicles of excessive weight and size.

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

## RECESS

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

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** February 15, 1994, 10:35 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Horn.

**Committee Business:** Review of budgets, intent language and reports.

**Adjourned:** 11:25 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURAL/NATURAL RESOURCES

**Convened:** February 15, 1994, 10:30 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Reviewed sub-subcommittee reports and discussed FY 1995 appropriations.

**Adjourned:** 11:13 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 15, 1994, 10:34 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Reviewed proposed budget bill.

**Recessed:** 10:44 a.m.

**Reconvened:** February 15, 1994, 11:29 a.m.

**Members Present:** Bisignano, Chair; Riordan, Vice Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Boswell (excused).

**Committee Business:** Reviewed proposed budget bill.

**Adjourned:** 12:05 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS**

**Convened:** February 15, 1994, 10:25 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Sturgeon (excused).

**Committee Business:** Program performance based budgeting.

**Adjourned:** 11:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 15, 1994, 10:30 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Reviewed appropriations figures in preparation of final bill draft.

**Adjourned:** 11:05 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 15, 1994, 10:20 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair and Lloyd-Jones.

**Members Absent:** Kersten, Ranking Member and Jensen (both excused).

**Committee Business:** Presentation by the captain of the Oregon State Police.

**Adjourned:** 10:42 a.m.

## AGRICULTURE

**Convened:** February 15, 1994, 8:03 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Zieman.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2066; deferred action on SSB 2068; amended and approved SSB 2069.1 as a committee bill; recommended confirmation of governor's appointee; presentation by the Iowa corn growers association on ethanol.

**Adjourned:** 8:30 a.m.

## EDUCATION

**Convened:** February 15, 1994, 1:36 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor and Tinsman.

**Members Absent:** Vilsack (excused).

**Committee Business:** Assigned bills to subcommittees and recommended confirmation of governor's appointees.

**Adjourned;** 1:47 p.m.

## ENVIRONMENT AND ENERGY UTILITIES

**Convened:** February 15, 1994, 2:30 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Fink, Gronstal, Hedge and Sorensen.

**Members Absent:** Welsh (excused).

**Committee Business:** Approved SSB 2081 as a committee bill; recommended confirmation of governor's appointees; discussed use of oil overcharge money and possible solutions for low income weatherization funds when the oil overcharge money is depleted.

**Adjourned:** 3:05 p.m.

## **ETHICS**

**Convened:** February 15, 1994, 1:38 p.m.

**Members Present:** Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake and Husak.

**Members Absent:** McKean (excused).

**Committee Business:** Discussed chapter 68B.

**Adjourned:** 2:10 p.m.

## **HUMAN RESOURCES**

**Convened:** February 15, 1994, 2:19 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2053 as amended; recommended confirmation of governor's appointees; recommended passage of Senate File 2064.

**Adjourned:** 3:02 p.m.

## **JUDICIARY**

**Convened:** February 15, 1994, 3:22 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Pate, Redfern, Szymoniak, Taylor and Welsh.

**Members Absent:** Rife and Vilsack (both excused).

**Committee Business:** Deferred action on Senate File 2038.

**Adjourned:** 3:34 p.m.

**STUDY BILLS RECEIVED****SSB 2154 Human Resources**

Relating to health care reform, legal process changes, regulation of insurance and health care plan providers, income tax credits for certain physicians, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions.

**SSB 2155 Small Business and Economic Development**

Relating to value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs, the appropriation of moneys, the repeal of a section, and an effective date.

**SSB 2156 Local Government**

Relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association.

**SUBCOMMITTEE ASSIGNMENTS****Senate Concurrent Resolution 105**

**RULES AND ADMINISTRATION:** Gronstal, Chair; Boswell and Kramer

**Senate File 2088**

**COMMERCE:** Deluhery, Chair; Jensen and Palmer

**Senate File 2106**

**COMMERCE:** Gettings, Chair; Deluhery and Jensen

**Senate File 2111**

**COMMERCE:** Palmer, Chair; Deluhery and Lind

**Senate File 2114**

**APPROPRIATIONS:** Gronstal, Chair; Banks and Murphy

**Senate File 2124**

**TRANSPORTATION:** Lloyd-Jones, Chair; Connolly and Kersten

**Senate File 2125**

TRANSPORTATION: Fraise, Chair; Gettings and Jensen

**Senate File 2129**

TRANSPORTATION: Dieleman, Chair; Drake and Fink

**Senate File 2131**

LOCAL GOVERNMENT: Szymoniak, Chair; Jensen and Vilsack

**Senate File 2138**

LOCAL GOVERNMENT: Priebe, Chair; Sorensen and Zieman

**Senate File 2140**

HUMAN RESOURCES: Buhr, Chair; Sturgeon and Tinsman

**Senate File 2142**

HUMAN RESOURCES: Buhr, Chair; Bartz and Lloyd-Jones

**Senate File 2145**

HUMAN RESOURCES: Lloyd-Jones, Chair; Judge and Rittmer

**Senate File 2150**

TRANSPORTATION: Gettings, Chair; Drake and Fink

**Senate File 2151**

HUMAN RESOURCES: Szymoniak, Chair; Sturgeon and Tinsman

**Senate File 2153**

AGRICULTURE: Banks, Chair; Hedge and Priebe

**House File 582**

HUMAN RESOURCES: Szymoniak, Chair; Bartz and Judge

**House File 2086**

TRANSPORTATION: Dieleman, Chair; Drake and Fink

**House File 2110**

COMMERCE: Deluhery, Chair; Priebe and Redfern

**SSB 2144**

TRANSPORTATION: Lloyd-Jones, Chair; Dieleman and Kersten

**SSB 2145**

TRANSPORTATION: Fraise, Chair; Jensen and Lloyd-Jones

**SSB 2154**

HUMAN RESOURCES: Szymoniak, Chair; Judge and Kramer

**SSB 2155**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Judge, Chair; Bartz and Kibbie

**SSB 2156**

LOCAL GOVERNMENT: Fraise, Chair; Rittmer and Sorensen

**LSB 4089**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Riordan, Chair; Bartz, Bisignano, Maddox and Vilsack

**REPORTS OF STANDING COMMITTEE**

(Place nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on February 14, 1994, and recommended the appointees be confirmed:

Jack Dack as Commandant of the Iowa Veterans Home.

Michael A. Logan as a member of the Investment Board of the IPERS.

Bernard L. McKinley and Mary C. Williams as members of the Iowa Ethics and Campaign Disclosure Board.

Carol J. McCarty as a member of the Personnel Commission.

**REPORTS OF STANDING COMMITTEE**  
(Place nominees on Individual Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on February 14, 1994, and made no recommendation:

Larry J. Jatho as a member of the Commission of Veterans Affairs.

Mitchell L. O'Neel as Executive Director of the Commission of Veterans Affairs.

**AMENDMENT FILED**

S—5022      S. F.      2057      Merlin E. Bartz

**AFTERNOON SESSION**

The Senate reconvened at 4:08 p.m., Senator Fink presiding.

**INTRODUCTION OF BILLS**

**Senate File 2160**, by Borlaug, Banks, Jensen, Bisignano, and Priebe, a bill for an act to provide a mandatory minimum penalty for the use of a firearm in the commission of a forcible felony.

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

**Senate File 2161**, by Redfern, a bill for an act to prohibit assaults upon peace officers and fire fighters, and providing penalties.

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

**Senate File 2162**, by committee on Transportation, a bill for an act relating to safety of railway employees.

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

## APPENDIX

### COMMITTEE REPORTS

#### TRANSPORTATION

**Final Bill Action:** SENATE FILE 2080, a bill for an act relating to agricultural and other motor vehicles, by defining special mobile equipment, expanding the exemption for vehicles used in combination from federal motor carrier safety regulations, and exempting oversized vehicles from certain regulations.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5023.

**Final Vote:** Ayes, 10: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen, Kersten and Pate. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2162 (SSB 2111), a bill for an act relating to safety of railway employees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen, Kersten and Pate. Nays, none.

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

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2156	Commerce
S. F.	2158	State Government
S. F.	2159	Transportation
S. F.	2160	Judiciary
S. F.	2161	Judiciary
S. C. R.	106	Transportation

## AMENDMENT FILED

S-5023      S.F.      2080      Transportation

## INTRODUCTION OF BILL

**Senate File 2163**, by committee on Small Business, Economic Development, and Tourism, a bill for an act authorizing the department of economic development to assist in the establishment of quality jobs enterprise zones, providing for the establishment of a quality jobs enterprise zone, providing certain economic development assistance, creating a new jobs and income program, providing for program requirements and benefits, including tax incentives and tax exemptions, and providing an effective date.

Read first time under rule 28 and placed on calendar.

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:10 p.m., until 9:00 a.m., Thursday, February 17, 1994.

# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 17, 1994

The Senate met in regular session at 9:11 a.m., President Boswell presiding.

Prayer was offered by the Reverend Steve Allen, pastor of the First Christian Church, Albia, Iowa.

The Journal of Wednesday, February 16, 1994, was approved.

## INTRODUCTION OF BILL

**Senate File 2164**, by Rosenberg, a bill for an act relating to the receipt of federal community development block grant funds for municipal housing projects and the allocation of affordable housing.

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

## COMMITTEE REPORT

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Final Bill Action:** \*SENATE FILE 2163 (LSB 4089), a bill for an act authorizing the department of economic development to assist in the establishment of quality jobs enterprise zones, providing for the establishment of a quality jobs enterprise zone, providing certain economic development assistance, creating a new jobs and income program, providing for program requirements and benefits, including tax incentives and tax exemptions, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Riordan, Vilsack, Zieman, Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. 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 Small Business, Economic Development, and Tourism Committee on Senate File 2163 and they were attached to the committee report.

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2163** be referred from the Regular Calendar to the committee on **Ways and Means**.

### RECESS

On motion of Senator Horn, the Senate recessed at 9:28 a.m., until 4:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

**Convened:** February 16, 1994, 10:00 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Horn.

**Committee Business:** Finalization of budget.

**Adjourned:** 11:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** February 16, 1994, 10:15 a.m.

**Members Present:** Bisignano, Chair; Borlaug, Ranking Member and Maddox.

**Members Absent:** Riordan, Vice Chair and Boswell (both excused).

**Committee Business:** Discussed proposed budget bill.

**Adjourned:** 10:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

**Convened:** February 16, 1994, 8:07 a.m.

**Members Present:** Buhr, Chair; Tinsman, Ranking Member and Bennett.

**Members Absent:** Giannetto, Vice Chair and Sturgeon (excused).

**Committee Business:** Program performance based budgeting.

**Recessed:** 9:02 a.m.

**Reconvened:** February 16, 1994, 10:00 a.m.

**Members Present:** Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

**Members Absent:** none.

**Committee Business:** Discussed department of human rights and subcommittee reports.

**Adjourned:** 11:45 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES**

**Convened:** February 16, 1994, 9:58 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Discussed proposed budget bill.

**Adjourned:** 11:15 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 10, 1994, 10:05 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member and Taylor.

**Members Absent:** Murphy (excused).

**Committee Business:** A representative of GASA reviewed last fiscal year and made recommendations for funding level in next fiscal year.

**Adjourned:** 11:47 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 16, 1994, 10:04 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member; Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** A representative of AFSCME Union 61 reviewed last fiscal year, reported on the incident at the Iowa State Penitentiary in Ft. Madison, and made recommendations on certain funding levels within the correction's budget.

**Adjourned:** 11:37 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON REGULATION**

**Convened:** February 16, 1994, 10:05 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member and Hedge.

**Members Absent:** Palmer.

**Committee Business:** Reviewed and gave preliminary approval of proposed appropriations bill.

**Adjourned:** 11:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 16, 1994, 10:05 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Jensen and Lloyd-Jones.

**Members Absent:** Kersten, Ranking Member (excused).

**Committee Business:** Discussed proposed appropriations bill.

**Adjourned:** 11:25 a.m.

#### **COMMUNICATIONS AND INFORMATION POLICY**

**Convened:** February 16, 1994, 3:10 p.m.

**Members Present:** Welsh, Chair; Kersten, Ranking Member; Deluhery, Fraise and Jensen (a vice chair has not been appointed).

**Members Absent:** none.

**Committee Business:** Discussed educational telecommunications system.

**Adjourned:** 3:33 p.m.

#### **NATURAL RESOURCES**

**Convened:** February 16, 1994, 1:40 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Judge, Kibbie, McKean, Priebe, Rensink, Riordan and Sturgeon.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2152 as a committee bill.

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

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 16, 1994, 3:10 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Assigned bill to subcommittee; approved LSB 4089 as a committee bill.

**Adjourned:** 3:45 p.m.

### **TRANSPORTATION**

**Convened:** February 16, 1994, 2:20 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen, Kersten and Pate.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2080 as amended; approved SSB 2111 as a committee bill.

**Adjourned:** 2:53 p.m.

### **PLACEMENTS ON INDIVIDUAL CONFIRMATION CALENDAR**

**MR. PRESIDENT:** Pursuant to Senate Rule 59, I hereby request that the name of Thomas M. Collins be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

**JOHN P. KIBBIE**

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Marvin S. Berenstein be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar".

JOHN P. KIBBIE

## COMMITTEE REPORT

### COMMERCE

**Final Bill Action:** SENATE FILE 2106, a bill for an act relating to consumer rental purchase agreements, by providing for lease payments made to acquire an ownership interest in musical instruments leased for use as part of an education program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Deluhery, Palmer, Jensen, Bisignano, Gettings, Lind, Pate, Redfern, Rife and Welsh. Nays, none. Absent or not voting, 4: Gronstal, Kersten, Priebe and Sturgeon.

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

## STUDY BILLS RECEIVED

### SSB 2157 Local Government

Relating to the number and election of sanitary district trustees.

### SSB 2158 Local Government

Relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matter, and providing an effective date.

### SSB 2159 Human Resources

Relating to motorcycle helmets and creating penalties.

### SSB 2160 Commerce

Relating to prepayment penalties for certain loans secured by real estate mortgages.

**SSB 2161 Commerce**

Relating to cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries and providing for fees and penalties.

**SSB 2162 Commerce**

Relating to prize promotions and establishing criminal and civil penalties and a private cause of action, and providing an effective date.

**SSB 2163 Commerce**

Relating to the investment authority of state banks.

**SSB 2164 Commerce**

Relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce.

**SSB 2165 Business and Labor Relations**

Relating to employment services by eliminating certain unemployment benefit charges, making the voluntary shared work program permanent, and making changes to the workers' compensation laws.

**SSB 2166 Communications and Information Policy**

Relating to the procurement and installation of Part III of the Iowa communication network.

**SSB 2167 Appropriations**

Relating to the state reimbursement to local tax jurisdictions of lost tax revenues from the exemption of certain machinery and equipment, providing for annual appropriations, and providing a contingent effective date provision.

**SSB 2168 Human Resources**

Establishing requirements for disclosure of psychological test material.

**SSB 2169 Appropriations**

Relating to the disbursement of funds to the foreign trade offices of the department of economic development.

**SSB 2170 Appropriations**

Relating to state budget procedures involving lease-purchase contracts.

**SSB 2171 Transportation**

Relating to the operation of vehicles on roads by requiring certain drivers of commercial vehicles to comply with federal motor carrier safety regulations and by restricting the operation of all-terrain vehicles and snowmobiles on roads.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2079**

WAYS AND MEANS: Husak, Chair; Hester and Palmer

**Senate File 2120**

COMMUNICATIONS AND INFORMATION POLICY: Fraise, Chair; Deluhery and Kersten

**Senate File 2121**

WAYS AND MEANS: Dieleman, Chair; Hedge and Husak

**Senate File 2134**

COMMUNICATIONS AND INFORMATION POLICY: Fraise, Chair; Deluhery and Kersten

**Senate File 2139**

COMMUNICATIONS AND INFORMATION POLICY: Fraise, Chair; Deluhery and Kersten

**Senate File 2141**

WAYS AND MEANS: Husak, Chair; Hester and Murphy

**Senate File 2144**

STATE GOVERNMENT: Gronstal, Chair; Kibbie and Lind

**Senate File 2146**

STATE GOVERNMENT: Fink, Chair; McKean and Priebe

**Senate File 2149**

WAYS AND MEANS: Husak, Chair; Hester and Murphy

**Senate File 2152**

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Hedge and Sorensen

**Senate File 2154.**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**Senate File 2158**

STATE GOVERNMENT: Dieleman, Chair; Gronstal and McKean

**Senate File 2163**

WAYS AND MEANS: Riordan, Chair; Deluhery and McLaren

**SSB 2007**  
(Reassigned)

HUMAN RESOURCES: Sturgeon, Chair; Kramer and Lloyd-Jones.

**SSB 2107**

COMMERCE: Palmer, Chair; Bisignano, Gronstal, Jensen and Kersten

**SSB 2108**

COMMERCE: Bisignano, Chair; Gronstal, Jensen, Kersten and Palmer

**SSB 2157**

LOCAL GOVERNMENT: Fraise, Chair; Jensen and Priebe

**SSB 2158**

LOCAL GOVERNMENT: Sorensen, Chair; Rittmer and Vilsack

**SSB 2160**

COMMERCE: Welsh, Chair; Redfern and Sturgeon

**SSB 2161**

COMMERCE: Gronstal, Chair; Deluhery and Redfern

**SSB 2162**

COMMERCE: Deluhery, Chair; Jensen and Welsh

**SSB 2163**

COMMERCE: Deluhery, Chair; Lind and Palmer

**SSB 2164**

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer

**SSB 2165**

BUSINESS AND LABOR RELATIONS: Gettings, Chair; Giannetto and Taylor

**SSB 2166**

COMMUNICATIONS AND INFORMATION POLICY: Welsh, Chair; Fraise and Jensen

**SSB 2167**

APPROPRIATIONS: Bisignano, Chair; Redfern and Vilsack

**SSB 2168**

HUMAN RESOURCES: Lloyd-Jones, Chair; Riordan and Rittmer

**SSB 2169**

APPROPRIATIONS: Bisignano, Chair; Borlaug and Connolly

**SSB 2170**

APPROPRIATIONS: Murphy, Chair; Banks and Husak

AMENDMENT FILED

S-5024

H.F.

545

William W. Dieleman  
Richard F. Drake

## AFTERNOON SESSION

The Senate reconvened at 4:24 p.m., Senator Sorenson presiding.

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 107**, by Bartz, a concurrent resolution objecting to United States Environmental Protection Agency rules regarding low-sulfur diesel fuel.

Read first time and passed on file.

**Senate Resolution 105**, by committee on Natural Resources, a senate resolution expressing appreciation and thanks to United States Air Force cadets who assisted with flood cleanup efforts at Ledges State Park and Dolliver State Park.

Read first time and placed on calendar.

### INTRODUCTION OF BILLS

**Senate Joint Resolution 2005**, by Bartz, a joint resolution to nullify portions of an administrative rule relating to open burning of certain agricultural and other wastes and providing an effective date.

Read first time and passed on file.

**Senate File 2165**, by Banks, a bill for an act providing for the allocation of moneys appropriated to support soil and water conservation practices, to support levee reconstruction and repair, and providing an effective date.

Read first time and passed on file.

**Senate File 2166**, by Husak, a bill for an act defining illegal gambling activities at gambling facilities operated lawfully in this state and imposing a criminal penalty.

Read first time and passed on file.

**Senate File 2167**, by committee on Appropriations, a bill for an act relating to the state reimbursement to local tax jurisdictions of lost tax revenues from the exemption of certain machinery and

equipment, providing for annual appropriations, and providing a contingent effective date provision.

**Read first time and placed on Appropriations Calendar.**

**Senate File 2168**, by committee on Appropriations, a bill for an act relating to state budget procedures involving lease-purchase contracts.

**Read first time and placed on Appropriations Calendar.**

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on February 15, 1994, adopted the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 102**, a concurrent resolution supporting the termination of a contract to sell the WOI-TV station.

**ALSO:** That the House has on February 15, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2011**, a bill for an act relating to victim restitution payments from moneys collected by the clerk of the district court.

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

**House File 2124**, a bill for an act relating to nonsubstantive Code corrections.

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

**ALSO:** That the House has on February 17, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2145**, a bill for an act relating to public health issues regarding persons with brain injury, substance abuse treatment programs, the health data commission, vital records services, and immunizations.

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

**House File 2172**, a bill for an act relating to the Iowa uniform controlled substances Act and the Iowa pharmacy practice Act, and making penalties applicable.

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

**House File 2180**, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

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

The Senate stood at ease at 4:27 p.m. until the fall of the gavel.

The Senate resumed session at 5:12 p.m., President Boswell presiding.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Angie Boyington, Rowan; Angela Thompson, Eagle Grove; and Heather Whyte, Goldfield — For winning a \$500.00 scholarship in the Iowa's Best Community Scholarship Program. Senator Taylor (2-17-94).

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2164	Appropriations
S. F.	2165	Appropriations
S. J. R.	2005	Agriculture
S. C. R.	107	Environment & Energy Utilities
H. F.	2011	Judiciary
H. F.	2124	Judiciary

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2167 (SSB 2167), a bill for an act relating to the state reimbursement to local tax jurisdictions of lost tax revenues from the exemption of certain machinery and equipment, providing for annual appropriations, and providing a contingent effective date provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Murphy, Boswell, Bisignano, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kibbie, Palmer, Rosenberg and Vilsack. Nays, 10: McLaren, Banks, Borlaug, Kersten, Kramer, Lind, Pate, Redfern, Rensink and Tinsman.

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

ALSO:

**Final Bill Action:** SENATE FILE 2168 (SSB 2170), a bill for an act relating to state budget procedures involving lease-purchase contracts.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Rosenberg.

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

## EDUCATION

**Final Bill Action:** SENATE FILE 2169 (SSB 2104), a bill for an act relating to teacher licensure terms and endorsements.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Connolly, Kibbie, Kramer, Deluhery, Fink, Lind, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Dieleman and Murphy.

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

## NATURAL RESOURCES

**Final Bill Action:** \*SENATE RESOLUTION 105 (SSB 2152), a senate resolution expressing appreciation and thanks to United States Air Force cadets who assisted with flood cleanup efforts at Ledges State Park and Dolliver State Park.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 12: Fink, Dieleman, Hester, Banks, Hedge, Judge, Kibbie, McKean, Priebe, Rensink, Riordan and Sturgeon. Nays, none.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Natural Resources Committee on Senate Resolution 105 and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2076, a bill for an act creating a state capitol complex infrastructure fund in the state treasury to fund repairs and renovations to state buildings.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, Pate, Sorensen and Welsh. Nays, 4: Bisignano, Kramer, Lind and Priebe. Absent or not voting, 1: McLaren.

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

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2163, a bill for an act authorizing the department of economic development to assist in the establishment of quality jobs enterprise zones, providing for the establishment of a quality jobs enterprise zone, providing certain economic development assistance, creating a new jobs and income program, providing for program requirements and benefits, including tax incentives and tax exemptions, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Dieleman, Bennett, Deluhery, Drake, Hedge, Hester, Lloyd-Jones, Murphy, Palmer, Rife, Riordan and Szymoniak. Nays, 2: Husak and Rosenberg. Absent or not voting, 1: McLaren.

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

## INTRODUCTION OF BILLS

**Senate File 2169**, by committee on Education, a bill for an act relating to teacher licensure terms and endorsements.

Read first time under Rule 28 and placed on calendar.

**Senate File 2170**, by McLaren, Husak, Hedge, Jensen, Hester, and Priebe, a bill for an act providing for the control of noxious weeds along roads under the jurisdiction of the department of transportation.

Read first time under Rule 28 and passed on file.

## ADJOURNMENT

On motion of Senator Husak, the Senate adjourned at 5:14 p.m., until 10:00 a.m., Monday, February 21, 1994.

# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 21, 1994

The Senate met in regular session at 10:23 a.m., President Boswell presiding.

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

The Journal of Thursday, February 17, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Taylor until he arrives on request of Senator Hedge and Senator Jensen until he arrives on request of Senator Rensink.

## INTRODUCTION OF BILLS

**Senate File 2171**, by committee on State Government, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

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

**Senate File 2172**, by committee on Education, a bill for an act relating to vocational rehabilitation.

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

**Senate File 2173**, by Bisignano, a bill for an act relating to the disposition or rehabilitation of old public buildings.

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

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2163** be referred from the Regular Calendar to the committee on **Small Business, Economic Development and Tourism**.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2180** was assigned to the committee on **Small Business, Economic Development and Tourism**.

The Senate stood at ease at 10:32 a.m. until the fall of the gavel.

The Senate resumed session at 11:30 a.m., President Boswell presiding.

The Senate stood at ease at 11:31 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:30 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2174**, by Fink, a bill for an act relating to the amount of reimbursement provided to certain persons who redeem empty beverage containers.

Read first time and passed on file.

**Senate File 2175**, by Fink, a bill for an act providing an exemption from certain motor vehicle registration and plate fees for ambulances owned and operated by nonprofit corporations.

Read first time and passed on file.

**Senate File 2176**, by Fink, a bill for an act relating to child abuse investigations by prohibiting release of the identity of a reporter of child abuse.

Read first time and passed on file.

## RECESS

On motion of Senator Horn, the Senate recessed at 12:31 p.m., until 2:30 p.m.

## APPENDIX

### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** February 17, 1994, 10:18 a.m.

**Members Present:** Kibbie, Chair; Welsh, Vice Chair; Lind, Ranking Member; Bartz and Connolly.

**Committee Business:** Presentation by Iowa school for the blind and Iowa school for the deaf; presentation by the president of the board of regents.

**Adjourned:** 12:15 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

**Convened:** February 17, 1994, 10:50 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair and Rittmer.

**Members Absent:** Kramer, Ranking Member.

**Committee Business:** Discussed proposed appropriations bill.

**Adjourned:** 11:41 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON REGULATION

**Convened:** February 17, 1994, 10:55 a.m.

**Members Present:** Vilsack, Chair; Sorensen, Vice Chair; Rensink, Ranking Member; Hedge and Palmer.

**Members Absent:** none.

**Committee Business:** Subcommittee approved and submitted proposed appropriations bill to the full Appropriations committee.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 17, 1994, 10:55 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member and Lloyd-Jones.

**Members Absent:** Jensen (excused).

**Committee Business:** Discussed proposed appropriations bill.

**Adjourned:** 11:55 a.m.

**APPROPRIATIONS**

**Convened:** February 17, 1994, 2:30 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Fraise, Gronstal, Horn, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2167 and 2170 as committee bills.

**Adjourned:** 2:55 p.m.

**COMMERCE**

**Convened:** February 17, 1994, 1:47 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Gettings, Lind, Pate, Redfern, Rife and Welsh.

**Members Absent:** Gronstal, Kersten, Priebe and Sturgeon (excused).

**Committee Business:** Presentations by the superintendent of banking and superintendent of credit unions; recommended passage of Senate File 2106.

**Adjourned:** 2:16 p.m.

**EDUCATION**

**Convened:** February 17, 1994, 3:04 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2133 and 2104 as committee bills.

**Adjourned:** 3:20 p.m.

## STATE GOVERNMENT

**Convened:** February 17, 1994, 3:50 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Approved SSB 2066 as a committee bill and recommended passage of Senate File 2076; recommended passage of governor's appointees; deferred action on Senate File 2158.

**Adjourned:** 4:20 p.m.

## WAYS AND MEANS

**Convened:** February 17, 1994, 1:14 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees and discussed Senate File 2163.

**Recessed:** 1:45 p.m.

**Reconvened:** February 17, 1994, 4:55 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak.

**Members Absent:** McLaren.

**Committee Business:** Recommended passage of Senate File 2163.

**Adjourned:** 5:02 p.m.

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Ted Lewis and Tiffany Van Gundy, Marshalltown — For being scholarship winners in Norwest Bank Iowa's "Iowa's Best Community Scholarship Program". Senator Giannetto (2-17-94).

## COMMITTEE REPORTS

### EDUCATION

**Final Bill Action:** \*SENATE FILE 2172 (SSB 2133), a bill for an act relating to vocational rehabilitation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Fink, Lind, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Murphy.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2172 and they were attached to the committee report.

### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2171 (SSB 2066), a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none.

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

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)

**JUDICIARY**

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following Governor's appointment, completed its investigation on February 15, 1994, and recommended the appointee be confirmed:

Don B. Grove as Director of the Iowa State Civil Rights Commission.

**STATE GOVERNMENT**

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointments, completed its investigations on February 17, 1994, and recommended the appointees be confirmed:

Haleen E. Pellett as a member of the Board of Chiropractic Examiners.

Julie-Anita Ingoli as a member of the Iowa Emergency Response Commission.

**REPORT OF STANDING COMMITTEE**  
(Place nominee on Individual Confirmation Calendar)

**STATE GOVERNMENT**

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following appointment, completed its investigation on February 17, 1994, and recommended the appointee be confirmed:

Jack P. Ketterer as Administrator of the Racing and Gaming Division of the Department of Inspection and Appeals.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate Concurrent Resolution 107**

**ENVIRONMENT AND ENERGY UTILITIES:** Rosenberg, Chair; Deluhery and Kersten

**Senate Joint Resolution 2005**

**AGRICULTURE:** Bartz, Chair; Hedge and Palmer

**Senate File 2163**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Riordan, Chair; Bartz, Bisignano, Maddox and Vilsack

**Senate File 2164**

APPROPRIATIONS: Connolly, Chair; Lind and Rosenberg

**Senate File 2165**

APPROPRIATIONS: Murphy, Chair; Husak and McLaren

**House File 2180**

SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Riordan, Chair; Bartz, Bisignano, Maddox and Vilsack

**AMENDMENTS FILED**

S—5025	S.F.	2136	Tony Bisignano
S—5026	S.F.	2080	John P. Kibbie Merlin E. Bartz

**STUDY BILLS RECEIVED****SSB 2172 Agriculture**

Providing for the display and sale of dairy products by allowing processors and distributors to lend equipment to retailers.

**SSB 2173 Agriculture**

Relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporation and limited liability companies are eligible to receive assistance.

**SSB 2174 Human Resources**

Relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and providing an effective date.

**SSB 2175 State Government**

Relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date.

**SSB 2176 State Government**

Relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

**SSB 2177 Appropriations**

Making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

**SSB 2178 Environment & Energy Utilities**

Regulating hazardous liquid pipelines and underground storage facilities and providing civil penalties.

## AFTERNOON SESSION

The Senate reconvened at 2:40 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 42 present, 6 absent and a quorum present.

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2071** be referred from the Regular Calendar to the committee on **Natural Resources**.

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:35 p.m., President Boswell presiding.

### COMMITTEE REPORT

#### **SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

**Final Bill Action:** HOUSE FILE 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5027.

**Final Vote:** Ayes, 13: Riordan, Vilsack, Zieman, Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. Nays, none.

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

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House**

**File 2180** be referred from the Regular Calendar to the committee on **Ways and Means**.

### INTRODUCTION OF BILLS

**Senate File 2177**, by Fink, a bill for an act exempting certain city franchise ordinances from required submission to the voters at an election.

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

**Senate File 2178**, by Tinsman and Borlaug, a bill for an act prohibiting the harboring of a runaway minor and applying a penalty.

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

**Senate File 2179**, by Tinsman, Banks, and McKean, a bill for an act relating to minors' motor vehicle licenses by requiring school attendance.

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

**Senate File 2180**, by Tinsman, Lind, Maddox, Pate, and Kramer, a bill for an act relating to criminal and juvenile justice, including the establishment of weapons free zones, and establishing or increasing penalties.

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

**APPENDIX****SUBCOMMITTEE ASSIGNMENTS****SSB 2172**

AGRICULTURE: Palmer, Chair; Giannetto and Zieman

**SSB 2173**

AGRICULTURE: Riordan, Chair; Giannetto and McLaren

**SSB 2174**

HUMAN RESOURCES: Szymoniak, Chair; Kramer and Lloyd-Jones

**SSB 2175**

STATE GOVERNMENT: Gronstal, Chair; Drake, Kibbie, Rittmer and Sorensen

**SSB 2176**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**SSB 2177**

APPROPRIATIONS: Vilsack, Chair; Murphy and Rensink

**ANNOUNCEMENT BY THE MAJORITY LEADER  
CHANGE IN STANDING COMMITTEE ASSIGNMENTS  
February 21, 1994**

Communications and Information Policy Committee--Senator Derryl McLaren replaces Senator Jack Rife.

Commerce Committee--Senator Wally Horn will fill the existing vacancy.

Human Resources Committee--Senator Wally Horn will fill the existing vacancy.

These committee assignments are effective immediately 2/21/94.

**BILLS ASSIGNED TO COMMITTEE**

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

S.F.      2166      Judiciary

S.F.	2170	Local Government
S.F.	2173	State Government
S.F.	2174	Environment & Energy Utilities
S.F.	2175	Transportation
S.F.	2176	Human Resources
S.F.	2177	Local Government

### COMMITTEE REPORT

#### STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 2070, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Lind, Pate and Sorensen. Nays, 3: Rittmer, McLaren and Priebe. Absent or not voting, 3: Kramer, McKean and Welsh.

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

### AMENDMENT FILED

S—5027      H.F.      2180      Small Business, Econ. Dev., Tourism

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:39 p.m., until 9:00 a.m., Tuesday, February 22, 1994.

# JOURNAL OF THE SENATE

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FORTY-FOURTH CALENDAR DAY  
TWENTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 22, 1994

The Senate met in regular session at 9:10 a.m., President Boswell presiding.

Prayer was offered by the Reverend Lyle Lutz, pastor of the Exira Lutheran Church, Exira, Iowa.

The Journal of Monday, February 21, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2115**, a bill for an act relating to the regulation of alcoholic beverages licensees and permittees, by providing for the imposition, suspension, and revocation of civil penalties, by establishing a broker's permit and annual fee, by eliminating the alcoholic liquor wholesaler license and bond, by prohibiting certain gifts of liquor, by making other properly related amendments, and subjecting violators to existing penalties.

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

**House File 2116**, a bill for an act relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing a retroactive applicability date.

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

**House File 2118**, a bill for an act relating to underground storage tank lender liability.

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

**House File 2144**, a bill for an act relating to the chapter authorizing the interception of wire and certain other transmissions of oral communications under certain circumstances by making changes in certain references, adding circumstances in which the interception of communications is lawful, providing for an extension of the date for repeal of the chapter, and providing an effective date.

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

The Senate stood at ease at 9:15 a.m. until the fall of the gavel.

The Senate resumed session at 12:05 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2181**, by Zieman, Maddox, Redfern, Pate, Jensen, Drake, and Banks, a bill for an act authorizing the sheriff to charge for meals served to county prisoners and providing for the creation and filing of a meal reimbursement lien.

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

**Senate File 2182**, by Sturgeon, a bill for an act relating to the inclusion of truancy as a means for initiation of child in need of assistance or juvenile delinquency proceedings.

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

**Senate File 2183**, by committee on Ways and Means, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental levy imposed by a county, and providing an effective date.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 12:07 p.m., until 3:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

**Convened:** February 21, 1994, 8:42 a.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Bartz, Bennett, Buhr, Kramer, Riordan and Rittmer.

**Members Absent:** Tinsman, Ranking Member; Judge and Sturgeon.

**Committee Business:** Presentation of the governor's health care reform bill.

**Adjourned:** 10:04 a.m.

#### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** February 21, 1994, 10:45 a.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 2180 as amended.

**Adjourned:** 11:20 a.m.

#### STATE GOVERNMENT

**Convened:** February 21, 1994, 2:10 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Lind, McLaren, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** Kramer and McKean (excused).

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 2070.

**Adjourned:** 2:22 p.m.

**WAYS AND MEANS**

**Convened:** February 21, 1994, 1:35 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Rosenberg and Szymoniak.

**Members Absent:** Riordan.

**Committee Business:** Amended and approved SSB 2076 as a committee bill.

**Adjourned:** 2:04 p.m.

**COMMITTEE REPORTS****COMMUNICATIONS AND INFORMATION POLICY**

**Final Bill Action:** \*SENATE FILE 2184 (SSB 2179), a bill for an act relating to the procurement and installation of Part III of the Iowa communications network.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 5: Welsh, Chair; Kersten, Ranking Member; Deluhery, Fraise and Jensen. Nays, 1: 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 Communications and Information Policy Committee on Senate File 2184 and they were attached to the committee report.

**WAYS AND MEANS**

**Final Bill Action:** \*SENATE FILE 2183 (SSB 2076), a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Dieleman, Husak, Deluhery, Drake, Hester, Murphy, Palmer and Rife. Nays, 5: Hedge, Lloyd-Jones, McLaren, Rosenberg and Szymoniak. Pass, 1: Bennett. Absent or not voting, 1: Riordan.

**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 2183 and they were attached to the committee report.

## STUDY BILLS RECEIVED

### **SSB 2179 Communications and Information Policy**

Relating to the procurement and installation of Part III of the Iowa communications network.

### **SSB 2180 Appropriations**

Relating to the making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

### **SSB 2181 Education**

Relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date.

### **2SSB 2182 Education**

Relating to educational finances, activities, and procedures administered by or through the department of education.

### **SSB 2183 Education**

Relating to termination of contracts of school superintendents.

### **SSB 2184 Education**

Relating to education services for children with special needs.

### **SSB 2185 Education**

Relating to an exit assessment for secondary school students to determine readiness for the workplace or higher education.

### **SSB 2186 Education**

Relating to college education financing through a provision for the state board of regents to issue bonds.

**SSB 2187 Judiciary**

Relating to criminal sex acts and sex offenders, providing for the establishment of a sex offender registry, providing penalties, and making changes relating to reports by commercial film and photographic print processors of depictions of minors engaged in prohibited sexual acts, and providing civil liability for failure to report.

**SSB 2188 Judiciary**

Relating to the periodic collection and disposition of fees by county officers.

**SSB 2189 Judiciary**

Relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, deleting a requirement that transcripts of investigations by the director be a public record, and permitting the release of certain information regarding offenders by the department.

**SSB 2190 Justice**

Establishing limited liability partnerships and providing a fee.

**SSB 2191 Judiciary**

Relating to incorporating the employment provisions of the federal Americans with Disabilities Act into the Iowa civil rights Act.

**SSB 2192 Judiciary**

Relating to discrimination cases under the Iowa civil rights Act by providing for mandatory mediation and limitations on damages in certain disability discrimination in employment cases, providing for voluntary mediation in all discrimination cases, and repealing the section concerning the promotion and transfer of disabled individuals.

**SSB 2193 Judiciary**

Relating to the registration requirements for professional fundraisers.

**SSB 2194 Ethics**

Relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

**SSB 2195 Business and Labor Relations**

Relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

**SSB 2196 Small Business, Economic Development and Tourism**

Regulating livestock feeding operations, providing for fees, and providing for penalties.

**SSB 2197 Agriculture**

Establishing an organic nutrient management fund, providing for the allocation of moneys within the fund to support an organic

nutrient management program, and providing for the transfer of moneys and the elimination of an account.

### **SSB 2198 Human Resources**

Relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator.

#### **SUBCOMMITTEE ASSIGNMENTS**

##### **Senate Concurrent Resolution 106**

TRANSPORTATION: Connolly, Chair; Fink and Pate

##### **Senate File 2159**

TRANSPORTATION: Fraise, Chair; Dieleman and Kersten

##### **Senate File 2173**

STATE GOVERNMENT: Bisignano, Chair; Buhr and McKean

##### **Senate File 2174**

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Banks and Rosenberg

##### **Senate File 2175**

TRANSPORTATION: Fink, Chair; Dieleman and Kersten

##### **Senate File 2176**

HUMAN RESOURCES: Szymoniak, Chair; Judge and Kramer

##### **SSB 2110**

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Banks and Deluhery

##### **SSB 2171**

TRANSPORTATION: Dieleman, Chair; Gettings and Pate

##### **SSB 2178**

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

**SSB 2179**

**COMMUNICATIONS AND INFORMATION POLICY:** Welsh, Chair; Deluhery and Jensen

**SSB 2180**

**APPROPRIATIONS:** Judge, Chair; Murphy and Redfern

**SSB 2194**

**ETHICS:** Rosenberg, Chair; Gettings and Hedge

**SSB 2195**

**BUSINESS AND LABOR RELATIONS:** Gettings, Chair; Connolly and Taylor

**SSB 2196**

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM:** Riordan, Chair; Bartz and Judge

**SSB 2197**

**AGRICULTURE:** Husak, Chair; McLaren and Priebe

## AFTERNOON SESSION

The Senate reconvened at 4:13 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2184**, by Committee on Communications and Information Policy, a bill for an act relating to the procurement and installation of Part III of the Iowa communications network.

Read first time and placed on calendar.

**Senate File 2185**, by Fraise and Jensen, a bill for an act relating to finance charges upon refinancing and consolidation of debts involving consumer credit transactions.

Read first time and passed on file.

The Senate stood at ease at 4:15 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:49 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 38 present, 10 absent and a quorum present.

The Senate stood at ease at 5:52 p.m. until the fall of the gavel.

The Senate resumed session at 6:02 p.m., President Boswell presiding.

### COMMITTEE REPORT

#### WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5030.

**Final Vote:** Ayes, 11: Dieleman, Bennett, Deluhery, Drake, Hedge, Hester, McLaren, Murphy, Rife, Riordan and Szymoniak. Nays, 4: Husak, Lloyd-Jones, Palmer and Rosenberg.

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

## CONSIDERATION OF BILL (Regular Calendar)

### House File 2180

On motion of Senator Riordan, House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates, was taken up for consideration.

The Senate stood at ease at 6:15 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 6:31 p.m., President Boswell presiding.

## BUSINESS PENDING

### House File 2180

The Senate resumed consideration of House File 2180.

Senator Bennett withdrew amendment S—5034 filed by him from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Bennett offered amendment S—5037 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption, and requested a record roll call.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe for the remainder of the day on request of Senator Horn.

## BUSINESS PENDING

### House File 2180

The Senate resumed consideration of House File 2180.

On the question "Shall amendment S—5037 be adopted?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

Nays, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Absent or not voting, 1:

Priebe

Amendment S—5037 lost.

Senator Riordan offered amendment S—5027 filed by the committee on Small Business, Economic Development and Tourism on February 21, 1994, to pages 3-12, 20 and the title page of the bill.

Senator Riordan asked and received unanimous consent to withdraw amendment S—5036 filed by Senators Riordan, et al., from the floor to pages 1 and 4 of amendment S—5027.

Senator Riordan offered amendment S—5038 filed by Senators Riordan, et al., from the floor to pages 1 and 4 of amendment S—5027 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5038 to amendment S—5027 be adopted?" (H.F. 2180) the vote was:

Ayes, 22:

Banks	Bisignano	Boswell	Dieleman
Fink	Fraise	Gettings	Giannetto
Hester	Horn	Husak	Judge
Kersten	Kibbie	Lloyd-Jones	McKean
Pate	Rensink	Riordan	Sorensen
Taylor	Welsh		

Nays, 25:

Bartz	Bennett	Borlaug	Buhr
Connolly	Deluhery	Drake	Gronstal
Hedge	Jensen	Kramer	Lind
Maddox	McLaren	Murphy	Palmer
Redfern	Rife	Rittmer	Rosenberg
Sturgeon	Szymoniak	Tinsman	Vilsack
Zieman			

Nays, 1:

Priebe

Amendment S—5038 lost.

Senator Bennett offered amendment S—5035 filed by Senators Bennett, et al., from the floor to pages 1 and 2 of amendment S—5027 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5035 to amendment S—5027 be adopted?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

## Ayes, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

## Nays, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack

## Absent or not voting, 2:

Priebe                      Welsh

Amendment S—5035 lost.

Senator Vilsack offered amendment S—5031 filed by him from the floor to page 4 of amendment S—5027 and moved its adoption.

Amendment S—5031 was adopted by a voice vote.

Senator McKean offered amendment S—5029 filed by Senators McKean and Riordan from the floor to page 4 of amendment S—5027 and moved its adoption.

Amendment S—5029 was adopted by a voice vote.

Senator Kersten asked and received unanimous consent that action on amendment S—5027 as amended be deferred.

Senator Kibbie offered amendment S—5028 filed by Senators Kibbie and Pate from the floor to pages 8 and 9 of the bill and moved its adoption.

Amendment S—5028 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5027 as amended, previously deferred.

Senator Kersten offered amendment S—5041 filed by him from the floor to page 2 of amendment S—5027 and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5041 to amendment S—5027 be adopted?” (H.F. 2180) the vote was:

Ayes, 21:

Banks	Bartz	Bennett	Borlaug
Hedge	Hester	Jensen	Kersten
Kramer	Lind	Maddox	McKean
McLaren	Pate	Redfern	Rensink
Rife	Rittmer	Taylor	Tinsman
Zieman			

Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Priebe

Amendment S—5041 lost.

Senator Riordan called for a division of amendment S—5027 as amended:

Division S—5027A: Page 1, lines 3-50; page 2; page 3; page 4, lines 1-44 and 49-50; and page 5, line 1.

Division S—5027B: Page 4, lines 45-48.

Senator Riordan asked and received unanimous consent to withdraw division S—5027B.

Senator Szymoniak called up the following motion to reconsider filed by her from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5038 to division S—5027A failed to pass the Senate on February 22, 1994.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2180) the vote was:

Ayes, 23:

Bisignano	Boswell	Dieleman	Fink
Fraise	Gettings	Giannetto	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Lloyd-Jones	McKean	Pate
Rensink	Riordan	Sorensen	Szymoniak
Vilsack	Welsh	Zieman	

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Buhr	Connolly	Deluhery	Drake
Gronstal	Hedge	Hester	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Redfern	Rife	Rittmer
Rosenberg	Sturgeon	Taylor	Tinsman

Absent or not voting, 1:

Priebe

The motion lost.

Senator Riordan moved the adoption of division S—5027A as amended, which motion prevailed by voice vote.

Senator Riordan offered amendment S—5030 filed by the committee on Ways and Means from the floor to pages 14 and 17-20 of the bill and called for a division:

Lines 3-7 as division S—5030A; lines 8-9 as division S—5030B; lines 10-11 as division S—5030C and lines 12-14 as division S—5030D.

Senator Riordan asked and received unanimous consent that action on divisions S—5030A through S—5030D be deferred.

Senator Riordan offered amendment S—5039 filed by Senators Riordan, Dieleman and Husak from the floor to pages 12-20 and to the title page of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5039 be adopted?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 18:

Bartz	Buhr	Connolly	Dieleman
Fink	Fraise	Gettings	Gronstal
Husak	Judge	Kibbie	Lloyd-Jones
Palmer	Riordan	Rosenberg	Sorensen
Sturgeon	Welsh		

Nays, 29:

Banks	Bennett	Bisignano	Borlaug
Boswell	Deluhery	Drake	Giannetto
Hedge	Hester	Horn	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Murphy	Pate
Redfern	Rensink	Rife	Rittmer
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Absent or not voting, 1:

Priebe

Amendment S—5039 lost.

The Senate resumed consideration of divisions S—5030A through S—5030D by the committee on Ways and Means to pages 14 and 17-20 of the bill, previously deferred.

Senator Rosenberg offered amendment S—5042 filed by Senators Rosenberg and Riordan from the floor to division S—5030A and called for a division: lines 19-22 as division S—5042A and lines 4-18 as division S—5042B.

Senator Rosenberg asked and received unanimous consent to withdraw division S—5042B to division S—5030A.

Senator Rosenberg moved the adoption of division S—5042A to division S—5030A.

A record roll call was requested.

On the question "Shall division S—5042A to division S—5030A be adopted?" (H.F. 2180) the vote was:

Ayes, 24:

Bartz	Bisignano	Buhr	Connolly
Dieleman	Fink	Fraise	Gettings
Giannetto	Gronstal	Horn	Husak
Judge	Kibbie	Lloyd-Jones	Murphy
Palmer	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Nays, 23:

Banks	Bennett	Borlaug	Boswell
Deluhery	Drake	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Absent or not voting, 1:

Priebe

Division S—5042A was adopted.

Senator Drake moved the adoption of division S—5030A as amended, which motion prevailed by voice vote.

Senator Riordan moved the adoption of division S—5030B and requested a record roll call.

On the question "Shall division S—5030B be adopted?" (H.F. 2180) the vote was:

Ayes, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Hedge	Hester	Jensen

Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Welsh	Zieman	

Absent or not voting, 1:

Priebe

Division S—5030B was adopted.

Senator Riordan asked and received unanimous consent that action on division S—5030C be deferred.

Senator Riordan moved the adoption of division S—5030D, which motion prevailed by voice vote.

Senator Rosenberg offered amendment S—5040 filed by him from the floor to pages 8 and 20 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5040 be adopted?" (H.F. 2180) the vote was:

Ayes, 24:

Bisignano	Buhr	Connolly	Deluhery
Dieleman	Fink	Fraise	Gettings
Giannetto	Gronstal	Horn	Husak
Judge	Kibbie	Lloyd-Jones	Murphy
Palmer	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Boswell	Drake	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Absent or not voting, 1:

Priebe

Amendment S—5040 was adopted.

Senator Gronstal offered amendment S—5033 filed by Senators Gronstal and Murphy from the floor to page 13 of the bill and moved its adoption.

Amendment S—5033 was adopted by a voice vote.

Senator Kersten withdrew amendment S—5032 filed by him from the floor to page 20 and the title page of the bill.

Senator Vilsack offered amendment S—5043 filed by him from the floor to pages 14 and 15 of the bill.

Senator Bartz raised the point of order that consideration of division S—5030C, by the committee on Ways and Means, previously deferred, should take precedence over consideration of amendment S—5043.

The Chair ruled the point not well taken and the amendment in order.

Senator Riordan rose on a point of inquiry to question whether division S—5030C, previously deferred, would be in order if amendment S—5043 was adopted.

Senator Vilsack asked and received unanimous consent that action on amendment S—5043 be deferred.

The Senate stood at ease at 10:03 p.m. until the fall of the gavel.

The Senate resumed session at 10:23 p.m., President Boswell presiding.

The Senate resumed consideration of division S—5030C by the committee on Ways and Means, previously deferred.

Senator Vilsack offered amendment S—5044 filed by him from the floor to division S—5030C and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5044 to division S—5030C be adopted?" (H.F. 2180) the vote was:

Ayes, 26:

Bennett  
Deluhery

Bisignano  
Drake

Borlaug  
Gettings

Boswell  
Giannetto

Hester	Horn	Jensen	Kersten
Kibbie	Kramer	Lind	Maddox
Murphy	Redfern	Rensink	Rife
Rittmer	Szymoniak	Taylor	Tinsman
Vilsack	Welsh		

Nays, 21:

Banks	Bartz	Buhr	Connolly
Dieleman	Fink	Fraise	Gronstal
Hedge	Husak	Judge	Lloyd-Jones
McKean	McLaren	Palmer	Pate
Riordan	Rosenberg	Sorensen	Sturgeon
Zieman			

Absent or not voting, 1:

Priebe

Amendment S—5044 was adopted.

With the adoption of amendment S—5044 to division S—5030C, the Chair ruled amendment S—5046 filed by Senator Riordan from the floor to division S—5030C out of order.

Senator Riordan moved the adoption of division S—5030C as amended.

A non record roll call was requested.

The ayes were 25, nays 19.

Division S—5030C as amended was adopted.

The Chair ruled amendment S—5043 by Senator Vilsack to pages 14 and 15 of the bill, previously deferred, out of order.

Senator Rosenberg filed the following motion to reconsider by him from the floor and moved its adoption.

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5040 to House File 2180 was adopted by the Senate on February 22, 1994.

The motion prevailed by a voice vote and amendment S—5040 by Senator Rosenberg to pages 8 and 20 of the bill, was taken up for reconsideration.

Senator Rosenberg called for a division of amendment S—5040: lines 3-17 as division S—5040A and lines 18-32 as division S—5040B.

Senator Rosenberg withdrew division S—5040A.

Senator Rosenberg moved the adoption of division S—5040B.

A record roll call was requested.

On the question "Shall division S—5040B be adopted?" (H.F. 2180) the vote was:

Ayes, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

Absent or not voting, 1:

Priebe

Division S—5040B was adopted.

Senator Rosenberg offered amendment S—5045 filed by him 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—5045 be adopted?" (H.F. 2180) the vote was:

Ayes, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

Absent or not voting, 1:

Priebe

Amendment S—5045 was adopted.

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

On the question "Shall the bill pass?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Bennett	Bisignano	Boswell	Deluhery
Drake	Fraise	Gettings	Giannetto
Gronstal	Horn	Jensen	Kibbie
Murphy	Pate	Rensink	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, 24:

Banks	Bartz	Borlaug	Buhr
Connolly	Dieleman	Fink	Hedge
Hester	Husak	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox

McKean  
Rife

McLaren  
Rosenberg

Palmer  
Sturgeon

Redfern  
Zieman

Absent or not voting, 1:

Priebe

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

### INTRODUCTION OF BILLS

**Senate File 2186**, by committee on Local Government, a bill for an act relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association.

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

**Senate File 2187**, by Taylor, a bill for an act reducing the state individual income tax rates for certain tax years and providing an applicability date provision.

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

**Senate File 2188**, by Taylor, a bill for an act relating to public safety by allowing the computerized sharing of criminal intelligence data.

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

**Senate File 2189**, by Lind, a bill for an act relating to the sale of excess highway right-of-way property to veterans organizations.

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

## APPENDIX

### COMMITTEE REPORTS

#### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2131, a bill for an act relating to the recovery of costs paid by the county for a special investigation or an autopsy.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2186 (SSB 2156), a bill for an act relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2178	Judiciary
S.F.	2179	Transportation
S.F.	2180	Judiciary
S.F.	2181	Judiciary
S.F.	2182	Judiciary
S.F.	2185	Commerce
H.F.	2115	State Government
H.F.	2116	Ways and Means
H.F.	2118	Environment and Energy Utilities
H.F.	2144	Judiciary

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 2180 failed to pass the Senate on February 22, 1994.

JIM LIND

## AMENDMENTS FILED

S—5028	H.F.	2180	John P. Kibbie Paul D. Pate
S—5029	H.F.	2180	Andy McKean Jim Riordan
S—5030	H.F.	2180	Ways and Means
S—5031	H.F.	2180	Tom Vilsack
S—5032	H.F.	2180	Jim Kersten
S—5033	H.F.	2180	Michael Gronstal Larry Murphy
S—5034	H.F.	2180	Wayne Bennett
S—5035	H.F.	2180	Wayne Bennett Wilmer Rensink Ray Taylor Lyle E. Zieman Jim Kersten Sheldon Rittmer Allen Borlaug John Jensen
S—5036	H.F.	2180	James Riordan Tony Bisignano William Dieleman Bill Fink Jack W. Hester John W. Jensen Jim Kersten Andy McKean Paul D. Pate
S—5037	H.F.	2180	Wayne Bennett
S—5038	H.F.	2180	Jim Riordan Tony Bisignano William W. Dieleman Bill Fink

			Jack W. Hester
			John W. Jensen
			Jim Kersten
			Andy McKean
			Paul D. Pate
S-5039	H.F.	2180	Jim Riordan
			William W. Dieleman
			Emil J. Husak
S-5040	H.F.	2180	Ralph Rosenberg
S-5041	H.F.	2180	Jim Kersten
S-5042	H.F.	2180	Ralph Rosenberg
			Jim Riordan
S-5043	H.F.	2180	Tom Vilsack
S-5044	H.F.	2180	Tom Vilsack
S-5045	H.F.	2180	Ralph Rosenberg
S-5046	H.F.	2180	Jim Riordan

#### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 12:31 a.m., until 9:30 a.m., Wednesday, February 23, 1994.

# JOURNAL OF THE SENATE

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FORTY-FIFTH CALENDAR DAY  
TWENTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 23, 1994

The Senate met in regular session at 9:37 a.m., President Boswell presiding.

Prayer was offered by the Reverend Walter Sieck, pastor of the First United Methodist Church, Perry, Iowa.

The Journal of Tuesday, February 22, 1994, was approved.

## INTRODUCTION OF BILL

**Senate File 2190**, by committee on Local Government, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes.

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

## RECESS

On motion of Senator Horn, the Senate recessed at 9:40 a.m., until 4:30 p.m.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2199 Judiciary**

Relating to public intoxication, and providing for involuntary hospitalization of intoxicated persons under certain circumstances.

**SSB 2200 Commerce**

Relating to delayed deposit services businesses and providing penalties.

**SSB 2201 Human Resources**

Relating to health care reform, legal process changes, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions.

**SSB 2202 Human Resources**

Relating to warnings of risks associated with alcoholic beverages, and providing a penalty.

**SSB 2203 Education**

Relating to the establishment of charter elementary and secondary schools.

**SSB 2204 Education**

Establishing the Iowa community service commission.

**SSB 2205 Education**

Relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school.

**SSB 2206 Education**

Relating to a mandate requiring children to attend kindergarten and striking provisions that refer to grade twelve.

**SSB 2207 Business and Labor Relations**

Providing that park rangers are not supervisory employees for purposes of the public employment relations law.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

Convened: February 22, 1994, 10:10 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Approved LSB 3189 as a committee bill.

**Adjourned:** 11:45 a.m.

**COMMERCE**

Convened: February 22, 1994, 1:32 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Gettings, Gronstal, Horn, Kersten, Lind, Pate, Priebe, Redfern, Rife, Sturgeon and Welsh.

**Members Absent:** none.

**Committee Business:** Presentation by the securities bureau of the insurance division of the department of commerce regarding consumer protection legislation.

**Recessed:** 2:15 p.m.

**Reconvened:** February 22, 1994, 3:40 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Gettings, Gronstal, Horn, Kersten, Lind, Pate, Priebe, Redfern, Rife, Sturgeon and Welsh.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 43 as a committee bill.

**Adjourned:** 4:05 p.m.

## COMMUNICATIONS AND INFORMATION POLICY

**Convened:** February 22, 1994, 12:10 p.m.

**Members Present:** Welsh, Chair; Kersten, Ranking Member; Deluhery, Fraise, Jensen and McLaren.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2179 as a committee bill.

**Adjourned:** 12:33 p.m.

## JUDICIARY

**Convened:** February 22, 1994, 5:57 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Connolly, Drake, Giannetto, Lloyd-Jones, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Bisignano (excused) and Rife.

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 5:58 p.m.

## LOCAL GOVERNMENT

**Convened:** February 22, 1994, 2:33 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Ziemann.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; approved SSBs 2156 and 2116 as committee bills; deferred action on SSB 2157; recommended passage of Senate File 2131.

**Adjourned:** 3:10 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** February 22, 1994, 2:15 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Borlaug, Giannetto, Kibbie, Lloyd-Jones and Sorensen.

**Members Absent:** Bartz, Bennett (excused), Bisignano, Judge (excused) and Maddox.

**Committee Business:** Assigned a bill to subcommittee and recommended confirmation of governor's appointees.

**Adjourned:** 2:20 p.m.

**WAYS AND MEANS**

**Convened:** February 22, 1994, 8:08 a.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Rife, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 2180 as amended.

**Adjourned:** 11:58 a.m.

**REPORTS OF STANDING COMMITTEE**  
(Place nominees on En Bloc Confirmation Calendar)

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Pursuant to Senate Rule 59, the committee on Small Business, Economic Development, and Tourism assigned to investigate the following Governor's appointments, completed its investigations on February 22, 1994, and recommended the appointees be confirmed:

Eldon E. Leonard as a member of the Iowa Economic Development Board.

Thomas G. Kunz as a member of the Iowa Product Development Corporation.

**MOTION TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 2180 failed to pass the Senate on February 23, 1994.

**WILLIAM D. PALMER**

## COMMITTEE REPORTS

## AGRICULTURE

**Final Bill Action:** SENATE JOINT RESOLUTION 2005, a joint resolution to nullify portions of an administrative rule relating to open burning of certain agricultural and other wastes and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Priebe, Bartz, Banks, Boswell, Giannetto, Hedge, Husak, Judge, Sorensen and Ziemann. Nays, none. Absent or not voting, 5: Riordan, Fraise, Hester, McLaren and Palmer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2049, a bill for an act relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Priebe, Bartz, Banks, Boswell, Giannetto, Hedge, Husak, Judge, Sorensen and Ziemann. Nays, none. Absent or not voting, 5: Riordan, Fraise, Hester, McLaren and Palmer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2153, a bill for an act providing for the distribution of earnings by cooperative associations operating on a pooling basis.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Priebe, Bartz, Banks, Boswell, Giannetto, Hedge, Husak, Judge, Sorensen and Ziemann. Nays, none. Absent or not voting, 5: Riordan, Fraise, Hester, McLaren and Palmer.

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

**LOCAL GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2190 (SSB 2116), a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack 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 Local Government Committee on Senate File 2190 and they were attached to the committee report.

**SUBCOMMITTEE ASSIGNMENTS****Senate Resolution 104**

JUDICIARY: Rosenberg, Chair; Drake and Lloyd-Jones

**Senate File 382**

JUDICIARY: Giannetto, Chair; Bisignano and McKean

**Senate File 2143**

JUDICIARY: Sturgeon, Chair; Giannetto and Pate

**Senate File 2155**

JUDICIARY: Rosenberg, Chair; Redfern and Szymoniak

**Senate File 2160**

JUDICIARY: Rosenberg, Chair; Bisignano and Taylor

**Senate File 2161**

JUDICIARY: Rosenberg, Chair; Connolly and Redfern

**Senate File 2170**

LOCAL GOVERNMENT: Priebe, Chair; Sorensen and Zieman

**Senate File 2177**

LOCAL GOVERNMENT: Sorensen, Chair; Buhr and Maddox

**Senate File 2179**

TRANSPORTATION: Lloyd-Jones, Chair; Connolly and Jensen

**House File 2011**

JUDICIARY: Szymoniak, Chair; Lloyd-Jones and Taylor

**House File 2124**

JUDICIARY: Vilsack, Chair; Connolly and Pate

**House File 2133**

JUDICIARY: Sturgeon, Chair; Lloyd-Jones and McKean

**SSB 2159**

HUMAN RESOURCES: Lloyd-Jones, Chair; Riordan and Tinsman

**SSB 2181**

EDUCATION: Kibbie, Chair; Murphy and Redfern

**SSB 2182**

EDUCATION: Connolly, Chair; Kibbie and Kramer

**SSB 2183**

EDUCATION: Murphy, Chair; Connolly and Rensink

**SSB 2184**

EDUCATION: Deluhery, Chair; Connolly and Kramer

**SSB 2185**

EDUCATION: Vilsack, Chair; Murphy and Taylor

**SSB 2186**

EDUCATION: Connolly, Chair; Kibbie and Kramer

**SSB 2187**

JUDICIARY: Rosenberg, Chair; Connolly and Redfern

**SSB 2188**

JUDICIARY: Vilsack, Chair; Lloyd-Jones and Taylor

**SSB 2189**

JUDICIARY: Sturgeon, Chair; McKean and Rosenberg

**SSB 2190**

JUDICIARY: Vilsack, Chair; Drake and Giannetto

**SSB 2191**

JUDICIARY: Rosenberg, Chair; Pate and Szymoniak

**SSB 2192**

JUDICIARY: Rosenberg, Chair; Redfern and Szymoniak

**SSB 2193**

JUDICIARY: Bisignano, Chair; Drake and Lloyd-Jones

**SSB 2199**

JUDICIARY: Szymoniak, Chair; Sturgeon and Taylor

**SSB 2200**

COMMERCE: Palmer, Chair; Gronstal and Redfern

**SSB 2201**

HUMAN RESOURCES: Szymoniak, Chair; Judge and Kramer

**SSB 2202**

HUMAN RESOURCES: Szymoniak, Chair; Judge and Kramer

**SSB 2203**

EDUCATION: Connolly, Chair; Rensink and Szymoniak

**SSB 2204**

EDUCATION: Szymoniak, Chair; Murphy and Redfern

**SSB 2205**

EDUCATION: Deluhery, Chair; Dieleman and Rensink

**SSB 2206**

EDUCATION: Fink, Chair; Murphy and Rensink

**SSB 2207**

BUSINESS AND LABOR RELATIONS: Giannetto, Chair; Connolly and Maddox

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued the following certificate of recognition:

Michael Krumm, Superintendent of Jesup School District, Jesup, Iowa — For School Administrators of Iowa/Arts Alliance Administrator of the Year. (Senator Murphy, 2/21/94).

## AFTERNOON SESSION

The Senate reconvened at 5:11 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on February 21, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2037**, a bill for an act relating to the involuntary commitment of another, and providing for a summary of the procedures involved in an involuntary commitment.

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

**House File 2126**, a bill for an act amending the definition of tenant for eligibility for free deer and wild turkey hunting licenses.

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

**House File 2192**, a bill for an act relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rosenberg for the remainder of the day on request of Senator Horn.

### QUORUM CALL

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

The vote revealed 46 present, 2 absent and a quorum present.

The Senate stood at ease at 5:15 p.m. until the fall of the gavel.

The Senate resumed session at 5:25 p.m., President Boswell presiding.

### MOTION TO RECONSIDER DEFERRED

Senator Horn asked and received unanimous consent that the Senate reconsider the vote by which House File 2180 failed to pass the Senate on February 22, 1994.

Senator Welsh asked and received unanimous consent that action on the motion to reconsider be deferred.

### INTRODUCTION OF BILLS

**Senate File 2191**, by Kersten, a bill for an act relating to the assessing of a service charge in lieu of property taxes for the providing of police and fire protection by a city for real property which is totally or partially exempt from property tax, including government-owned real property, making an appropriation, and providing an applicability date.

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

**Senate File 2192**, by Vilsack, a bill for an act relating to compensation of volunteer fire fighters, when subpoenaed as witnesses.

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

**Senate File 2193**, by Szymoniak, a bill for an act relating to the provision of and cost for the provision of educational services to a child residing in a state mental health institute.

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

**Senate File 2194**, by committee on Human Resources, a bill for an act relating to the use of alternative licensing for nursing facilities.

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

**Senate File 2195**, by Kersten, a bill for an act relating to the deferred compensation program and annuities available to certain public employees.

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

**Senate File 2196**, by committee on Human Resources, a bill for an act relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities.

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

**Senate File 2197**, by Murphy, a bill for an act relating to regional transportation systems.

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

**Senate File 2198**, by Tinsman, a bill for an act relating to medical malpractice and establishing an excess liability fund, procedures for the operation of the fund and for malpractice claims, and establishing medical review panels.

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

#### REQUEST OUT OF ORDER

Senator Lind rose to invoke Senate Rule 24 on House File 2180.

The Chair ruled Senator Lind's request out of order because there was a motion before the Senate to adjourn and that motion takes precedence.

## APPENDIX

### REPORTS OF STANDING COMMITTEE (Place nominees on En Bloc Confirmation Calendar)

#### HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following Governor's appointments, completed its investigations on February 23, 1994, and recommended the appointees be confirmed:

Willie J. Culpepper, Thomas M. Glenn and Charles S. Johnson as members of the Iowa Council on Human Investment.

### COMMUNICATION FROM THE GOVERNOR

The following communication was received in the office of the secretary of the senate:

February 22, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

Due to the resignation of Janet Stone from the State Judicial Nominating Commission, I am withdrawing her name for consideration by the Senate for this appointment.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2187	Ways and Means
S. F.	2188	Judiciary
S. F.	2189	Transportation
S. F.	2191	Ways and Means
S. F.	2192	Judiciary

S.F.	2193	Education
H.F.	2037	Human Resources
H.F.	2126	Natural Resources
H.F.	2192	State Government

### COMMITTEE REPORTS

#### HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2020, a bill for an act relating to charges for the provision of certain medical records and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Horn.

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

ALSO:

**Final Bill Action:** SENATE FILE 2194 (SSB 2147), a bill for an act relating to the use of alternative licensing for nursing facilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan and Rittmer. Nays, 1: Sturgeon. Absent or not voting, 1: Horn.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2196 (SSB 2035), a bill for an act relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Horn.

**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 2196 and they were attached to the committee report.

## NATURAL RESOURCES

**Final Bill Action:** SENATE FILE 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5047.

**Final Vote:** Ayes, 9: Fink, Dieleman, Hester, Hedge, Judge, Kibbie, Rensink, Riordan and Sturgeon. Nays, 3: Banks, McKean and Priebe.

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

## TRANSPORATION

**Final Bill Action:** HOUSE FILE 2086, a bill for an act relating to federal dimensional requirements for handicapped parking spaces.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Kersten. Nays, none. Absent or not voting, 1: Pate.

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

## AMENDMENTS FILED

S-5047	S.F.	2071	Natural Resources
S-5048	S.F.	2116	Ray Taylor
S-5049	S.F.	2092	Ray Taylor

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:48 p.m., until 9:00 a.m., Thursday, February 24, 1994.

# JOURNAL OF THE SENATE

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FORTY-SIXTH CALENDAR DAY  
TWENTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 24, 1994

The Senate met in regular session at 9:07 a.m., Senator Gronstal presiding.

Prayer was offered by the Reverend Gary Egeland-Boe, pastor of the St. Andrews Lutheran Church, Ames, Iowa.

The Journal of Wednesday, February 23, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on February 22, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 403**, a bill for an act relating to the disposition of property left unclaimed at a dry cleaning establishment.

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

**House File 2102**, a bill for an act relating to the exemption from the state sales tax for certain medical devices and providing a retroactive applicability provision.

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

**House File 2194**, a bill for an act providing for the display and sale of dairy products by allowing processors and distributors to lend equipment to retailers.

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

**House File 2197**, a bill for an act relating to the investment of funds paid to the clerk of the district court.

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

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: February 23, 1994, 9:57 a.m.

**Members Present:** Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member and Zieman.

**Members Absent:** Horn.

**Committee Business:** Reviewed proposed appropriations bill.

**Adjourned:** 10:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE/NATURAL RESOURCES

Convened: February 23, 1994, 10:10 a.m.

**Members Present:** Husak, Chair; Priebe, Vice Chair; Banks, Ranking Member; Fink and Hester.

**Members Absent:** none.

**Committee Business:** Subcommittee approved and submitted the senate agriculture and natural resources appropriations bill to the full appropriations committee.

**Adjourned:** 11:15 p.m.

#### APPROPRIATIONS SUBCOMMITTEE ON HUMAN SERVICES

Convened: February 23, 1994, 9:50 a.m.

**Members Present:** Deluhery, Chair; Szymoniak, Vice Chair; Kramer, Ranking Member and Rittmer.

**Members Absent:** none.

**Committee Business:** Reviewed proposed appropriations bill and ordered redrafted for final approval.

**Adjourned:** 11:58 a.m.

### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** February 23, 1994, 10:15 a.m.

**Members Present:** Gronstal, Chair; Rosenberg, Vice Chair; Pate, Ranking Member; Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Reviewed and approved proposed appropriations bill as amended.

**Adjourned:** 1:06 p.m.

### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION AND SAFETY**

**Convened:** February 23, 1994, 11:02 a.m.

**Members Present:** Fraise, Chair; Gettings, Vice Chair; Kersten, Ranking Member; Jensen and Lloyd-Jones.

**Members Absent:** none.

**Committee Business:** Reconsidered LSB 3189.

**Adjourned:** 11:40 a.m.

### **AGRICULTURE**

**Convened:** February 23, 1994, 8:31 a.m.

**Members Present:** Priebe, Chair; Bartz, Ranking Member; Banks, Boswell, Giannetto, Hedge, Husak, Judge, Sorensen and Ziemann.

**Members Absent:** Riordan, Vice Chair; Fraise, Hester, McLaren and Palmer.

**Committee Business:** Recommended passage of Senate Files 2153 and 2049 and Senate Joint Resolution 2005.

**Adjourned:** 8:40 a.m.

### **EDUCATION**

**Convened:** February 23, 1994, 4:00 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; recommended passage of Senate File 2078 as amended; approved SSBs 2086, 2109, 2186, 2151 and 2132.

**Adjourned:** 4:59 p.m.

## **ENVIRONMENT AND ENERGY UTILITIES**

**Convened:** February 23, 1994, 1:35 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Banks, Borlaug, Fink, Gronstal, Hedge, Sorensen and Welsh.

**Members Absent:** Kersten, Ranking Member; Sorensen (excused) and Welsh.

**Committee Business:** Amended and approved SSB 2110 as a committee bill.

**Adjourned:** 1:48 p.m.

## **HUMAN RESOURCES**

**Convened:** February 23, 1994, 12:16 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Horn (excused).

**Committee Business:** Recommended confirmation of governor's appointees; amended and approved SSBs 2035 and 2148 as committee bills; approved Senate File 2117 as amended as a committee bill; recommended passage of Senate File 2020; approved SSB 2147 as a committee bill.

**Adjourned:** 2:22 p.m.

## **NATURAL RESOURCES**

**Convened:** February 23, 1994, 2:35 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Judge, Kibbie, McKean, Priebe, Rensink, Riordan and Sturgeon.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2071 as amended and SSB 2143 as amended.

**Adjourned:** 3:04 p.m.

## TRANSPORTATION

**Convened:** February 23, 1994, 3:12 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen and Kersten.

**Members Absent:** Pate.

**Committee Business:** Recommended passage of House File 2086; recommended passage of Senate File 2124 as amended; amended and approved SSB 2083 as a committee bill; assigned bills to subcommittees; SSB 2145 failed committee approval.

**Adjourned:** 3:59 p.m.

## BILLS ASSIGNED TO COMMITTEE

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

S.F.	2195	State Government
S.F.	2197	Transportation
S.F.	2198	Judiciary
H.F.	403	Commerce
H.F.	2102	Ways and Means
H.F.	2194	Agriculture
H.F.	2197	Judiciary

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition for being selected a scholarship winner in Norwest Bank Iowa's "Iowa's Best Community Scholarship Program":

Michelle Horgen, St. Ansgar; Kimberly Lynch, New Hampton; Jessica Meyer, Osage; Julie Nystel and Tina Troutner, Nashua. Senator Borlaug (2-21-94).

Molly Dingel, Terril; Brenton Harris, Curlew; and Laura McCollough, Armstrong. Senator Kibbie (2-23-94).

Catherine Ferris, Cedar Falls; Sarah Miller and Robyn Schmidt, Waterloo. Senator Redfern (2-22-94).

Matthew Fritzjunker, Keokuk; Carol Lindeen, Swedesburg; Lisa Menke, Pilot Grove; and Amanda Niehaus, Donnellson. Senator Vilsack (2-22-94 and 2/28/94).

The secretary of the senate issued certificates of recognition as follows:

Timothy Fencl, Protivin — For second place in the "Write Women Back Into History" contest. Senator Borlaug (2-23-94).

Rachel Hewliit, Cedar Falls — For being the 1994 winner of the "Write Women Back Into History" contest. Senator Redfern (2-22-94).

## STUDY BILLS RECEIVED

### SSB 2180.1 Appropriations

Relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

### SSB 2208 Judiciary

Relating to persons who cause injury to, the death of, or who provide bounties for death of police service dogs, and providing penalties.

### SSB 2209 Judiciary

Relating to funeral processions.

### SSB 2210 Judiciary

Relating to termination of parental rights in abuse and neglect cases.

### SSB 2211 Judiciary

Relating to the solicitation of funds for charitable purposes, requiring the filing of registration statements and annual financial reports, providing for the imposition of fees, creating a charitable fund, and providing penalties.

**SSB 2212 Judiciary**

Relating to tenants rights and landlord and tenant law and providing or increasing penalties.

**SSB 2213 Appropriations**

Relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2166**

JUDICIARY: Welsh, Chair; Sturgeon and Taylor

**Senate File 2178**

JUDICIARY: Rosenberg, Chair; Connolly and Redfern

**Senate File 2180**

JUDICIARY: Rosenberg, Chair; Pate and Sturgeon

**Senate File 2181**

JUDICIARY: Lloyd-Jones, Chair; McKean and Szymoniak

**Senate File 2182**

JUDICIARY: Sturgeon, Chair; Lloyd-Jones and McKean

**House File 2037**

HUMAN RESOURCES: Judge, Chair; Bartz and Riordan

**House File 2115**

STATE GOVERNMENT: Welsh, Chair; Dieleman and Kramer

**House File 2118**

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

**House File 2144**

JUDICIARY: Rosenberg, Chair; McKean and Sturgeon.

**House File 2192**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**SSB 2180.1**

APPROPRIATIONS: Judge, Chair; Murphy and Redfern

**SSB 2208**

JUDICIARY: Rosenberg, Chair; Connolly and Rife

**SSB 2209**

JUDICIARY: Vilsack, Chair; Pate and Szymoniak

**SSB 2210**

JUDICIARY: Sturgeon, Chair; Giannetto and Taylor

**SSB 2211**

JUDICIARY: Szymoniak, Chair; Drake and Welsh

**SSB 2212**

JUDICIARY: Rosenberg, Chair; Redfern and Sturgeon

**SSB 2213**

APPROPRIATIONS: Fraise, Chair; Kersten and Murphy

**COMMITTEE REPORTS**

**EDUCATION**

**Final Bill Action:** SENATE FILE 2078, a bill for an act relating to the cost of educational programs for children in a licensed child foster care facility or a substance abuser facility for school funding purposes.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5050.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2199 (SSB 2186), a bill for an act relating to college education financing through a provision for the state board of regents to issue bonds.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE FILE 2200 (SSB 2151), a bill for an act relating to the imposition by a school district of the tax levy for payment of bonds to be issued.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2201 (SSB 2109), a bill for an act relating to funding of gifted and talented programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2202 (SSB 2086), a bill for an act allowing school districts to carry special education year-end balances into the next school budget year.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kramer.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2207 (SSB 2132), a bill for an act relating to public school open enrollment procedures.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, 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 Education Committee on Senate File 2207 and they were attached to the committee report.

## ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** \*SENATE FILE 2205 (SSB 2110), a bill for an act relating to regulated toxics in packaging.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rosenberg, Deluhery, Banks, Borlaug, Fink, Gronstal and Hedge. Nays, none. Absent or not voting, 3: Kersten, Sorensen and Welsh.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Environment and Energy Utilities committee on Senate File 2205 and they were attached to the committee report.

**HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 2203 (SSB 2148), a bill for an act relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Horn.

**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 2203 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2211 (formerly Senate File 2117), a bill for an act relating to licensed physician assistants by providing for coverage of services provided by such licensed physician assistants under a policy, contract, or plan providing for health care coverage.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Riordan, Rittmer and Sturgeon. Nays, none. Pass, 1: Kramer. Absent, 1: Horn.

**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 2211 and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** SENATE FILE 2126, a bill for an act relating to payment by clerks of the district court of amounts less than one dollar.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Pate, Redfern and Taylor. Nays, none. Absent or not voting, 5: Lloyd-Jones, Rife, Szymoniak, Vilsack and Welsh.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2209 (SSB 2059), a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Pate, Redfern and Taylor. Nays, none. Absent or not voting, 5: Lloyd-Jones, Rife, Szymoniak, Vilsack and Welsh.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2210 (SSB 2129, a bill for an act providing for the filing of a notice for pending conveyances of legal or equitable interest in real estate and the pending imposition of liens on real estate and providing for fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Sturgeon, Rosenberg, McKean, Bisignano, Drake, Redfern, Szymoniak and Taylor. Nays, 3: Connolly, Giannetto and Pate. Absent or not voting, 4: Lloyd-Jones, Rife, Vilsack and Welsh.

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

## NATURAL RESOURCES

**Final Bill Action:** SENATE FILE 2206 (SSB 2143), a bill for an act relating to the licensing of nonresident hunters of deer and turkey, providing for the disposition of license fees, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Fink, Dieleman, Hester, Hedge, Judge, Kibbie, Priebe, Rensink, Riordan and Sturgeon. Nays, 2: Banks and McKean.

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

**TRANSPORTATION**

**Final Bill Action:** \*SENATE FILE 2208 (SSB 2083), a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, leased motor vehicles, and single registration for motor carriers, certificates of title, damage disclosure statements, leased motor vehicles, motor vehicle dealer's licensing bond, and other technical changes, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Kersten. Nays, none. Absent or not voting, 1: Pate.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2208 and they were attached to the committee report.

**INTRODUCTION OF BILLS**

**Senate File 2199**, by committee on Education, a bill for an act relating to college education financing through a provision for the state board of regents to issue bonds.

Read first time under Rule 28 and placed on calendar.

**Senate File 2200**, by committee on Education, a bill for an act relating to the imposition by a school district of the tax levy for payment of bonds to be issued.

Read first time under Rule 28 and placed on calendar.

**Senate File 2201**, by committee on Education, a bill for an act relating to funding of gifted and talented programs.

Read first time under Rule 28 and placed on calendar.

**Senate File 2202**, by committee on Education, a bill for an act allowing school districts to carry special education year-end balances into the next school budget year.

Read first time under Rule 28 and placed on calendar.

**Senate File 2203**, by committee on Human Resources, a bill for an act relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

Read first time under Rule 28 and placed on calendar.

**Senate File 2204**, by Kersten, a bill for an act relating to the test burning of densified secondary wood fiber as fuel in the boilers located at certain institutions under the control of the state board of regents.

Read first time under Rule 28 and passed on file.

**Senate File 2205**, by committee on Environment and Energy Utilities, a bill for an act relating to regulated toxics in packaging.

Read first time under Rule 28 and placed on calendar.

**Senate File 2206**, by committee on Natural Resources, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions.

Read first time under Rule 28 and placed on calendar.

**Senate File 2207**, by committee on Education, a bill for an act relating to public school open enrollment procedures.

Read first time under Rule 28 and placed on calendar.

**Senate File 2208**, by committee on Transportation, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, leased motor vehicles, and single registration for motor carriers, certificates of title, damage disclosure statements, leased motor vehicles, motor vehicle dealer's licensing bond, and other technical changes, and providing effective dates.

Read first time under Rule 28 and placed on calendar.

**Senate File 2209**, by committee on Judiciary, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center.

Read first time under Rule 28 and placed on calendar.

**Senate File 2210**, by committee on Judiciary, a bill for an act providing for the filing of a notice for pending conveyances of legal or equitable interest in real estate and the pending imposition of liens on real estate and providing for fees.

Read first time under Rule 28 and placed on calendar.

**Senate File 2211**, by committee on Human Resources, a bill for an act relating to licensed physician assistants by providing for coverage of services provided by such licensed physician assistants under a policy, contract, or plan providing for health care coverage.

Read first time under Rule 28 and placed on calendar.

#### AMENDMENTS FILED

S—5050	S. F.	2078	Education
S—5051	S. F.	2053	Jim Lind
S—5052	S. F.	2080	Wayne Bennett Merlin E. Bartz

#### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 9:11 a.m., until 10:00 a.m., Monday, February 28, 1994.

# JOURNAL OF THE SENATE

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FIFTIETH CALENDAR DAY  
 TWENTY-NINTH SESSION DAY

Senate Chamber  
 Des Moines, Iowa, Monday, February 28, 1994

The Senate met in regular session at 11:06 a.m., President Boswell presiding.

Prayer was offered by the Honorable Jack Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa.

The Journal of Thursday, February 24, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Palmer until he arrives on request of Senator Horn; Senator Rife until he arrives and Senator Hedge for the day on request of Senator Kramer.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 606**, a bill for an act relating to procedures for the issuance and use of general obligation bonds by counties for the funding of water systems and facilities.

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

ALSO: That the House has on February 23, 1994, adopted the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 103**, a concurrent resolution honoring Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on their fifteenth anniversary.

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

ALSO: That the House has on February 23, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 362**, a bill for an act relating to conduct of business without a quorum by certain political subdivisions of the state.

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

**House File 605**, a bill for an act relating to damage claims for the vacating and closing of roads.

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

**House File 2099**, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date.

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

**House File 2216**, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

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

ALSO: That the House has on February 23, 1994, **insisted on its amendment to House File 637**, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections, and that the members of the **Conference Committee** on part of the House are: The Representative from Emmet, Mr. Greig, Chair; the Representative from Winnebago, Mr. Branstad; the Representative from Muscatine, Mr. Brauns; the Representative from Worth, Mr. May; the Representative from Kossuth, Ms Mertz.

ALSO: That the House has on February 24, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2003**, a bill for an act relating to child day care building and nutrition requirements.

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

**House File 2018**, a bill for an act relating to school bus transportation requirements.

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

**House File 2051**, a bill for an act relating to family and group day care home requirements involving age and school status of the children receiving care.

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

**House File 2158**, a bill for an act relating to the publication of notice for county budget hearings.

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

### ANNOUNCEMENT OF VACANCIES

President Boswell announced that he had received notification from the office of Governor Branstad of the following vacancies in the Senate:

District 5 - Linn Fuhrman, deceased.

District 25 - Richard Varn, resignation effective February 2, 1994.

### COMMITTEE ON CREDENTIALS

Senator Horn moved that a committee of five be appointed as a committee on Credentials to examine and report on the elections in Senate Districts 5 and 25.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Kibbie, Chair; Sorensen, Buhr, Maddox and McKean.

The Senate stood at ease at 11:12 a.m. until the fall of the gavel.

The Senate resumed session at 11:15 a.m., President Boswell presiding.

### REPORT OF THE COMMITTEE ON CREDENTIALS

**MR. PRESIDENT:** We, your committee on credentials, respectfully report that we find the persons named in the attached copy of the certification of the Secretary of State duly elected to and entitled to seats in the Senate for the 1994 session of the Seventy-fifth General Assembly.

JOHN P. KIBBIE, CHAIR  
ALBERT G. SORENSEN  
FLORENCE BUHR  
O. GENE MADDOX  
ANDY McKEAN

CERTIFICATIONS—STATE OF IOWA  
OFFICE OF THE SECRETARY OF STATE

To the Honorable, the Secretary of Senate:

I, ELAINE BAXTER, Secretary of the State of Iowa; custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on February 22, 1994, Robert E. Dvorsky was elected to fill a vacancy in the office of State Senator of the Twenty-fifth District, for the balance of the term which began on January 2, 1991.

(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 28th Day of February, 1994.

ELAINE BAXTER, Secretary of State

I, ELAINE BAXTER, Secretary of the State of Iowa; custodian of the files and records pertaining to the elections in the state, do hereby certify that the State Canvassing Board has declared that at a special election held on February 22, 1994, Mary Lou Freeman was elected to fill a vacancy in the office of State Senator of the Fifth District, for the balance of the term which began on January 2, 1991.

(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 28th Day of February, 1994.

ELAINE BAXTER, Secretary of State

Senator Kibbie moved the adoption of the Report of the committee on Credentials.

The motion prevailed by a voice vote.

Senators Dvorsky and Freeman were escorted to the bar of the Senate by Senators Horn and Hester, were duly sworn and subscribed their names to the oath of office.

Senator Horn moved that the newly elected members be permitted to occupy the seats of their predecessors for the remainder of the 1994 session, provided however that in 1995 they will not be regarded as holdovers or re-elected members with the right to retain these seats.

**MOTION TO RECONSIDER ADOPTED**  
(Deferred February 23, 1994)

**House File 2180**

The Senate resumed consideration of the motion to reconsider House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates, deferred on February 23, 1994.

Senator Horn moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2180) the vote was:

Ayes, 32:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Deluhery	Drake
Dvorsky	Freeman	Gettings	Giannetto
Gronstal	Hester	Horn	Jensen
Kersten	Kibbie	Kramer	Maddox
McKean	McLaren	Murphy	Pate
Redfern	Rensink	Rittmer	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, 14:

Buhr	Connolly	Dieleman	Fink
Fraise	Husak	Judge	Lloyd-Jones
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Welsh		

Absent or not voting, 4:

Hedge	Lind	Palmer	Rife
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The motion prevailed.

Senator Horn moved to reconsider the vote by which House File 2180 went to its last reading, which motion prevailed by a voice vote.

Senator Priebe withdrew amendment S—5056 filed by him from the floor to page 20 of the bill.

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

On the question "Shall the bill pass?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Banks	Bennett	Bisignano	Boswell
Deluhery	Drake	Freeman	Gettings
Giannetto	Gronstal	Hester	Horn
Jensen	Kersten	Kibbie	Kramer
Maddox	Murphy	Pate	Redfern
Rensink	Rittmer	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 19:

Bartz	Borlaug	Buhr	Connolly
Dieleman	Dvorsky	Fink	Fraise
Husak	Judge	Lloyd-Jones	McKean
McLaren	Priebe	Riordan	Rosenberg
Sorensen	Sturgeon	Welsh	

Absent or not voting, 4:

Hedge	Lind	Palmer	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 Horn asked and received unanimous consent that House File 2180 be immediately messaged to the House.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on February 28, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2218**, a bill for an act relating to civil service employment, to the probationary employment period for police dispatchers and to certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates.

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

## INTRODUCTION OF BILLS

**Senate File 2212**, by Husak, a bill for an act relating to limitations on the number of class "C" liquor control licenses, establishing fees for liquor licenses, providing for the forfeiture of licenses, and providing for other properly related matters.

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

**Senate File 2213**, by Tinsman, a bill for an act relating to juvenile delinquency proceedings by permitting the use of an interactive audiovisual system for certain required personal appearances, by requiring case permanency plans for adjudicated delinquents, and by permitting placement of a child in a state training school or other facility for violating probation.

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

## RECESS

On motion of Senator Horn, the Senate recessed at 12:26 p.m., until 4:30 p.m.

## APPENDIX

### ANNOUNCEMENTS BY THE MAJORITY LEADER CHANGE IN STANDING COMMITTEE ASSIGNMENTS February 28, 1994

Communications and Information Policy--Senator Bob Dvorsky will fill the existing vacancy as vice chair.

Appropriations Committee--Senator Bob Dvorsky will fill the existing vacancy.

Commerce Committee--Senator Bob Dvorsky will replace Wally Horn and Senator Freeman will replace Senator Rife.

Education Committee--Senator Bob Dvorsky will fill the existing vacancy.

Human Resources Committee--Senator Bob Dvorsky will replace Senator Wally Horn.

Appropriations Subcommittee on Human Services--Senator Bob Dvorsky will fill the existing vacancy.

Business and Labor Committee--Senator Freeman will fill the existing vacancy.

Ways and Means Committee--Senator Freeman will replace Senator Rife.

Judiciary Committee--Senator Maddox will replace Senator Rife.

These committee assignments are effective immediately 2/28/94.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN RIGHTS

Convened: February 23, 1994, 10:00 a.m.

Members Present: Buhr, Chair; Giannetto, Vice Chair; Tinsman, Ranking Member; Bennett and Sturgeon.

Members Absent: none.

Committee Business: Subcommittee approved and submitted proposed appropriations bill to the full appropriations committee.

Adjourned: 12:05 p.m.

**BUSINESS AND LABOR RELATIONS**

**Convened:** February 24, 1994, 9:35 a.m.

**Members Present:** Gettings, Chair; Redfern, Ranking Member; Connolly, Giannetto, Maddox, Murphy and Taylor.

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

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 9:40 a.m.

**ETHICS**

**Convened:** February 24, 1994, 10:00 a.m.

**Members Present:** Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake, Husak and McKean.

**Members Absent:** none.

**Committee Business:** Discussed ethics study bill.

**Adjourned:** 10:25 a.m.

**JUDICIARY**

**Convened:** February 24, 1994, 10:40 a.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Pate, Redfern, Szymoniak and Taylor.

**Members Absent:** Lloyd-Jones (excused); Rife, Vilsack (excused) and Welsh (excused).

**Committee Business:** Approved SSBs 2059 and 2129 as committee bills; recommended passage of Senate File 2126; recommended passage of Senate File 2038 as amended; amended and deferred action on SSB 2199.

**Adjourned:** 11:30 a.m.

**PETITIONS**

The following petitions were presented and placed on file by:

Senator Lind from 944 residents of Iowa favoring legislation allowing slot machines at the existing pari-mutuel tracks in Iowa.

Senator Murphy from 216 residents of Buchanan County favoring legislation creating a 4-way stop at County Road C-57 (Hayes Street) and Iowa Highway 150 in Hazleton.

Senator Tinsman from 157 residents of Scott County favoring legislation lifting the tax freeze to allow the cities to fund local programs.

The following resolution was presented and placed on file by:

Senator Kibbie from the Spencer City Council, Clay County, opposing legislation extending the local property tax freeze.

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Cari Brodersen, Ayrshire — Recognition of your essay on your community and the award of Iowa's Best Community Scholarship Program. Senator Kibbie (2-23-94).

### STUDY BILLS RECEIVED

#### **SSB 2214 Human Resources**

Relating to a home and community-based waiver for persons with brain injury.

#### **SSB 2215 Ways and Means**

Updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

#### **SSB 2216 State Government**

Relating to public retirement systems, providing for the payment of employee contributions under certain public

retirement systems for federal and state tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

### **SSB 2217 Education**

Relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor.

### **SSB 2218 Ways and Means**

Relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

### **SSB 2219 Local Government**

Relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date.

### **SSB 2220 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, and the commission of veterans affairs.

### **SSB 2221 Appropriations**

Relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

## **SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2029**  
(Reassignment)

**EDUCATION: Fink, Chair; Dvorsky and Tinsman**

**Senate File 2187**

WAYS AND MEANS: Husak, Chair; Bennett and Rosenberg

**Senate File 2191**

WAYS AND MEANS: Dieleman, Chair; Drake and Husak

**Senate File 2193**

EDUCATION: Szymoniak, Chair; Murphy and Tinsman

**Senate File 2195**

STATE GOVERNMENT: Sorensen, Chair; Lind and Priebe

**House File 2102**

WAYS AND MEANS: Lloyd-Jones, Chair; Deluhery and Hester

**House File 2116**

WAYS AND MEANS: Riordan, Chair; Hedge and Husak

**House File 2194**

AGRICULTURE: Palmer, Chair; Giannetto and Zieman

**SSB 2214**

HUMAN RESOURCES: Judge, Chair; Buhr and Rittmer

**SSB 2215**

WAYS AND MEANS: Szymoniak, Chair; Drake and Palmer

**SSB 2216**

STATE GOVERNMENT: Kibbie, Chair; Dieleman, Drake, Gronstal and Rittmer

**SSB 2217**

EDUCATION: Kibbie, Chair; Connolly and Rensink

**SSB 2218**

WAYS AND MEANS: Palmer, Chair; Drake and Rosenberg

**SSB 2219**

LOCAL GOVERNMENT: Sorensen, Chair; Rittmer and Vilsack

**SSB 2220**

APPROPRIATIONS: Buhr, Chair; Murphy and Tinsman

**SSB 2221**

APPROPRIATIONS: Gronstal, Chair; Murphy and Pate

**COMMITTEE REPORTS****JUDICIARY**

**Final Bill Action:** SENATE FILE 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5054.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Pate, Redfern and Taylor. Nays, none. Absent or not voting, 4: Lloyd-Jones, Rife, Vilsack and Welsh.

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

**TRANSPORTATION**

**Final Bill Action:** SENATE FILE 2124, a bill for an act relating to driver education courses.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5055.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Kersten. Nays, none. Absent or not voting, 1: Pate.

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

**AMENDMENTS FILED**

S-5053	S. F.	2080	Eugene Fraise Richard F. Drake
S-5054	S. F.	2038	Judiciary

S—5055	S.F.	2124	Transportation
S—5056	H.F.	2180	Berl E. Priebe
S—5057	S.F.	2061	Al Sturgeon
S—5058	S.F.	2020	Al Sturgeon

## AFTERNOON SESSION

The Senate reconvened at 4:48 p.m., President Boswell presiding.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the assignment of the following conference committee on **House File 637** on the part of the Senate: Senators Priebe, Chair; Husak, Riordan, Hester and Banks.

### INTRODUCTION OF BILL

**Senate File 2214**, by Bennett, a bill for an act relating to custody of children including providing for a standard visitation schedule to be used when granting awards of joint custody of children and the awarding of joint custody.

Read first time and passed on file.

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2204	Environment & Energy Utilities
S.F.	2212	State Government
S.F.	2213	Judiciary
S.F.	2214	Judiciary
H.F.	362	Local Government
H.F.	605	Transportation
H.F.	606	Local Government
H.F.	2003	Human Resources
H.F.	2018	Education
H.F.	2051	Human Resources
H.F.	2099	Transportation
H.F.	2158	Local Government
H.F.	2216	Natural Resources
H.C.R.	103	Rules & Administration

### ANNOUNCEMENT BY THE MAJORITY LEADER CHANGE IN STANDING COMMITTEE ASSIGNMENTS February 28, 1994

Environment and Energy Utilities--Senator Horn will replace Senator Deluhery as a member of the committee, and Senator Fink will become vice chair replacing Senator Deluhery.

Appropriations Committee--Senator Deluhery will replace Senator Horn.

These committee assignments are effective immediately 2/28/94.

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2217 (SSB 2213), a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 20: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Connolly, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Pate, Redfern, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 5: Buhr, Deluhery, Lind, Palmer and Rosenberg.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2218 (SSB 2177), a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Pate, Redfern, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Kramer, Lind, Palmer and Rosenberg.

**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 2218 and they were attached to the committee report.

**ENVIRONMENT AND ENERGY UTILITIES**

**Final Bill Action:** SENATE FILE 2216 (SSB 2045), a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 7: Rosenberg, Deluhery, Kersten, Fink, Gronstal, Sorensen and Welsh. Nays, 3: Banks, Borlaug and Hedge.

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

**STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 203, a bill for an act relating to a treatment funding application process administered by the Iowa department of public health and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Kramer and Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2097, a bill for an act relating to disposition of false identification cards retained by alcoholic beverage control licensees, permittees, or employees, and subjecting violators to existing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Kramer and Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2173, a bill for an act relating to the disposition or rehabilitation of old public buildings.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Kramer and Lind.

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

**WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 2215 (SSB 2215), a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy and Szymoniak. Nays, 2: Riordan and Rosenberg. Absent or not voting, 1: Palmer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## INTRODUCTION OF BILLS

**Senate File 2215**, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates.

Read first time under rule 28 and placed on **Ways and Means Calendar**.

**Senate File 2216**, by committee on Environment and Energy Utilities, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

Read first time under rule 28 and placed on calendar.

**Senate File 2217**, by committee on Appropriations, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

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

**Senate File 2218**, by committee on Appropriations, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board,

department of commerce, and the racing and gaming commission and providing effective dates.

Read first time under rule 28 and placed on Appropriations Calendar.

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:50 p.m., until 9:00 a.m., Tuesday, March 1, 1994.

# JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 1, 1994

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

Prayer was offered by John Hartog III, faculty member of the Faith Baptist Theological Seminary, Ankeny, Iowa.

The Journal of Monday, February 28, 1994, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Riordan until he arrives on request of Senator Kibbie.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 28, 1994, **refused to concur** in the Senate amendment as amended to the following bill in which the concurrence of the House was asked:

**House File 2180**, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

## INTRODUCTION OF BILL

**Senate File 2219**, by committee on State Government, a bill for an act relating to the office of secretary of state, the conduct

of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws.

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

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

The Senate resumed session at 9:50 a.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2220**, by Husak, a bill for an act relating to access to tribal gaming employee background investigation information.

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

**Senate File 2221**, by committee on Environment and Energy Utilities, a bill for an act relating to use of water treatment operator certification and examination fees by the department of natural resources.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 10:52 a.m., until 11:45 a.m.

### RECONVENED

The Senate reconvened at 12:00 p.m., President Boswell presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he returns on request of Senator Jensen.

### QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

### BILL DEFERRED (House File 2180)

Senator Horn called up for consideration House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

Senator Riordan asked and received unanimous consent that action on House File 2180 be deferred.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:10 p.m., until 4:30 p.m.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2220.1 Appropriations**

Relating to and making appropriations to the department of the blind, the Iowa state civil rights commission, the department of elder affairs, the Iowa department of public health, the department of human rights, and the commission of veterans affairs.

**SSB 2222 Judiciary**

Relating to habitual offenders of motor vehicle laws and providing for administrative revocation of the offenders' motor vehicle license and nonresident operating privileges.

**SSB 2223 Judiciary**

Relating to crimes and criminal justice and providing effective dates.

**SSB 2224 Communications and Information Policy**

Relating to the procurement of information technology by departments and agencies of this state.

**SSB 2225 Human Resources**

Relating to the collection of child support, including levies against the accounts of certain child support obligors.

**SSB 2226 Human Resources**

Relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective and retroactive applicability provisions.

**SSB 2227 Small Business and Economic Development**

Establishing a microenterprise development Act.

**SSB 2228 Judiciary**

To provide for mediation of dissolution proceedings and providing for a fee.

**SSB 2229 Commerce**

Relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments.

**SSB 2230 Commerce**

Relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing civil penalties.

**SSB 2231 Commerce**

Relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state.

**SSB 2232 Judiciary**

Relating to juvenile justice and making related appropriations.

**SSB 2233 Human Resources**

Relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury.

**SSB 2234 Business and Labor Relations**

Providing for the confidentiality of certain information provided in workers' compensation mediation.

**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: February 28, 1994, 5:04 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Lind and Palmer (both excused).

**Committee Business:** Approved SSBs 2213, 2177 and 2169 as committee bills.

**Adjourned:** 6:10 p.m.

## **ENVIRONMENT AND ENERGY UTILITIES**

**Convened:** February 28, 1994, 3:35 p.m.

**Members Present:** Rosenberg, Chair; Deluhery, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Fink, Gronstal, Hedge, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2045 and 2115 as committee bills; deferred action on Senate File 2174.

**Adjourned:** 4:10 p.m.

## **HUMAN RESOURCES**

**Convened:** February 28, 1994, 12:39 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** Discussed SSB 2201.

**Recessed:** 1:35 p.m.

**Reconvened:** February 28, 1994, 3:40 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2201 as a committee bill.

**Adjourned:** 4:47 p.m.

**STATE GOVERNMENT**

**Convened:** February 28, 1994, 2:45 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** Kramer and Lind (both excused).

**Committee Business:** Approved SSBs 2175 and 2142 as committee bills; recommended passage of Senate Files 2173, 2097 and 203; assigned bills to subcommittees.

**Adjourned:** 3:10 p.m.

**WAYS AND MEANS**

**Convened:** February 28, 1994, 1:50 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Palmer (excused).

**Committee Business:** Approved SSB 2215 as a committee bill; assigned bills to subcommittees.

**Adjourned:** 2:28 p.m.

**PRESENTATION OF VISITORS**

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

Eighteen students from Decorah, accompanied by Alice House. Senator Zieman.

The following visitors were present in the Senate gallery:

Thirty-six twelfth grade students from Walnut Ridge Baptist Academy, Waterloo, accompanied by Paulette Sewell. Senator Lind.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2156**

COMMERCE: Welsh, Chair; Dvorsky and Freeman

**Senate File 2185**

COMMERCE: Gettings, Chair; Jensen and Welsh

**Senate File 2188**

JUDICIARY: Rosenberg, Chair; Taylor and Welsh

**Senate File 2192**

JUDICIARY: Vilsack, Chair; Bisignano and Pate

**Senate File 2198**

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

**Senate File 2212**

STATE GOVERNMENT: Welsh, Chair; Dieleman and Kramer

**Senate File 2213**

JUDICIARY: Welsh, Chair; Rosenberg and Taylor

**Senate File 2214**

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

**House Concurrent Resolution 103**

RULES AND ADMINISTRATION: Gronstal, Chair; Boswell and Kramer

**House File 403**

COMMERCE: Dvorsky, Chair; Lind and Welsh

**House File 2126**

NATURAL RESOURCES: Fink, Chair; Hester and Judge

**House File 2197**

JUDICIARY: Bisignano, Chair; Drake and Lloyd-Jones

**House File 2216**

**NATURAL RESOURCES: Fink, Chair; Rensink and Riordan**

**SSB 2222**

**JUDICIARY: Connolly, Chair; McKean and Sturgeon**

**SSB 2223**

**JUDICIARY: Rosenberg, Chair; McKean and Sturgeon**

**SSB 2225**

**HUMAN RESOURCES: Szymoniak, Chair; Kramer and Lloyd-Jones**

**SSB 2226**

**HUMAN RESOURCES: Szymoniak, Chair; Kramer and Lloyd-Jones**

**SSB 2227**

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, TOURISM: Giannetto, Chair; Bartz and Riordan**

**SSB 2228**

**JUDICIARY: Lloyd-Jones, Chair; Maddox and Szymoniak**

**SSB 2229**

**COMMERCE: Bisignano, Chair; Gronstal, Jensen, Kersten and Palmer**

**SSB 2230**

**COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer**

**SSB 2231**

**COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer**

**SSB 2233**

**HUMAN RESOURCES: Tinsman, Chair; Dvorsky and Szymoniak**

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued a certificate of recognition as follows:

Tallie Nelson, Muscatine — For essay winner "Write Women Back Into History" Edith Sackett Memorial Award. Senator Drake (3-2-94).

## COMPANION AND SIMILAR BILLS

House files were attached to companion or similar Senate files on the senate calendar as follows:

H.F. 672	similar	S.F. 407	5-2-93
H.F. 2172	companion	S.F. 2110	2-17-94
H.F. 2145	similar	S.F. 2115	2-17-94
H.F. 2218	similar	S.F. 2136	2-28-94
H.F. 2250	similar	S.F. 2171	3-1-94

## COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2224 (SSB 2169), a bill for an act relating to the disbursement of funds to the foreign trade offices of the department of economic development.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Pate, Redfern, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Kramer, Lind, Palmer and Rosenberg.

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

### ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** SENATE FILE 2221 (SSB 2115), a bill for an act relating to use of water treatment operator certification and examination fees by the department of natural resources.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Rosenberg, Deluhery, Kersten, Banks, Borlaug, Fink, Gronstal, Hedge and Sorensen. Nays, none. Absent or not voting, 1: Welsh.

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

**HUMAN RESOURCES**

**Final Bill Action:** \*SENATE FILE 2222 (SSB 2201), a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorosky, Judge, Kramer, Riordan, Rittmer and Sturgeon. 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 2222 and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** SENATE FILE 2192, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none.

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

**LOCAL GOVERNMENT**

**Final Bill Action:** SENATE FILE 2096, a bill for an act relating to the disposition of private property condemned under eminent domain.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2170, a bill for an act providing for the control of noxious weeds along roads under the jurisdiction of the department of transportation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Sorensen, Buhr, Jensen, Priebe, Rittmer and Ziemann. Nays, 4: Maddox, Fraise, Szymoniak and Vilsack.

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

ALSO:

**Final Bill Action:** SENATE FILE 2226 (SSB 2082), a bill for an act relating to the collection of a document management fee by the county recorder on each recorded transaction.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Ziemann. Nays, 1: Maddox.

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

## STATE GOVERNMENT

**Final Bill Action:** \*SENATE FILE 2219 (SSB 2142), a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Kramer and Lind.

**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 2219 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2223 (SSB 2175), a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, McKean, McLaren, Pate, Priebe and Welsh. Nays, none. Absent or not voting, 3: Kramer, Lind and Sorensen.

**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 2223 and they were attached to the committee report.

### AMENDMENTS FILED

S—5059	S.F.	2184	Joe Welsh
S—5060	S.F.	2208	Richard F. Drake Mike Connolly
S—5061	S.F.	2207	John P. Kibbie

## AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2110

On motion of Senator Buhr, Senate File 2110, a bill for an act relating to the Iowa uniform controlled substances act and the Iowa pharmacy practice act, and making penalties applicable, was taken up for consideration.

Senator Buhr asked and received unanimous consent that **House File 2172** be substituted for **Senate File 2110**.

#### House File 2172

On motion of Senator Buhr, House File 2172, a bill for an act relating to the Iowa uniform controlled substances act and the Iowa pharmacy practice act, and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2172) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge

Kersten	Kibbie	Kramer	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Lind

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

### Senate File 2137

On motion of Senator Priebe, Senate File 2137, a bill for an act relating to the selection of trustees for a water district, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2137) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Lind

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

### Senate Resolution 105

On motion of Senator Fink, Senate Resolution 105, a senate resolution expressing appreciation and thanks to United States Air Force cadets who assisted with flood cleanup efforts at Ledges State Park and Dolliver State Park, was taken up for consideration.

Senator Fink moved the adoption of Senate Resolution 105, which motion prevailed by a voice vote.

### Senate File 2131

On motion of Senator Szymoniak, Senate File 2131, a bill for an act relating to the recovery of costs paid by the county for a special investigation or an autopsy, 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. 2131) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Lind

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

### BUSINESS PENDING

#### House File 2180

The Senate resumed consideration of House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates, previously deferred.

Senator Riordan moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2180 on part of the Senate: Senators Bisignano, Chair; Giannetto, Vilsack, Drake and Bennett.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House File 2172 and Senate Files 2131 and 2137 be immediately messaged to the House.

### WITHDRAWN

Senator Buhr asked and received unanimous consent that Senate File 2110 be withdrawn from further consideration of the Senate.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 1, 1994, passed the following in which the concurrence of the Senate is asked:

**House File 2250**, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state.

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

### INTRODUCTION OF BILL

**Senate File 2222**, by committee on Human Resources, a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions.

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

**Senate File 2223**, by committee on State Government, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date.

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

**Senate File 2224**, by committee on Appropriations, a bill for an act relating to the disbursement of funds to the foreign trade offices of the department of economic development.

Read first time and **placed on Appropriations Calendar**.

**Senate File 2225**, by Murphy, Szymoniak, and Lind, a bill for an act relating to the support obligations of the parents of a minor father of a child and the creation of a lien on the real and personal property of the parents, and providing a penalty.

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

**Senate File 2226**, by committee on Local Government, a bill for an act relating to the collection of a document management fee by the county recorder on each recorded transaction.

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

**IMMEDIATELY MESSAGED**

**Senator Horn asked and received unanimous consent that House File 2180 be immediately messaged to the House.**

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

S. F.	2220	Judiciary
S. F.	2225	Human Resources

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2229 (SSB 2180.1), a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Husak, Judge, Kersten, Kibbie, Kramer, Pate, Redfern, Rensink, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Gronstal, Lind, Palmer and Rosenberg.

**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 2229 and they were attached to the committee report.

#### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2054, a bill for an act relating to a county's power to allow eligible electors of the county to propose or request reconsideration of a county ordinance.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5062.

**Final Vote:** Ayes, 7: Sorensen, Fraise, Jensen, Priebe, Rittmer, Vilsack and Zieman. Nays, 3: Buhr, Maddox and Szymoniak.

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

ALSO:

**Final Bill Action:** SENATE FILE 2063, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5063.

**Final Vote:** Ayes, 8: Sorensen, Maddox, Fraise, Jensen, Priebe, Rittmer, Vilsack and Zieman. Nays, 2: Buhr and Szymoniak.

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

ALSO:

**Final Bill Action:** SENATE FILE 2227 (SSB 2136), a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2228 (SSB 2106), a bill for an act relating to instruments filed or recorded with the county recorder.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak and Zieman. Nays, 1: Vilsack.

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

## INTRODUCTION OF BILLS

**Senate File 2227**, by committee on Local Government, a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

Read first time under Rule 28 and placed on calendar.

**Senate File 2228**, by committee on Local Government, a bill for an act relating to instruments filed or recorded with the county recorder.

Read first time under Rule 28 and placed on calendar.

**Senate File 2229**, by committee on Appropriations, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters.

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

#### AMENDMENTS FILED

S—5062	S. F.	2054	Local Government
S—5063	S. F.	2063	Local Government

#### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:06 p.m., until 9:00 a.m., Wednesday, March 2, 1994.

# JOURNAL OF THE SENATE

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FIFTY-SECOND CALENDAR DAY  
THIRTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 2, 1994

The Senate met in regular session at 9:02 a.m., President Boswell presiding.

Prayer was offered by the Reverend Martin Zylstra, pastor of Calvary Christian Reformed Church, Pella, Iowa.

The Journal of Tuesday, March 1, 1994, was approved.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the members of the conference committee appointed March 1, 1994, on House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates, on the part of the House are: The Representative from Clayton, Mr. Halvorson, Chair; the Representative from Delaware, Mr. Hanson; the Representative from Polk, Mr. McCoy, the Representative from Polk, Ms. Metcalf; the Representative from Johnson, Ms. Neuhauser.

## QUORUM CALL

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

The vote revealed 41 present, 9 absent and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Riordan until he arrives on request of Senator Kibbie.

## CONSIDERATION OF BILL (Regular Calendar)

### Senate File 2162

On motion of Senator Gettings, Senate File 2162, a bill for an act relating to safety of railway employees, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2162) the vote was:

Ayes, 39:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Hedge
Horn	Jensen	Judge	Kersten
Kibbie	Kramer	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Sturgeon
Szymoniak	Vilsack	Welsh	

Nays, 7:

Banks	Bennett	Freeman	Hester
Taylor	Tinsman	Zieman	

Absent or not voting, 4:

Husak	Lind	Riordan	Rosenberg
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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 Husak until he arrives on request of Senator Fraise.

**CONSIDERATION OF BILLS**  
(Regular Calendar)

**Senate File 2186**

On motion of Senator Fraise, Senate File 2186, a bill for an act relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2186) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Jensen	Judge	Kersten
Kibbie	Kramer	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Husak	Lind	Riordan	Rosenberg
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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 2080**

On motion of Senator Bartz, Senate File 2080, a bill for an act relating to agricultural and other motor vehicles, by defining special mobile equipment, expanding the exemption for vehicles

used in combination from federal motor carrier safety regulations, and exempting oversized vehicles from certain regulations, with report of committee on Transportation recommending amendment and passage, was taken up for consideration.

Senator Fraise offered amendment S—5023 filed by the committee on Transportation on February 16, 1994, to pages 1, 2 and the title page of the bill.

Senator Bennett offered amendment S—5052 filed by Senators Bennett and Bartz on February 24, 1994, to amendment S—5023 and moved its adoption.

Amendment S—5052 was adopted by a voice vote.

Senator Fraise offered amendment S—5053 filed by Senators Fraise and Drake on February 28, 1994, to amendment S—5023 and moved its adoption.

Amendment S—5053 was adopted by a voice vote.

Senator Fraise moved the adoption of amendment S—5023 as amended, which motion prevailed by voice vote.

Senator Kibbie offered amendment S—5026 filed by Senators Kibbie and Bartz on February 21, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5026 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. 2080) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Jensen	Judge	Kersten
Kibbie	Kramer	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Reinsink

Rife  
Szymoniak  
Welsh

Rittmer  
Taylor  
Zieman

Sorensen  
Tinsman

Sturgeon  
Vilsack

Nays, none.

Absent or not voting, 4:

Husak

Lind

Riordan

Rosenberg

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 Horn asked and received unanimous consent that **Senate Files 2162, 2186 and 2080** be **immediately messaged** to the House.

### INTRODUCTION OF BILLS

**Senate File 2230**, by committee on Judiciary, a bill for an act relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals.

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

**Senate File 2231**, by committee on Education, a bill for an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 9:55 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 1, 1994, 8:05 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Sorensen and Zieman.

**Members Absent:** Fraise and Palmer (excused).

**Committee Business:** Withdrew Senate File 420 from further consideration of the committee.

**Adjourned:** 8:10 a.m.

#### APPROPRIATIONS

**Convened:** March 1, 1994, 5:16 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Pate, Redfern, Rensink, Tinsman and Vilsack.

**Members Absent:** Lind, Palmer and Rosenberg (all excused).

**Committee Business:** Approved SSB 2180.1 as amended as a committee bill.

**Adjourned:** 6:07 p.m.

#### COMMERCE

**Convened:** March 1, 1994, 1:42 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Pate, Priebe, Redfern, Sturgeon and Welsh.

**Members Absent:** Lind (excused).

**Committee Business:** Amended and approved SSB 2162 as a committee bill; approved SSBs 2163 and 2164 as committee bills.

**Adjourned:** 2:25 p.m.

## **COMMUNICATIONS AND INFORMATION POLICY**

**Convened:** March 1, 1994, 3:47 p.m.

**Members Present:** Welsh, Chair; Dvorsky, Vice Chair; Kersten, Ranking Member; Deluhery, Fraise, Jensen and McLaren.

**Members Absent:** none.

**Committee Business:** Approved SSB 2135 as a committee bill.

**Adjourned:** 4:08 p.m.

## **EDUCATION**

**Convened:** March 1, 1994, 2:36 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** Lind (excused).

**Committee Business:** Assigned bills to subcommittees; approved SSBs 2217, 2182, 2205, 2203, 2183 and 2181 and Senate Files 2029 and 2104 as committee bills.

**Adjourned:** 3:40 p.m.

## **ETHICS**

**Convened:** March 1, 1994, 2:35 p.m.

**Members Present:** Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake, Husak and McKean.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2194 as a committee bill.

**Adjourned:** 3:15 p.m.

## **JUDICIARY**

**Convened:** March 1, 1994, 10:58 a.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2199, 2149, 2190 as committee bills; amended and approved SSB 2055 as a committee bill; deferred action on SSB 2056; recommended passage of Senate File 2192.

**Adjourned:** 11:58 a.m.

## **LOCAL GOVERNMENT**

**Convened:** March 1, 1994, 10:02 a.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; approved SSBs 2136, 2106, 2082 and 2219 as committee bills; recommended passage of Senate Files 2063 and 2054 as amended; recommended passage of Senate Files 2170 and 2096.

**Adjourned:** 10:58 a.m.

## **STUDY BILLS RECEIVED**

### **SSB 2235 State Government**

Relating to the establishment of a certification program for certain building contractors, including continuing education regarding indoor air quality and ventilation.

### **SSB 2236 Business and Labor Relation**

Providing for funding for the workers' compensation second injury fund, including the assessment of a surcharge on workers' compensation benefits paid in the state.

### **SSB 2237 Environment and Energy Utilities**

Relating to the underground storage tank problem.

**SSB 2238 Agriculture**

Providing for fees paid for the registration of products classified as sanitizers and disinfectants.

**SSB 2239 Agriculture**

Providing for the storage of bulk grain by producers owning the grain.

**SSB 2240 Education**

Relating to social studies requirements in the schools.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2189**

TRANSPORTATION: Connolly, Chair; Dieleman and Jensen

**Senate File 2197**

TRANSPORTATION: Fraise, Chair; Fink and Kersten

**Senate File 2204**

ENVIRONMENT AND ENERGY UTILITIES: Sorensen, Chair; Kersten and Welsh

**House File 605**

TRANSPORTATION: Gettings, Chair; Connolly and Pate

**House File 2003**

HUMAN RESOURCES: Judge, Chair; Dvorsky and Kramer

**House File 2051**

HUMAN RESOURCES: Buhr, Chair; Judge and Tinsman

**House File 2099**

TRANSPORTATION: Fink, Chair; Dieleman and Drake

**SSB 2024**  
(Reassignment)

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Horn and Kersten

**SSB 2198**

**HUMAN RESOURCES:** Szymoniak, Chair; Bennett and Buhr

**SSB 2220.1**

**APPROPRIATIONS:** Buhr, Chair; Murphy and Tinsman

**SSB 2224**

**COMMUNICATIONS AND INFORMATION POLICY:** Fraise, Chair; Kersten and Welsh

**SSB 2235**

**STATE GOVERNMENT:** Fink, Chair; Dieleman and Pate

**SSB 2236**

**BUSINESS AND LABOR RELATIONS:** Gettings, Chair; Redfern and Sturgeon

**SSB 2237**

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Kersten and Rosenberg

**SSB 2238**

**AGRICULTURE:** Riordan, Chair; Hedge and Hester

**SSB 2239**

**AGRICULTURE:** Husak, Chair; McLaren and Sorensen

**COMMITTEE REPORTS**

**BUSINESS AND LABOR RELATIONS**

**Final Bill Action:** SENATE FILE 2059, a bill for an act relating to employer practices regarding persons summoned to jury duty and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Gettings, Sturgeon, Buhr, Connolly, Freeman, Giannetto, Maddox and Murphy. Nays, 2: Redfern and Taylor.

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

ALSO:

**Final Bill Action:** SENATE FILE 2099, a bill for an act relating to the application of the minimum wage law to certain employees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Gettings, Sturgeon, Buhr, Connolly, Giannetto and Murphy. Nays, 4: Redfern, Freeman, Maddox and Taylor.

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

ALSO:

**Final Bill Action:** SENATE FILE 2082, a bill for an act relating to disqualification for unemployment compensation for receiving certain pay or allowances upon becoming unemployed.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Gettings, Sturgeon, Buhr, Connolly, Giannetto, Maddox and Murphy. Nays, 3: Redfern, Freeman and Taylor.

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

## EDUCATION

**Final Bill Action:** SENATE FILE 2231 (SSB 2217), a bill for an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2234 (SSB 2182), a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

**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 2234 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2235 (SSB 2181), a bill for an act relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2236 (SSB 2205), a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2237 (formerly S.F. 2029), a bill for an act relating to attendance requirements for graduating secondary school pupils.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2238 (SSB 2183), a bill for an act relating to termination of contracts of school superintendents.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Lind.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2239 (formerly S.F. 2104), a bill for an act relating to the employment of registered nurses by a school district.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 10: Connolly, Kibbie, Kramer, Deluhery, Dvorsky, Fink, Murphy, Szymoniak, Tinsman and Vilsack. Nays, 4: Dieleman, Redfern, Rensink and Taylor. Absent or not voting, 1: Lind.

**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 2239 and they were attached to the committee report.

**ETHICS**

**Final Bill Action:** SENATE FILE 2242 (SSB 2194), a bill for act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for

the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake, Husak and McKean. Nays, none.

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

## JUDICIARY

**Final Bill Action:** \*SENATE FILE 2230 (SSB 2055), a bill for an act relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. 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 2230 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2232 (SSB 2149), a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2240 (SSB 2190), a bill for an act establishing limited liability partnerships and providing a fee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none.

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

### LOCAL GOVERNMENT

**Final Bill Action:** SENATE FILE 2233 (SSB 2219), a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

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

### STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 336, a bill for an act placing conditions upon the receipt of educational leave and educational assistance by state employees, and providing an applicability provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Lind.

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

ALSO:

**Final Bill Action:** SENATE FILE 2144, a bill for an act relating to the abolishment of the department of human rights, transfer of its various divisions to other entities of state government, and providing effective dates.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5065.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Lind.

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

**ALSO:**

**Final Bill Action:** HOUSE FILE 2115, a bill for an act relating to the regulation of alcoholic beverages licensees and permittees, by providing for the imposition, suspension, and revocation of civil penalties, by establishing a broker's permit and annual fee, by eliminating the alcoholic liquor wholesaler license and bond, by prohibiting certain gifts of liquor, by making other properly related amendments, and subjecting violators to existing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Lind.

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

### AMENDMENTS FILED

S—5064	S. F.	2124	Jean Lloyd-Jones
S—5065	S. F.	2144	State Government
S—5066	S. F.	2215	William W. Dieleman

## AFTERNOON SESSION

The Senate reconvened at 5:00 p.m., President Boswell presiding.

### INTRODUCTION OF BILLS

**Senate File 2232**, by committee on Judiciary, a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

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

**Senate File 2233**, by committee on Local Government, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date.

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

**Senate File 2234**, by committee on Education, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education.

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

**Senate File 2235**, by committee on Education, a bill for an act relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date.

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

**Senate File 2236**, by committee on Education, a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school.

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

**Senate File 2237**, by committee on Education, a bill for an act relating to attendance requirements for graduating secondary school pupils.

Read first time and placed on calendar.

**Senate File 2238**, by committee on Education, a bill for an act relating to termination of contracts of school superintendents.

Read first time and placed on calendar.

**Senate File 2239**, by committee on Education, a bill for an act relating to the employment of registered nurses by a school district.

Read first time and placed on calendar.

**Senate File 2240**, by committee on Judiciary, a bill for an act establishing limited liability partnerships and providing a fee.

Read first time and placed on calendar.

**Senate File 2241**, by Pate, a bill for an act to establish two pilot projects for the development of facilities for certain juveniles.

Read first time and passed on file.

**Senate File 2242**, by committee on Ethics, a bill for an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

Read first time and placed on calendar.

**Senate File 2243**, by committee on Education, a bill for an act relating to the establishment of charter elementary and secondary schools.

Read first time and placed on calendar.

**Senate File 2244**, by committee on Business and Labor Relations, a bill for an act providing for the confidentiality of certain information provided in workers' compensation mediation.

Read first time and placed on calendar.

**Senate File 2245**, by committee on Business and Labor Relations, a bill for an act relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

Read first time and placed on calendar.

**Senate File 2246**, by committee on State Government, a bill for an act relating to the establishment of a certification program for certain building contractors, including continuing education regarding indoor air quality and ventilation.

Read first time and placed on calendar.

**Senate File 2247**, by Husak, Priebe, McLaren, Banks, and Hedge, a bill for an act relating to the limitation on county expenditures on mental health, mental retardation, and developmental disabilities services and provision of those services, and extending the limitation on the amount of property tax dollars that a city or county may collect from designated property tax levies.

Read first time and passed on file.

**HOUSE MESSAGE RECEIVED AND CONSIDERED**

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 2, 1994, adopted the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 114, a concurrent resolution designating March 1994 as Iowa Women's History Month.**

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

## APPENDIX

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Erin Almeliën, Jennifer Fisher, Scott Goodwin, Janna Hammes, Ryan Jennings, Justin Johnson and Mikaela Reed, Washington — For being selected to participate in the Best of Show Art Month Exhibit. Senator Vilsack (3-2-94).

Cary Brown and Ashley Mills, Washington — For receiving the "Steve Sams Award for Best of Show in the Youth Arts Exhibit". Senator Vilsack (3-2-94).

Laura Rusk, Dickens — For being a winner of the essay contest "Write Women Back Into History". Senator Kibbie (3-2-94).

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2241	Judiciary
S.F.	2247	Ways and Means
H.C.R.	114	Rules and Administration

### COMMITTEE REPORTS

#### BUSINESS AND LABOR RELATIONS

**Final Bill Action:** SENATE FILE 2244 (SSB 2234), a bill for an act providing for the confidentiality of certain information provided in workers' compensation mediation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Gettings, Sturgeon, Redfern, Buhr, Connolly, Freeman, Giannetto, Maddox, Murphy and Taylor. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2245 (SSB 2195), a bill for an act relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment,

by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Gettings, Sturgeon, Redfern, Buhr, Connolly, Freeman, Giannetto, Maddox, Murphy and Taylor. Nays, none.

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

## EDUCATION

**Final Bill Action:** \*SENATE FILE 2243 (SSB 2203), a bill for an act relating to the establishment of charter elementary and secondary schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Redfern, Rensink, Szymoniak, Taylor and Vilsack. Nays, 1: Tinsman. Absent or not voting, 1: Lind.

**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 2243 and they were attached to the committee report.

## STATE GOVERNMENT

**Final Bill Action:** SENATE FILE 2246 (SSB 2235), a bill for an act relating to the establishment of a certification program for certain building contractors, including continuing education regarding indoor air quality and ventilation.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, Dieleman, Fink, Kramer, McKean, Pate, Sorensen and Welsh. Nays, 3: Rittmer, McLaren and Priebe. Pass, 1: Buhr. Absent or not voting, 4: Bisignano, Drake, Giannetto and Lind.

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

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:08 p.m., until 9:00 a.m., Thursday, March 3, 1994.

# JOURNAL OF THE SENATE

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FIFTY-THIRD CALENDAR DAY  
THIRTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 3, 1994

The Senate met in regular session at 9:05 a.m., President Boswell presiding.

Prayer was offered by the Reverend Leonard Sjogren, pastor of the Hope United Methodist Church, Marshalltown, Iowa.

The Journal of Wednesday, March 2, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 1, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 425**, a bill for an act relating to the investment of public funds in levee or drainage district warrants or improvement certificates and providing an effective date.

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

**House File 604**, a bill for an act relating to the requirements for issuance of certain bonds by a county or city.

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

**House File 2055**, a bill for an act imposing a lien for city or county expenditures for closure or postclosure care of sanitary landfills.

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

**House File 2190**, a bill for an act relating to asbestos testing for training fires involving asphalt shingles.

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

### INTRODUCTION OF BILL

**Senate File 2248**, by committee on Judiciary, a bill for an act relating to public intoxication, and providing for involuntary hospitalization of intoxicated persons under certain circumstances.

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

### HOUSE AMENDMENT CONSIDERED

#### Senate File 294

Senator Dvorsky called up for consideration Senate File 294, a bill for an act relating to qualifications for sheriffs, amended by the House, and moved that the Senate concur in House amendment S—5014 filed February 4, 1994.

A non record roll call was requested.

The ayes were 47, nays none.

The motion prevailed and the Senate concurred in the House amendment.

Senator Dvorsky 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. 294) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak

Taylor  
Zieman

Tinsman

Vilsack

Welsh

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.

### SPECIAL PRESENTATION TO SENATE PAGE

Christie Paul, Senate Page from Des Moines, Iowa, was invited to the well of the Senate for a special presentation and was thanked by Senator Palmer for her service to the Senate.

Senator Rife presented Christie with an Iowa pin and Senator Horn presented her with a Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1994 Regular Session of the Seventy-fifth General Assembly.

The Senate rose and expressed its appreciation to Christie.

### RECESS

On motion of Senator Horn, the Senate recessed at 9:30 a.m., until 3:30 p.m.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Christie Paul, Des Moines — For serving with honor and distinction as a Senate Page during the 1994 Regular Session of the 75th General Assembly.

### REPORTS OF COMMITTEE MEETINGS

#### BUSINESS AND LABOR RELATIONS

**Convened:** March 2, 1994, 10:10 a.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Redfern, Ranking Member; Buhr, Connolly, Freeman, Giannetto, Maddox, Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2234, 2195, 2165 as committee bills; recommended passage of Senate Files 2059, 2082 and 2099.

**Adjourned:** 10:50 a.m.

#### ENVIRONMENT AND ENERGY UTILITIES

**Convened:** March 2, 1994, 3:40 p.m.

**Members Present:** Rosenberg, Chair; Fink, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Gronstal, Hedge, Horn and Welsh.

**Members Absent:** Sorensen (excused).

**Committee Business:** Approved SSBs 2237 and 2079 as committee bills; recommended passage of Senate File 264; SSB 2024 failed committee approval.

**Adjourned:** 4:20 p.m.

#### HUMAN RESOURCES

**Convened:** March 2, 1994, 3:40 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Bennett (excused).

**Committee Business:** Recommended passage of Senate Files 2037 and 2009 as amended; approved SSB 2138 as a committee bill; SSB 2159 failed committee approval; amended and approved SSBs 2146 and 2198 as committee bills.

**Adjourned:** 4:50 p.m.

## JUDICIARY

**Convened:** March 2, 1994, 5:18 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Bisignano and Drake (both excused).

**Committee Business:** Recommended passage of Senate Files 382 and 2112 as amended; recommended passage of Senate Files 2094, 2040, 2143 and 2166; approved SSBs 2056, 2093 and 2090 as amended as committee bills; approved SSBs 2191, 2192, 2090, 2127 and 2241 as committee bills.

**Adjourned:** 6:45 p.m.

## LOCAL GOVERNMENT

**Convened:** March 2, 1994, 8:49 a.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Vilsack and Zieman.

**Members Absent:** Priebe, Rittmer and Szymoniak.

**Committee Business:** Approved SSB 2157 as a committee bill.

**Adjourned:** 8:59 a.m.

## NATURAL RESOURCES

**Convened:** March 2, 1994, 1:40 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Banks, Hedge, Judge, Kibbie, Priebe and Rensink

**Members Absent:** Hester, Ranking Member (excused); McKean, Riordan (excused) and Sturgeon.

**Committee Business;** Informational meeting; discussed bills remaining in committee.

**Adjourned:** 1:42 p.m.

## STATE GOVERNMENT

**Convened:** March 2, 1994, 10:40 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Buhr, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** Bisignano, Drake, Giannetto and Lind (all excused).

**Committee Business:** Approved SSBs 2140, 2216, 2235 as committee bills; recommended passage of Senate File 2144 as amended; recommended passage of Senate File 336 and House File 2115; Senate File 2158 failed recommendation for passage; deferred action on Senate File 2212; assigned bills to subcommittees.

**Adjourned:** 11:25 a.m.

## TRANSPORTATION

**Convened:** March 2, 1994, 2:38 p.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Connolly, Dieleman, Fink, Gettings, Jensen and Pate.

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

**Committee Business:** Recommended passage of Senate Files 2129 and 2175 as amended; approved SSB 2144 as a committee bill; amended and approved SSBs 2171 and 2112 as committee bills; assigned bills to subcommittees.

**Adjourned:** 3:15 p.m.

## PRESENTATION OF VISITORS

Senator Redfern introduced Jim and Mary Slife, son and daughter-in-law of the late Senator and Mrs. Harry Slife, who recently returned to live in Iowa.

## COMMITTEE REPORTS

## AGRICULTURE

**Final Bill Action:** HOUSE FILE 2194, a bill for an act providing for the display and sale of dairy products by allowing processors and distributors to lend equipment to retailers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Priebe, Riordan, Bartz, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Zieman. Nays, none. Absent or not voting, 1: Banks.

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

ALSO:

**Final Bill Action:** SENATE FILE 2263 (SSB 2239), a bill for an act providing for the storage of bulk grain by producers owning the grain.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Priebe, Riordan, Banks, Boswell, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Zieman. Nays, none. Absent or not voting, 2: Bartz and Fraise.

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

## BUSINESS AND LABOR RELATIONS

**Final Bill Action:** SENATE FILE 2261 (SSB 2165), a bill for an act relating to employment services by eliminating certain unemployment benefit charges, amking the voluntary shared work program permanent, and making changes to the workers' compensation laws.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Gettings, Sturgeon, Redfern, Buhr, Connolly, Freeman, Giannetto, Maddox, Murphy and Taylor. Nays, none.

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

**COMMUNICATIONS AND INFORMATION POLICY**

**Final Bill Action:** SENATE FILE 2254 (SSB 2135), a bill for an act relating to the Iowa communications network by providing that the state shall pay for the costs of Part III connections for school districts, area education agencies, and libraries.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7; Welsh, Dvorsky, Kersten, Deluhery, Fraise, Jensen and McLaren. Nays, none.

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

**ENVIRONMENT AND ENERGY UTILITIES**

**Final Bill Action:** SENATE FILE 2252 (SSB 2237), a bill for an act relating to the underground storage tank program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9; Rosenberg, Fink, Kersten, Banks, Borlaug, Gronstal, Hedge, Horn and Welsh. Nays, none. Absent or not voting, 1: Sorensen.

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

**HUMAN RESOURCES**

**Final Bill Action:** SENATE FILE 2009, a bill for an act relating to child abuse investigations by requiring communication between the department of human services and a physician who conducts an examination of a child who is alleged to be abused.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5067.

**Final Vote:** Ayes, 9; Szymoniak, Lloyd-Jones, Tinsman, Buhr, Dvorsky, Judge, Kramer, Riordan and Rittmer. Nays, 1: Sturgeon. Pass, 1: Bartz. Absent or not voting, 1: Bennett.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2250 (SSB 2198), a bill for an act relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, 1: Sturgeon. Absent or not voting, 1: Bennett.

**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 2250 and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 2040, a bill for an act relating to requirements for sponsors of gun shows and providing penalties for failure of gun show sponsors to meet the requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Redfern, Szymoniak and Welsh. Nays, 2: Pate and Taylor. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

ALSO:

**Final Bill Action:** SENATE FILE 2094, a bill for an act relating to the awarding of joint custody of children resulting from a dissolution of marriage.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 3: Bisignano, Drake and Giannetto.

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

ALSO:

**Final Bill Action:** SENATE FILE 2112, a bill for an act relating to the procedure for civil commitment hearings, establishing a time limit for the filing of the report of the examining physician and providing limitations on the refiling of applications which have been denied for lack of evidence.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5069.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2143, a bill for an act relating to the detention of juveniles held as material witnesses or for contempt of court.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sturgeon, McKean, Connolly, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, 2: Rosenberg and Lloyd-Jones. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2166, a bill for an act defining illegal gambling activities of gambling facilities operated lawfully in this state and imposing a criminal penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2248 (SSB 2199), a bill for an act relating to public intoxication, and providing for involuntary hospitalization of intoxicated persons under certain circumstances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Pate, Szymoniak, Taylor, Vilsack and Welsh. Nays, 3: McKean, Maddox and Redfern.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2255 (SSB 2191), a bill for an act relating to incorporating the employment provisions of the federal Americans with Disabilities Act into the Iowa civil rights Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Szymoniak, Taylor and Welsh. Nays, 3: Maddox, Pate and Redfern. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2256 (SSB 2241), a bill for an act to make changes regarding payment of restitution by criminal offenders.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2257 (SSB 2192), a bill for an act relating to discrimination cases under the Iowa civil rights Act by providing for mandatory mediation and limitations on damages in certain disability discrimination in employment cases, providing for voluntary mediation in all discrimination cases, and repealing the section concerning the promotion and transfer of disabled individuals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, McKean, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 3: Bisignano, Drake and Vilsack.

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

## **LOCAL GOVERNMENT**

**Final Bill Action:** \*SENATE FILE 2253 (SSB 2157), a bill for an act relating to the number and election of sanitary district trustees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Sorensen, Buhr, Maddox, Fraise, Jensen, Vilsack and Ziemann. Nays, none. Absent or not voting, 3: Priebe, Rittmer 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 Local Government Committee on Senate File 2253 and they were attached to the committee report.

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

**Final Bill Action:** SENATE FILE 2262 (SSB 2227), a bill for an act establishing a microenterprise development Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Riordan, Vilsack, Ziemann, Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. Nays, none.

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

### **STATE GOVERNMENT**

**Final Bill Action:** SENATE FILE 2251 (SSB 2216), a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for federal and state tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Lind.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2260 (SSB 2140), a bill for an act relating to the regulations of amusement devices and gambling games, and subjecting violators to an existing penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Gronstal, Kibbie, Rittmer, Dieleman, Fink, Kramer, McKean, McLaren, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 5: Bisignano, Buhr, Drake, Giannetto and Lind.

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

## TRANSPORTATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 108 (SSB 2144), a concurrent resolution relating to state and federal fuel tax collections.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 2: Drake and Kersten.

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

ALSO:

**Final Bill Action:** SENATE FILE 2129, a bill for an act relating to handicapped parking, increasing penalties for improper use of a handicapped identification device, and for providing false information, and creating a penalty for failure to enforce handicapped parking laws.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5070.

**Final Vote:** Ayes, 8: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 2: Drake and Kersten.

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

ALSO:

**Final Bill Action:** SENATE FILE 2175, a bill for an act providing an exemption from certain motor vehicle registration and plate fees for ambulances owned and operated by nonprofit corporations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 2: Drake and Kersten.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2258 (SSB 2171), a bill for an act relating to the operation of vehicles on roads by requiring certain drivers of commercial vehicles to comply with federal motor carrier safety regulations and by restricting the operation of all-terrain vehicles and snowmobiles on roads.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Lloyd-Jones, Fraise, Dieleman, Fink, Gettings and Jensen. Nays, 2: Connolly and Pate. Absent or not voting, 2: Drake and Kersten.

**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 2258 and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2259 (SSB 2112), a bill for an act relating to railroad crossing safety.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 2: Drake and Kersten.

**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 2259 and they were attached to the committee report.

## STUDY BILLS RECEIVED

### SSB 2241 Judiciary

To make changes regarding payment of restitution by criminal offenders.

### SSB 2242 Education

Relating to the establishment of an education technology levy, providing for an education technology purchasing pool, an education technology loan program, providing intent language relating to a mobile unit to instruct elementary and secondary teachers in education technology, and providing an effective date.

### SSB 2243 Commerce

Relating to the Iowa finance authority and the title guaranty division by expanding the membership of the division board and

establishing a title guaranty marketing program and related programs.

**SSB 2244 Commerce**

Amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections.

**SSB 2245 Commerce**

Relating to the regulation of consumer credit reporting agencies.

**SSB 2246 Agriculture**

Relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments, and providing an effective date.

**SSB 2247 Agriculture**

Providing for the disposition of horses subject to cruelty and making penalties applicable.

**SSB 2248 Judiciary**

Relating to providing confidentiality requirements concerning victims and witnesses in criminal cases with certain exceptions.

**SSB 2249 Commerce**

Relating to burial grounds by providing notice requirements for ancient burial grounds, and providing for the regulation of cemetery operators and the regulation of perpetual care and nonperpetual care cemeteries, and providing penalties.

**SSB 2250 Communications and Information Policy**

Relating to the Iowa communications network by expanding the definitions of public agencies and amending provisions relating to access to the network.

**SSB 2251 Transportation**

Relating to hazardous liquid pipeline condemnation and providing an effective date.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2220**

JUDICIARY: Welsh, Chair; Sturgeon and Taylor

**Senate File 2225**

HUMAN RESOURCES: Bartz, Chair; Dvorsky and Riordan

**Senate File 2241**

JUDICIARY: Rosenberg, Chair; Pate and Vilsack

**House File 2018**

EDUCATION: Kibbie, Chair; Fink and Lind

**SSB 2240**

EDUCATION: Dieleman, Chair; Murphy and Rensink

**SSB 2241**

JUDICIARY: Sturgeon, Chair; Redfern and Rosenberg

**SSB 2242**

EDUCATION: Connolly, Chair; Deluhery and Kramer

**SSB 2246**

AGRICULTURE: McLaren, Chair; Fraise and Hester

**SSB 2247**

AGRICULTURE: Priebe, Chair; Hedge and Riordan

**SSB 2248**

JUDICIARY: Sturgeon, Chair; Drake and Welsh

**SSB 2251**

TRANSPORTATION: Drake, Chair; Connolly and Fink

## AFTERNOON SESSION

The Senate reconvened at 3:38 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 42 present, 8 absent and a quorum present.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 108**, by committee on Transportation, a concurrent resolution relating to state and federal fuel tax collections.

Read first time and placed on calendar.

**Senate Concurrent Resolution 109**, by Banks, a concurrent resolution to designate Le Mars, Iowa, the Ice Cream Capital of the World.

Read first time and passed on file.

### INTRODUCTION OF BILLS

**Senate File 2249**, by Rosenberg, a bill for an act relating to the licensing of games of chance, games of skill, amusement devices, and imposing license fees on amusement devices, and subjecting violators to existing penalties.

Read first time and passed on file.

**Senate File 2250**, by committee on Human Resources, a bill for an act relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator.

Read first time and placed on calendar.

**Senate File 2251**, by committee on State Government, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public

retirement systems for federal and state tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

Read first time and placed on calendar.

**Senate File 2252**, by committee on Environment and Energy Utilities, a bill for an act relating to the underground storage tank program.

Read first time and placed on calendar.

**Senate File 2253**, by committee on Local Government, a bill for an act relating to the number and election of sanitary district trustees.

Read first time and placed on calendar.

**Senate File 2254**, by committee on Communications and Information Policy, a bill for an act relating to the Iowa communications network by providing that the state shall pay for the costs of Part III connections for school districts, area education agencies, and libraries.

Read first time and placed on calendar.

**Senate File 2255**, by committee on Judiciary, a bill for an act relating to incorporating the employment provisions of the federal Americans with Disabilities Act into the Iowa civil rights Act.

Read first time and placed on calendar.

**Senate File 2256**, by committee on Judiciary, a bill for an act to make changes regarding payment of restitution by criminal offenders.

Read first time and placed on calendar.

**Senate File 2257**, by committee on Judiciary, a bill for an act relating to discrimination cases under the Iowa civil rights Act by providing for mandatory mediation and limitations on damages in certain disability discrimination in employment cases, providing for voluntary mediation in all discrimination cases, and repealing the section concerning the promotion and transfer of disabled individuals.

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

**Senate File 2258**, by committee on Transportation, a bill for an act relating to the operation of vehicles on roads by requiring certain drivers of commercial vehicles to comply with federal motor carrier safety regulations and by restricting the operation of all-terrain vehicles and snowmobiles on roads.

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

**Senate File 2259**, by committee on Transportation, a bill for an act relating to railroad crossing safety.

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

**Senate File 2260**, by committee on State Government, bill for an act relating to the regulation of amusement devices and gambling games, and subjecting violators to an existing penalty.

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

**Senate File 2261**, by committee on Business and Labor Relations, a bill for an act relating to employment services by eliminating certain unemployment benefit charges, requiring participation in reemployment services for certain individuals receiving unemployment benefits, making the voluntary shared work program permanent, and making changes to the workers' compensation laws.

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

**Senate File 2262**, by committee on Small Business, Economic Development and Tourism, a bill for an act establishing a microenterprise development act.

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

**Senate File 2263**, by committee on Agriculture, a bill for an act providing for the storage of bulk grain by producers owning the grain.

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

**Senate File 2264**, by committee on Human Resources, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities.

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

**Senate File 2265**, by committee on Judiciary, a bill for an act relating to the offenses of harassment and stalking, and providing for penalties and other related matters.

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

**Senate File 2266**, by committee on Judiciary, a bill for an act relating to the statute of limitations on claims for damages against municipalities or any officer, employee, or agent of a municipality.

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

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2256**, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, certificates of title, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, damage disclosure statements, flashing blue lights, weight limitation on tow vehicles, leased motor vehicles, motor vehicle dealer's licensing bond, and single registration for motor carriers and other technical changes, and providing an effective date.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon until he returns on request of Senator Husak.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Husak asked and received unanimous consent to take up for consideration Senate File 2242.

### Senate File 2242

On motion of Senator Rosenberg, Senate File 2242, a bill for an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2242) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Redfern	Rensink	Rife
Riordan	Rittner	Rosenberg	Sorensen

Szymoniak  
Zieman

Taylor

Tinsman

Vilsack

Nays, none.

Absent or not voting, 5:

Bisignano  
Welsh

Horn

Priebe

Sturgeon

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 Riordan, Senate File 2066, a bill for an act providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2066) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Horn

Priebe

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

### Senate File 2157

On motion of Senator Deluhery, Senate File 2157, a bill for an act relating to electric transmission line franchises, 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. 2157) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon.	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Horn

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

### CONSIDERATION OF BILL (Appropriations Calendar)

### Senate File 2218

On motion of Senator Vilsack, Senate File 2218, a bill for an

act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates, was taken up for consideration.

Senator Murphy offered amendment S—5073 filed by Senators Murphy and Jensen from the floor to page 16 of the bill and moved its adoption.

Amendment S—5073 was adopted by a voice vote.

Senator Vilsack offered amendment S—5072 filed by him from the floor to page 2 of the bill and moved its adoption.

Amendment S—5072 was adopted by a voice vote.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, 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:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2184

On motion of Senator Welsh, Senate File 2184, a bill for an act relating to the procurement and installation of Part III of the Iowa communications network, was taken up for consideration.

Senator Welsh offered amendment S—5059 filed by him on March 1, 1994, to page 1 of the bill.

Senator McLaren asked and received unanimous consent that action on amendment S—5059 and Senate File 2184 be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 294, 2242, 2066, 2157 and 2218 be immediately messaged to the House.

### INTRODUCTION OF BILLS

Senate File 2267, by committee on Human Resources, a bill for an act relating to paternity, providing an effective date, and providing for applicability of the act.

Read first time and placed on calendar.

Senate File 2268, by committee on Judiciary, a bill for an act relating to funeral processions.

Read first time and placed on calendar.

Senate File 2269, by committee on Judiciary, a bill for an act providing for an automatic temporary restraining order in dissolution of marriage, separate maintenance, and annulment actions, and containing an applicability provision.

Read first time and placed on calendar.

**Senate File 2270**, by committee on Judiciary, a bill for an act relating to providing confidentiality requirements concerning victims and witnesses in criminal cases with certain exceptions.

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

## APPENDIX

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 2180)

A conference committee report signed by the following Senate and House members was filed March 3, 1994, on House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates:

On the Part of the Senate:

TONY BISIGNANO, Chair  
WAYNE BENNETT  
RICHARD DRAKE  
RANDAL GIANNETTO  
TOM VILSACK

On the Part of the House:

ROGER HALVORSON, Chair  
DARRELL HANSON  
MATT McCOY  
JANET METCALF  
MARY NEUHAUSER

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued a certificate of recognition as follows:

Sister Mary Lenore Steilen, Granger — For 50 years of teaching, 1944-1994.  
Senator Maddox (3-3-94).

### BILLS ASSIGNED TO COMMITTEE

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

S.F.	2249	State Government
S.C.R.	109	Rules and Administration
H.F.	425	Local Government
H.F.	604	Local Government
H.F.	2055	Environment and Energy Utilities
H.F.	2190	Environment and Energy Utilities

## COMMITTEE REPORTS

## HUMAN RESOURCES

**Final Bill Action:** SENATE FILE 2264 (SSB 2138), a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Bennett.

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

ALSO:

**Final Bill Action:** \*SENATE FILE 2267 (formerly Senate File 2037), a bill for an act relating to modification of child support orders based upon misrepresentation of paternity.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Bennett.

**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 2267 and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 2220, a bill for an act relating to access to tribal gaming employee background investigation information.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Sturgeon, Rosenberg, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, 1: McKean.

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

ALSO:

**Final Bill Action:** SENATE FILE 2265 (SSB 2090), a bill for an act relating to the offenses of harassment and stalking, and providing for penalties and other related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

ALSO:

**Final Bill Action:** SENATE FILE 2266 (SSB 2127), a bill for an act relating to the statute of limitations on claims for damages against municipalities or any officer, employee, or agent of a municipality.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

ALSO:

**Final Bill Action:** SENATE FILE 2268 (SSB 2209), a bill for an act relating to funeral processions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Szymoniak and Taylor.

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

ALSO:

**Final Bill Action:** SENATE FILE 2269 (SSB 2095), a bill for an act providing for an automatic temporary restraining order in dissolution of marriage, separate maintenance, and annulment actions, and containing an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Taylor and Vilsack. Nays, 1: McKean. Absent or not voting, 2: Szymoniak and Welsh.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2270 (SSB 2248), a bill for an act relating to providing confidentiality requirements concerning victims and witnesses in criminal cases with certain exceptions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Sturgeon, McKean, Drake, Giannetto, Pate, Redfern, Taylor, Vilsack and Welsh. Nays, 5: Rosenberg, Connolly, Lloyd-Jones, Maddox and Szymoniak. Absent or not voting, 1: Bisignano.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2271 (SSB 2228), a bill for an act to provide for mediation of dissolution proceedings and providing for a fee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Bisignano and Drake.

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

## INTRODUCTION OF BILL

**Senate File 2271**, by committee on Judiciary, a bill for an act to provide for mediation of dissolution proceedings and providing for a fee.

Read first time under Rule 28 and placed on calendar.

## AMENDMENTS FILED

S—5067	S.F.	2009	Human Resources
S—5068	S.F.	2222	Elaine Szymoniak
S—5069	S.F.	2112	Judiciary
S—5070	S.F.	2129	Transportation
S—5071	S.F.	2233	Albert Sorensen
S—5072	S.F.	2218	Tom Vilsack
S—5073	S.F.	2218	Larry Murphy

S—5074	S. F.	2217	John W. Jensen Michael E. Gronstal Jean Lloyd-Jones Richard F. Drake John W. Jensen
S—5075	S. F.	2219	Richard F. Drake Michael E. Gronstal
S—5076	S. F.	2196	Maggie Tinsman

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:42 p.m., until 9:00 a.m., Friday, March 4, 1994.

# JOURNAL OF THE SENATE

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FIFTY-FOURTH CALENDAR DAY  
THIRTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, March 4, 1994

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

Prayer was offered by the Honorable William W. Dieleman, member of the Senate from Jasper County, Sully, Iowa.

The Journal of Thursday, March 3, 1994, was approved.

## HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1994, adopted the conference committee report and passed House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates.

## INTRODUCTION OF BILLS

Senate File 2272, by committee on Commerce, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action.

Read first time and placed on calendar.

Senate File 2273, by committee on Commerce, a bill for an act relating to the investment authority of state banks.

Read first time and placed on calendar.

**Senate File 2274**, by committee on Commerce, a bill for an act relating to limitations on the acquisition of banks, savings and loan associations, and savings banks by bank holding companies.

Read first time and placed on calendar.

**Senate File 2275**, by committee on Commerce, a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce.

Read first time and placed on calendar.

**Senate File 2276**, by committee on Commerce, a bill for an act relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments.

Read first time and placed on calendar.

**Senate File 2277**, by committee on Education, a bill for an act relating to social studies requirements in the schools.

Read first time and placed on calendar.

### QUORUM CALL

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

The vote revealed 43 present, 7 absent and a quorum present.

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 10:10 a.m., President Boswell presiding.

### CONFERENCE COMMITTEE REPORT ADOPTED

#### House File 2180

Senator Bisignano called up the conference committee report

on House File 2180, a bill for an act relating to the establishment of quality jobs enterprise zones, and establishing a high quality jobs and targeted industries program, providing economic development assistance to businesses locating in quality jobs enterprise zones, providing a penalty, and providing effective dates, filed on March 3, 1994, 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 Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2180) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 32:

Banks	Bennett	Bisignano	Boswell
Deluhery	Drake	Freeman	Gettings
Giannetto	Gronstal	Hester	Horn
Jensen	Kersten	Kibbie	Kramer
Lind	Maddox	McKean	McLaren
Murphy	Pate	Redfern	Rensink
Rife	Rittmer	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 17:

Bartz	Borlaug	Buhr	Connolly
Dieleman	Dvorsky	Fink	Fraise
Hedge	Husak	Judge	Lloyd-Jones
Palmer	Priebe	Riordan	Rosenberg
Sorensen			

Absent or not voting, 1:

Sturgeon

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

Senator Horn asked and received unanimous consent that **House File 2180** be immediately messaged to the House.

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS**  
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Jack Dack as Commandant of the Iowa Veterans Home.

Don B. Grove as Director of the Iowa State Civil Rights Commission.

Jeffrey D. Eaton and Betty J. Furgerson as members of the Higher Education Strategic Planning Council.

Michael A. Logan as a member of the Investment Board of the IPERS.

Dale L. Tieden as a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund.

Arlene Dayhoff, Thomas M. Glenn, Charles S. Johnson, Elaine A. Pfalzgraf, Austin B. Turner and Charese E. Yanney as members of the Iowa Council on Human Investment.

Eldon E. Leonard as a member of the Iowa Economic Development Board.

Freeman H. Forrest and Bernard L. McKinley as members of the Iowa Ethics and Campaign Disclosure Board.

Thomas G. Kunz as a member of the Iowa Product Development Corporation.

Carol J. McCarty as a member of the Personnel Commission.

Jerry L. Maas as a member of the Renewable Fuel Advisory Committee.

Sally J. Frudden and Mary Jean Montgomery as members of the State Board of Education.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kersten                      Sturgeon

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## INTRODUCTION OF BILLS

**Senate File 2278**, by committee on Commerce, a bill for an act adopting the uniform transfer on death security registration act.

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

**Senate File 2279**, by committee on Commerce, a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections.

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

**Senate File 2280**, by committee on Agriculture, a bill for an act relating to the production of ornamental, flowering, or vegetable plants for purposes of the state sales tax.

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

**Senate File 2281**, by committee on Commerce, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing civil penalties.

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

**Senate File 2282**, by committee on Commerce, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state.

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

**Senate File 2283**, by committee on Agriculture, a bill for an act providing for the disposition of livestock subject to cruelty.

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

**Senate File 2284**, by committee on Education, a bill for an act relating to the establishment of an education technology levy, providing for an education technology purchasing pool, an education technology loan program, providing intent language relating to a mobile unit to instruct elementary and secondary teachers in education technology, and providing an effective date.

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

**Senate File 2285**, by committee on Agriculture, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments, and providing an effective date.

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

**Senate File 2286**, by committee on Commerce, a bill for an act relating to delayed deposit services businesses and providing penalties.

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

**Senate File 2287**, by committee on Human Resources, a bill for an act establishing requirements for disclosure of psychological test material.

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

**Senate File 2288**, by committee on Human Resources, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date.

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

**Senate File 2289**, by committee on Agriculture, a bill for an act providing for fees paid for the registration of products classified as sanitizers and disinfectants.

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

**Senate File 2290**, by committee on Commerce, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, making appropriations, and establishing penalties.

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

**Senate File 2291**, by committee on Human Resources, a bill for an act relating to access to and the use of child or dependent adult abuse information and the access to and use of criminal records in evaluating licensure and regulation of certain programs and facilities and their personnel.

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

## APPENDIX

### STUDY BILL RECEIVED

#### **SSB 2079.1 Environment and Energy Utilities**

Requiring the environmental protection commission to codify the special waste authorization program and relating to environmental permit fees and solid waste.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2249**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

##### **House File 362**

LOCAL GOVERNMENT: Szymoniak, Chair; Maddox and Sorensen

##### **House File 425**

LOCAL GOVERNMENT: Vilsack, Chair; Priebe and Zieman

##### **House File 604**

LOCAL GOVERNMENT: Szymoniak, Chair; Fraise and Jensen

##### **House File 606**

LOCAL GOVERNMENT: Fraise, Chair; Jensen and Priebe

##### **House File 2158**

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Rittmer

##### **SSB 2079.1**

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Hedge and Sorensen

#### REPORTS OF COMMITTEE MEETINGS

##### AGRICULTURE

Convened: March 3, 1994, 8:05 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Zieman.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2239, 2238 and 2246 as committee bills; deferred action on SSB 228; amended and approved SSBs 2173, 2247 and 2068 as committee bills; recommended passage of House File 2194 as substituted for SSB 2172.

**Adjourned:** 8:47 a.m.

## COMMERCE

**Convened:** March 3, 1994, 1:40 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2243, 2244, 2164 and 2163 as committee bills; recommended passage of Senate File 2018; recommended passage of Senate File 344 as amended; placed Senate File 2088 on calendar without recommendation; amended and approved SSB 2249 as a committee bill.

**Adjourned:** 2:15 p.m.

## EDUCATION

**Convened:** March 3, 1994, 2:50 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; amended and approved SSBs 2240 and 2242 as committee bills; deferred action on SSBs 2184 and 2134.

**Adjourned:** 3:35 p.m.

**HUMAN RESOURCES**

**Convened:** March 3, 1994, 4:54 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan and Rittmer.

**Members Absent:** Sturgeon (excused).

**Committee Business:** Approved SSBs 2233, 2005, 2214, 2202, 2007, 2168 and 2008 as committee bills; recommended passage of Senate File 2225 as amended.

**Adjourned:** 6:02 p.m.

**JUDICIARY**

**Convened:** March 3, 1994, 10:39 a.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** none.

**Committee Business:** Approved SSBs 2209, 2095, 2249, 2228 and 2248 as committee bills; amended and approved SSBs 2232; 2212 and 2223 as committee bills; recommended passage of Senate File 2220.

**Adjourned:** 12:50 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** March 3, 1994, 9:40 a.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2155 as a committee bill and approved SSB 2227 as a committee bill.

**Adjourned:** 10:30 a.m.

**SIMILAR BILL RECEIVED**

On March 3, 1994, **House File 2256** was received and attached to similar **Senate File 2208** on the senate calendar.

**CERTIFICATE OF RECOGNITION**

The secretary of the senate issued the following certificate of recognition:

Mayor Michael J. Budde, Asbury — In appreciation for serving 16 years as a loyal public servant in the capacity as a councilman and mayor. Senator Welsh (3-4-94).

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 2280 (SSB 2068), a bill for an act relating to an exemption from the state sales tax for fertilizers, pesticides, and machinery and equipment used in the production of certain plants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Sorensen and Zieman. Nays, 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 Agriculture Committee on Senate File 2280 and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2283 (SSB 2247), a bill for an act providing for the disposition of horses subject to cruelty and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Zieman. Nays, none. Absent or not voting, 1: Giannetto.

**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 2283 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2285 (SSB 2246), a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2289 (SSB 2238), a bill for an act providing for fees paid for the registration of products classified as sanitizers and disinfectants.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Priebe, Riordan, Banks, Boswell, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. Nays, none. Absent or not voting, 2: Bartz and Fraise.

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

## COMMERCE

**Final Bill Action:** SENATE FILE 344, a bill for an act relating to the regulation of investment advisers, providing penalties, and providing for conditions of enactment, and an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5079.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2018, a bill for an act relating to insurance coverage for certain services provided by a licensed physician assistant..

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Deluhery, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, 1: Palmer.

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

ALSO:

**Final Bill Action:** SENATE FILE 2088, a bill for an act relating to the sale price of alcoholic liquor by a class "E"; liquor control licensee, and subjecting violators to existing penalties.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 9: Jensen, Bisignano, Dvorsky, Freeman, Gettings, Kersten, Lind, Priebe and Redfern. Nays, 4: Deluhery, Palmer, Gronstal and Pate. Absent or not voting, 2: Sturgeon and Welsh.

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

ALSO:

**Final Bill Action:** SENATE FILE 2272 (SSB 2162), a bill for an act relating to prize promotions and establishing criminal and civil penalties and a private cause of action, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2273 (SSB 2163), a bill for an act relating to the investment authority of state banks.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2274 (SSB 43), a bill for an act relating to limitations on the acquisition of banks, savings and loan associations, and savings banks by bank holding companies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2275 (SSB 2164), a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2276 (SSB 2229), a bill for an act relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern and Welsh. Nays, none. Absent or not voting, 1: Sturgeon.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2278 (SSB 2107), a bill for an act adopting the uniform transfer on death security registration Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern and Welsh. Nays, none. Absent or not voting, 1: Sturgeon.

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

ALSO:

**Final Bill Action:** SENATE FILE 2279 (SSB 2244), a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

ALSO:

**Final Bill Action:** SENATE FILE 2281 (SSB 2230), a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing civil penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Lind, Pate, Priebe and Redfern. Nays, none. Pass, 1: Kersten. Absent, 2: Sturgeon and Welsh.

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

ALSO:

**Final Bill Action:** SENATE FILE 2282 (SSB 2231), a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Lind, Pate, Priebe and Redfern. Nays, none. Pass, 1: Kersten. Absent, 2: Sturgeon and Welsh.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2286 (SSB 2200), a bill for an act relating to delayed deposit services businesses and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern and Welsh. Nays, none. Absent or not voting, 1: Sturgeon.

**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 2286 and they were attached to the committee report.

**ALSO:**

**Final Bill Action:** SENATE FILE 2290 (SSB 2108), a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, making appropriations, and establishing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2295 (SSB 2243), a bill for an act relating to the Iowa finance authority and the title guaranty division by expending the membership of the division board and establishing a title guaranty marketing program and related programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. 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 2295 and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2299 (SSB 2160), a bill for an act relating to prepayment penalties for certain loans secured by real estate mortgages.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Deluhery, Palmer, Bisignano, Gettings, Gronstal, Pate, Redfern and Welsh. Nays, 7: Jensen, Dvorsky, Freeman, Kersten, Lind, Priebe and Sturgeon.

**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 2299 and they were attached to the committee report.

ALSO:

**Final Bill Action:** \*SENATE FILE 2302 (SSB 2249), a bill for an act relating to burial grounds by providing notice requirements for ancient burial grounds, and providing for the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. 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 2302 and they were attached to the committee report.

## EDUCATION

**Final Bill Action:** \*SENATE FILE 2277 (SSB 2240), a bill for an act relating to social studies requirements in the schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Pass, 1: Fink.

**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 2277 and they were attached to the committee report.

ALSO:

**Final Bill Action:** SENATE FILE 2284 (SSB 2242), a bill for an act relating to the establishment of an education technology levy, providing for an education technology purchasing pool, an education technology loan program, providing intent language relating to a mobile unit to instruct elementary and secondary teachers in education technology, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Connolly, Kibbie, Deluhery, Dieleman, Dvorsky, Fink, Murphy, Szymoniak, Taylor and Vilsack. Nays, 5: Kramer, Lind, Redfern, Rensink and Tinsman.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Education Committee on Senate File 2284 and they were attached to the committee report.

## ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** SENATE FILE 264, a bill for an act relating to the employment of persons in the department of natural resources.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Rosenberg, Fink, Kersten, Banks, Borlaug, Gronstal, Hedge, Horn and Welsh. Nays, none. Absent or not voting, 1: Sorensen.

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

ALSO:

**Final Bill Action:** SENATE FILE 2300 (SSB 2079.1), a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to environmental permit fees and solid waste.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Rosenberg, Fink, Banks, Borlaug, Gronstal, Horn, Sorensen and Welsh. Nays, 1: Hedge. Absent or not voting, 1: Kersten.

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

ALSO:

**Final Bill Action:** SENATE FILE 2301 (SSB 2178), a bill for an act regulating hazardous liquid pipelines and underground storage facilities and providing civil penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Rosenberg, Fink, Banks, Borlaug, Gronstal, Hedge, Horn, Sorensen and Welsh. Nays, none. Absent or not voting, 1: Kersten.

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

## HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2287 (SSB 2168), a bill for an act establishing requirements for disclosure of psychological test material.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, none. Absent or not voting, 1: Sturgeon.

**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 FILE 2288 (SSB 2146), a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 2: Bennett and Buhr.

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

ALSO:

**Final Bill Action:** SENATE FILE 2291 (SSB 2008), a bill for an act relating to access to and the use of child or dependent adult abuse information and the access to and use of criminal records in evaluating licensure and regulation of certain programs and facilities and their personnel.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, none. Absent or not voting, 1: Sturgeon.

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

ALSO:

**Final Bill Action:** SENATE FILE 2292 (SSB 2202), a bill for an act relating to warnings of risks associated with alcoholic beverages, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, 1: Bartz. Absent or not voting, 1: Sturgeon.

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

ALSO:

**Final Bill Action:** SENATE FILE 2293 (SSB 2007), a bill for an act relating to child endangerment and establishing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, none. Absent or not voting, 1: Sturgeon.

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

ALSO:

**Final Bill Action:** SENATE FILE 2297 (SSB 2214), a bill for an act relating to a home and community-based waiver for persons with brain injury.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, none. Absent or not voting, 1: Sturgeon.

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

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2298 (SSB 2005), a bill for an act relating to restrictions on the use of tobacco products in public places and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Szymoniak, Lloyd-Jones, Tinsman, Bennett, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, 2: Bartz and Buhr. Absent or not voting, 1: Sturgeon.

**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 2298 and they were attached to the committee report.

**ALSO:**

**Final Bill Action:** \*SENATE FILE 2303 (formerly Senate File 2225), a bill for an act relating to the support obligations of the parents of a minor father of a child and the creation of a lien on the real and personal property of the parents, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Judge, Kramer, Riordan and Rittmer. Nays, 1: Dvorksy. Absent or not voting, 1: Sturgeon.

**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 2303 and they were attached to the committee report.

## JUDICIARY

**Final Bill Action:** SENATE FILE 2304 (SSB 2056), a bill for an act relating to court operations, including duties of clerks of the district court, court space requirements for counties, recordkeeping requirements, and the assessment of interest.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 3: Bisignano, Drake and Giannetto.

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

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM**

**Final Bill Action:** \*SENATE FILE 2294 (SSB 2155), a bill for an act relating to value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs, the appropriation of moneys, the repeal of a section, and an effective date.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 13: Riordan, Vilsack, Zieman, Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen. 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 Small Business, Economic Development, and Tourism Committee on Senate File 2294 and they were attached to the committee report.

### **TRANSPORTATION**

**Final Bill Action:** SENATE FILE 2197, a bill for an act relating to regional transportation systems.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 1: Kersteh.

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

**ALSO:**

**Final Bill Action:** SENATE FILE 2296 (SSB 2251), a bill for an act relating to hazardous liquid pipeline condemnation and providing an effective date.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 1: Kersten.

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

## INTRODUCTION OF BILLS

**Senate File 2292**, by committee on Human Resources, a bill for an act relating to warnings of risks associated with alcoholic beverages, and providing a penalty.

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

**Senate File 2293**, by committee on Human Resources, a bill for an act relating to child endangerment and establishing penalties.

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

**Senate File 2294**, by committee on Small Business, Economic Development and Tourism, a bill for an act relating to value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs, the appropriation of moneys, the repeal of a section, and an effective date.

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

**Senate File 2295**, by committee on Commerce, a bill for an act relating to the Iowa finance authority and the title guaranty division by expanding the membership of the division board and establishing a title guaranty marketing program and related programs.

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

**Senate File 2296**, by committee on Transportation, a bill for an act relating to hazardous liquid pipeline condemnation and providing an effective date.

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

**Senate File 2297**, by committee on Human Resources, a bill for an act relating to a home and community-based waiver for persons with brain injury.

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

**Senate File 2298**, by committee on Human Resources, a bill for an act relating to restrictions on the use of tobacco products in public places and providing penalties.

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

**Senate File 2299**, by committee on Commerce, a bill for an act relating to prepayment penalties for certain loans secured by real estate mortgages.

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

**Senate File 2300**, by committee on Environment and Energy Utilities, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to environmental permit fees and solid waste.

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

**Senate File 2301**, by committee on Environment and Energy Utilities, a bill for an act regulating hazardous liquid pipelines and underground storage facilities and providing civil penalties.

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

**Senate File 2302**, by committee on Commerce, a bill for an act relating to burial grounds by providing notice requirements for ancient burial grounds, and providing for the regulation of cemetery operators and the regulation of perpetual care cemeteries and nonperpetual care cemeteries, and providing penalties.

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

**Senate File 2303**, by committee on Human Resources, a bill for an act relating to the support obligations of the parents of a minor mother and father of a child and the creation of a lien on the real property of the parents, and providing a penalty.

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

**Senate File 2304**, by committee on Judiciary, a bill for an act relating to court operations, including duties of clerks of the district court, recordkeeping requirements, and the assessment of a late payment fee in lieu of interest, and providing effective dates.

Read first time under Rule 28 and placed on calendar.

### AMENDMENTS FILED

S—5077	S.F.	2234	John P. Kibbie
S—5078	S.F.	2229	Patty Judge
S—5079	S.F.	344	Commerce
S—5080	H.F.	545	Richard Drake William Dieleman
S—5081	S.F.	2217	Merlin E. Bartz Michael E. Gronstal
S—5082	S.F.	2168	Larry Murphy
S—5083	S.F.	2197	Larry Murphy
S—5084	S.F.	2184	John W. Jensen Eugene Fraise Jim Kersten Emil Husak Derryl McLaren William W. Dieleman

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 11:53 a.m., until 10:00 a.m., Monday, March 7, 1994.

# JOURNAL OF THE SENATE

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FIFTY-SEVENTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 7, 1994

The Senate met in regular session at 10:07 a.m., President Boswell presiding.

Prayer was offered by Sister Jean Marie Brady, Associate Director of Educational Services for Arch Diocese of Dubuque, Iowa.

The Journal of Friday, March 4, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2033**, a bill for an act requiring the state board of education to define the minimum school day.

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

**House File 2049**, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems.

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

**House File 2156**, a bill for an act relating to size requirements for registration plates for certain trailers and providing effective and applicability dates.

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

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Regular Calendar to the committee on **Ways and Means** under Senate Rule 38:

Senate Files 2190, 2200, 2210, 2227, 2232, 2233, 2240, 2271, 2289, 2290, 2304, 2284 and 2280.

## QUORUM CALL

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

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

## CONSIDERATION OF BILL (Ways and Means Calendar)

### Senate File 2133

On motion of Senator Lloyd-Jones, Senate File 2133, a bill for an act relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2133) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg

Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Freeman	Kramer	Sturgeon
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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 BILLS (Regular Calendar)

#### Senate File 2169

On motion of Senator Fink, Senate File 2169, a bill for an act relating to teacher licensure terms and endorsements, 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. 2169) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer	Sturgeon
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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 2172

On motion of Senator Deluhery, Senate File 2172, a bill for an act relating to vocational rehabilitation, 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. 2172) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kramer	Rosenberg	Sturgeon
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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 2205

On motion of Senator Fink, Senate File 2205, a bill for an act relating to regulated toxics in packaging, 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. 2205) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Jensen                      Sturgeon

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

## MOTION TO RECONSIDER WITHDRAWN

### Senate File 2092

Senator Welsh withdrew the motion to reconsider Senate File 2092, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund, filed by him on February 14, 1994, and found on page 279 of the Senate Journal.

## CONSIDERATION OF BILLS (Appropriations Calendar)

### Senate File 2229

On motion of Senator Judge, Senate File 2229, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, was taken up for consideration.

Senator Judge withdrew amendment S—5078 filed by her on March 4, 1994 to page 2 of the bill.

Senator Murphy asked and received unanimous consent that action on **Senate File 2229** be deferred.

### Senate File 2224

On motion of Senator Bisignano, Senate File 2224, a bill for an act relating to the disbursement of funds to the foreign trade offices of the department of economic development, was taken up for consideration.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, 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, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

**CONSIDERATION OF BILLS  
(Regular Calendar)**

**Senate File 2226**

On motion of Senator Sorensen, Senate File 2226, a bill for an act relating to the collection of a document management fee by the county recorder on each recorded transaction, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2226) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McKean	McLaren	Murphy.	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Maddox

Absent or not voting, 2:

Fraise

Sturgeon

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

**Senate File 2173**

On motion of Senator Bisignano, Senate File 2173, a bill for an act relating to the disposition or rehabilitation of old public

buildings, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2173) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Lloyd-Jones                      Sturgeon

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

### Senate File 336

On motion of Senator Kibbie, Senate File 336, a bill for an act placing conditions upon the receipt of educational leave and educational assistance by state employees, and providing an applicability provision, 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?" (S.F. 336) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Taylor	Tinsman	Welsh	Zieman

Nays, 2:

Dvorsky	Vilsack
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Absent or not voting, 4:

Lloyd-Jones	Riordan	Sturgeon	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 2228

On motion of Senator Sorensen, Senate File 2228, a bill for an act relating to instruments filed or recorded with the county recorder, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2228) the vote was:

Ayes, 27:

Bisignano	Boswell	Buhr	Connolly
Dieleman	Dvorsky	Fink	Fraise
Gettings	Horn	Husak	Jensen
Judge	Kibbie	Lloyd-Jones	Maddox
Murphy	Palmer	Pate	Priebe
Rensink	Riordan	Rosenberg	Sorensen
Szymoniak	Welsh	Zieman	

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Freeman	Giannetto
Gronstal	Hedge	Hester	Kersten
Kramer	Lind	McKean	McLaren
Redfern	Rife	Rittmer	Taylor
Tinsman	Vilsack		

Absent or not voting, 1:

Sturgeon

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

### Senate File 2231

On motion of Senator Kibbie, Senate File 2231, a bill for an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor, 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. 2231) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

### Senate File 2199

On motion of Senator Connolly, Senate File 2199, a bill for an act relating to college education financing through a provision for the state board of regents to issue bonds, was taken up for consideration.

Senator Lind asked and received unanimous consent that action on **Senate File 2199** be deferred.

### Senate File 2064

On motion of Senator Buhr, Senate File 2064, a bill for an act exempting from regulation certain homeowners' association swimming pools, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2064) the vote was:

Ayes, 38:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	McLaren	Palmer
Pate	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Szymoniak	Taylor
Vilsack	Zieman		

Nays, 10:

Dieleman	Dvorsky	Lloyd-Jones	Maddox
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McKean  
Tinsman

Murphy  
Welsh

Redfern

Sorensen

Absent or not voting, 2:

Rife

Sturgeon

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

### **Senate File 2234**

On motion of Senator Connolly, Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, was taken up for consideration.

Senator Kibbie offered amendment S—5077 filed by him on March 4, 1994, to page 3 of the bill and moved its adoption.

Amendment S—5077 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2234** be deferred.

### **IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate Files 2133, 2169, 2172, 2205, 2224, 2226, 2173, 336, 2228 and 2231** be immediately messaged to the House.

### **BUSINESS PENDING**

### **Senate File 2229**

The Senate resumed consideration of Senate File 2229, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, previously deferred.

Senator Murphy offered amendment S—5090 filed by him from the floor to page 21 of the bill and moved its adoption.

Amendment S—5090 was adopted by a voice vote.

Senator Bisignano offered amendment S—5092 filed by Senators Bisignano and Buhr from the floor to page 22 of the bill and moved its adoption.

Amendment S—5092 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor until he returns on request of Senator Jensen.

### BUSINESS PENDING

#### Senate File 2229

The Senate resumed consideration of Senate File 2229.

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?" (S.F. 2229) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Sturgeon                      Taylor

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

Senator Horn asked and received unanimous consent that **Senate File 2229** be immediately messaged to the House.

### INTRODUCTION OF BILLS

**Senate File 2305**, by committee on Judiciary, a bill for an act relating to juvenile justice and making related appropriations.

Read first time and placed on calendar.

**Senate File 2306**, by committee on Agriculture, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that family farm limited corporations and family farm limited liability companies are eligible to receive assistance, and providing an effective date.

Read first time and placed on calendar.

**Senate File 2307**, by committee on Judiciary, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances.

Read first time and placed on calendar.

**Senate File 2308**, by committee on Environment and Energy Utilities, a bill for an act relating to dumping of solid waste by a private or public agency.

Read first time and placed on calendar.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2199**, a bill for an act relating to the number and election of sanitary district trustees.

This bill was read first time and passed on file.

RECESS

On motion of Senator Horn, the Senate recessed at 12:03 p.m., until 2:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### ENVIRONMENT AND ENERGY UTILITIES

**Convened:** March 4, 1994, 12:02 p.m.

**Members Present:** Rosenberg, Chair; Fink, Vice Chair; Banks, Borlaug, Gronstal, Hedge, Horn, Sorensen and Welsh.

**Members Absent:** Kersten, Ranking Member.

**Committee Business:** Approved SSBs 2079.1 and 2178 as committee bills; amended and approved SSB 2024 as a committee bill.

**Adjourned:** 12:15 p.m.

#### TRANSPORTATION

**Convened:** March 4, 1994, 8:35 a.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen and Pate.

**Members Absent:** Kersten.

**Committee Business:** Recommended passage of Senate File 2197 and approved SSB 2251 as a committee bill.

**Adjourned:** 8:47 a.m.

### PRESENTATION OF VISITORS

Senator Lloyd-Jones presented the following students who represented 52 participants from 30 counties attending Iowa colleges through the 1993-94 Iowa Peace Institute International Fellows program:

Avishek Thakur, Nepal; Arne Morten Johnsen, Norway; Ayesha Khan, Pakistan; Yin Zhang, PR China; George Denisenko, Russia; Patrick Bernard, Sierra Leone; Nonhlanhla Makwakwa, South Africa; Johanna Cornelie Boerma and Lucia Margrietha Merema, The Netherlands; Fiona Young, United Kingdom; Susan M. Strom, US and Chipu Muzurewa, Zimbabwe.

**PETITION**

The following petition was presented and placed on file by:

Senator Lind from 609 residents of Iowa favoring legislation allowing slot machines at the existing pari-mutuel tracks in Iowa.

**MOTIONS TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2064 passed the Senate on March 7, 1994.

JIM KERSTEN

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2064 passed the Senate on March 7, 1994.

FLORENCE BUHR

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2190**

WAYS AND MEANS: Szymoniak, Chair; Hester and Palmer

**Senate File 2200**

WAYS AND MEANS: Szymoniak, Chair; Deluhery and McLaren

**Senate File 2210**

WAYS AND MEANS: Rosenberg, Chair; Drake and Lloyd-Jones

**Senate File 2227**

WAYS AND MEANS: Palmer, Chair; Freeman and Szymoniak

**Senate File 2232**

WAYS AND MEANS: Rosenberg, Chair; Freeman and Lloyd-Jones

**Senate File 2233**

WAYS AND MEANS: Husak, Chair; Dieleman and Hedge

**Senate File 2240**

WAYS AND MEANS: Lloyd-Jones, Chair; Bennett and Rosenberg

**Senate File 2247**

WAYS AND MEANS: Dieleman, Chair; Freeman and Lloyd-Jones

**Senate File 2271**

WAYS AND MEANS: Lloyd-Jones, Chair; Freeman and Riordan

**Senate File 2284**

WAYS AND MEANS: Murphy, Chair; Deluhery and McLaren

**Senate File 2289**

WAYS AND MEANS: Riordan, Chair; Bennett and Husak

**Senate File 2290**

WAYS AND MEANS: Deluhery, Chair; Hedge and Palmer

**Senate File 2304**

WAYS AND MEANS: Lloyd-Jones, Chair; Drake and Rosenberg

**COMMITTEE REPORTS****AGRICULTURE**

**Final Bill Action:** \*SENATE FILE 2306 (SSB 2173), a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporations and limited liability companies are eligible to receive assistance.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Priebe, Riordan, Bartz, Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Judge, McLaren, Palmer, Sorensen and Ziemann. 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 2306 and they were attached to the committee report.

**ENVIRONMENT AND ENERGY UTILITIES**

**Final Bill Action:** \*SENATE FILE 2308 (SSB 2024), a bill for an act relating to dumping of solid waste by a private or public agency.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Rosenberg, Fink, Banks, Gronstal, Horn, Sorensen and Welsh. Nays, 2: Borlaug and Hedge. Absent or not voting, 1: Kersten.

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

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Environment and Energy Utilities Committee on Senate File 2308 and they were attached to the committee report.

**JUDICIARY**

**Final Bill Action:** SENATE FILE 382, a bill for an act relating to the manufacture, possession, or distribution of controlled substances on or near certain real property and establishing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Sturgeon, Rosenberg, McKean, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 3: Bisignano, Drake and Vilsack.

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

ALSO:

**Final Bill Action:** SENATE FILE 2305 (SSB 2232), a bill for an act relating to juvenile justice and making related appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Sturgeon, Rosenberg, McKean, Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 1: Bisignano.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2307 (SSB 2093), a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the treatment of stepchildren for inheritance tax

purposes, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Connolly, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, none. Absent or not voting, 4: Bisignano, Drake, Giannetto and Vilsack.

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

### AMENDMENTS FILED

S-5085	S. F.	2292	Merlin E. Bartz
S-5086	S. F.	2222	Elaine Szymoniak
S-5087	S. F.	2222	Elaine Szymoniak
S-5088	S. F.	2065	John Jensen
S-5089	S. F.	2190	Elaine Szymoniak
S-5090	S. F.	2229	Larry Murphy
S-5091	S. F.	2217	John Kibbie Eugene Fraise Don Gettings
S-5092	S. F.	2229	Tony Bisignano Florence Buhr
S-5093	S. F.	2217	Merlin E. Bartz Jim Kersten

## AFTERNOON SESSION

The Senate reconvened at 2:41 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 38 present, 12 absent and a quorum present.

## CONSIDERATION OF BILLS (Regular Calendar)

### Senate File 2194

On motion of Senator Judge, Senate File 2194, a bill for an act relating to the use of alternative licensing for nursing facilities, was taken up for consideration.

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?" (S.F. 2194) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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 Vilsack, Senate File 2192, a bill for an act relating to compensation of volunteer fire fighters when subpoenaed as witnesses, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, 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, 38:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hester	Horn	Husak	Jensen
Judge	Kibbie	Lloyd-Jones	McKean
Murphy	Palmer	Pate	Priebe
Rensink	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh	Zieman		

Nays, 12:

Banks	Bennett	Hedge	Kersten
Kramer	Lind	Maddox	McLaren
Redfern	Rife	Taylor	Tinsman

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

### Senate File 2244

On motion of Senator Buhr, Senate File 2244, a bill for an act providing for the confidentiality of certain information provided in workers' compensation mediation, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2244) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Taylor	Tinsman	Vilsack	Welsh
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 (Appropriations Calendar)

#### Senate File 2217

On motion of Senator Fraise, Senate File 2217, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project, was taken up for consideration.

Senator Lloyd-Jones asked and received unanimous consent that action on amendment S—5102 filed by Senators Lloyd-Jones and McLaren from the floor to page 3 of the bill be deferred.

Senator Bartz offered amendment S—5081 filed by Senators Bartz and Gronstal on March 4, 1994, to page 5 of the bill.

Senator Fraise raised the point of order that amendment S—5081 was not germane to the bill.

Senator Bartz asked and received unanimous consent that amendment S—5081 be withdrawn.

Senator Bartz offered amendment S—5093 filed by Senators Bartz and Kersten from the floor to page 10 of the bill and moved its adoption.

Amendment S—5093 was adopted by a voice vote.

Senator Kersten asked and received unanimous consent that action on amendment S—5101 filed by Senators Kersten and Lind from the floor to page 11 of the bill be deferred.

Senator Murphy offered amendment S—5099 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—5099 was adopted by a voice vote.

Senator Kibbie offered amendment S—5091 filed by Senators Kibbie, Fraise and Gettings from the floor to page 12 of the bill.

Senator Fraise offered amendment S—5098 filed by him from the floor to amendment S—5091 and moved its adoption.

Amendment S—5098 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—5091 as amended, which motion prevailed by voice vote.

Senator Gronstal offered amendment S—5074 filed by Senators Gronstal, et al., on March 3, 1994, to page 12 of the bill.

Senator Gronstal offered amendment S—5097 filed by Senators Gronstal and Drake from the floor to amendment S—5074 and moved its adoption.

Amendment S—5097 was adopted by a voice vote.

Senator Fraise raised the point of order that amendment S—5074 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5074 as amended out of order.

Senator Murphy offered amendment S—5104 filed by him from the floor to page 5 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5104 be adopted?" (S.F. 2217) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisignano	Boswell	Buhr	Connolly
Dieleman	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Priebe	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Freeman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Maddox	McKean	Palmer
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

Absent or not voting, 1:

McLaren

Amendment S—5104 was adopted.

The Senate resumed consideration of amendment S—5102 by Senators Lloyd-Jones and McLaren to page 3 of the bill, previously deferred.

Senator Lloyd-Jones moved the adoption of amendment S—5102.

A record roll call was requested.

On the question "Shall amendment S—5102 be adopted?" (S.F. 2217) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 21:

Drake	Freeman	Giannetto	Hedge
Hester	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Murphy	Palmer
Pate	Redfern	Rife	Riordan
Rittmer	Rosenberg	Szymoniak	Taylor
Tinsman			

Nays, 28:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Gronstal	Horn
Husak	Jensen	Judge	Kersten
Kibbie	McKean	Priebe	Rensink
Sorensen	Sturgeon	Vilsack	Zieman

Absent or not voting, 1:

Welsh

Amendment S—5102 lost.

Senator Kersten asked and received unanimous consent to withdraw amendment S—5101 by Senators Kersten and Lind to page 11 of the bill, previously deferred.

Senator Gettings filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5093 to Senate File 2217 was adopted by the Senate on March 7, 1994.

A non record roll call was requested.

The ayes were 20, nays 30.

The motion lost.

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

On the question "Shall the bill pass?" (S.F. 2217) the vote was:

Ayes, 42:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Lloyd-Jones	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Vilsack
Welsh	Zieman		

Nays, 8:

Giannetto	Jensen	Kramer	Lind
Maddox	Rife	Rittmer	Tinsman

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2194, 2192, 2244 and 2217 be immediately messaged to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2196

On motion of Senator Tinsman, Senate File 2196, a bill for an act relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities, was taken up for consideration.

Senator Tinsman offered amendment S—5105 filed by her from the floor to pages 1-3 of the bill and moved its adoption.

Amendment S—5105 was adopted by a voice vote.

With the adoption of amendment S—5105, the Chair ruled amendment S—5076 filed by Senator Tinsman on March 3, 1994, to page 1 of the bill, out of order.

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. 2196) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Jensen                      Kersten

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

President pro tempore Palmer took the chair at 4:43 p.m.

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2266.

### Senate File 2266

On motion of Senator Sturgeon, Senate File 2266, a bill for an act relating to the statute of limitations on claims for damages against municipalities or any officer, employee, or agent of a municipality, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2266) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2196 and 2266 be immediately messaged to the House.

### INTRODUCTION OF BILLS

Senate File 2309, by committee on Judiciary, a bill for an act relating to crimes and criminal justice and providing effective dates.

Read first time and placed on calendar.

Senate File 2310, by committee on Judiciary, a bill for an act relating to tenants rights and landlord and tenant law and providing or increasing civil remedies.

Read first time and placed on calendar.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Kory Kopf, Muscatine — For attaining the rank of eagle scout. Senator Drake (3-7-94).

Zach Timmerman, Calamus — For attaining the rank of eagle scout. Senator Rife (3-7-94).

### COMMITTEE REPORTS

#### JUDICIARY

**Final Bill Action:** SENATE FILE 2309 (SSB 2223), a bill for an act relating to crimes and criminal justice and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 1: Drake.

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

ALSO:

**Final Bill Action:** SENATE FILE 2310 (SSB 2212), a bill for an act relating to tenants rights and landlord and tenant law and providing or increasing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Bisignano and Drake.

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

#### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2079, a bill for an act providing for the inspection of commercial weighing and measuring devices, and providing for fees.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5095.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Palmer.

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

### AMENDMENTS FILED

S-5094	S.F.	2237	Bill Fink
S-5095	S.F.	2079	Ways and Means
S-5096	S.F.	2269	Tom Vilsack
S-5097	S.F.	2217	Michael Gronstal Richard F. Drake
S-5098	S.F.	2217	Eugene S. Fraise
S-5099	S.F.	2217	Larry Murphy
S-5100	S.F.	2292	Jim Lind
S-5101	S.F.	2217	Jim Kersten Jim Lind
S-5102	S.F.	2217	Jean Lloyd-Jones Derryl McLaren
S-5103	H.F.	2070	Randal J. Giannetto Sheldon Rittmer Berl E. Priebe Derryl McLaren
S-5104	S.F.	2217	Larry Murphy
S-5105	S.F.	2196	Maggie Tinsman

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:48 p.m., until 9:00 a.m., Tuesday, March, 8, 1994.

# JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 8, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Elton Richards, pastor of the St. John's Lutheran Church, Des Moines, Iowa.

The Journal of Monday, March 7, 1994, was approved.

## QUORUM CALL

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

The vote revealed 40 present, 10 absent and a quorum present.

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Regular Calendar to the committee:

S. F.	2088	State Government
S. F.	2106	Commerce
S. F.	2170	Transportation
S. F.	2254	Appropriations
S. F.	2303	Human Resources

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Borlaug, Zieman, Kramer, Bennett, Jensen, and Rittmer until they arrive on request of Senator Rife.

**CONSIDERATION OF BILL**  
(Regular Calendar)

**Senate File 2237**

On motion of Senator Fink, Senate File 2237, a bill for an act relating to attendance requirements for graduating secondary school pupils, was taken up for consideration.

Senator Fink offered amendment S—5094, filed by him on March 7, 1994, to page 1 and to the title page of the bill and moved its adoption.

Amendment S—5094 was adopted by a voice vote.

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. 2237) the vote was:

Ayes, 43:

Banks	Bartz	Bisignano	Boswell
Buhr	Connolly	Deluhery,	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	

Nays, none.

Absent or not voting, 7:

Bennett	Borlaug	Jensen	Kramer
Rittmer	Welsh	Zieman	

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

**UNFINISHED BUSINESS**  
(Deferred March 7, 1994)

**Senate File 2199**

The Senate resumed consideration of Senate File 2199, a bill for an act relating to college education financing through a provision for the state board of regents to issue bonds, deferred March 7, 1994.

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

On the question "Shall the bill pass?" (S.F. 2199) the vote was:

Ayes, 43:

Banks	Bartz	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	

Nays, none.

Absent or not voting, 7:

Bennett	Borlaug	Jensen	Kramer
Rittmer	Welsh	Zieman	

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

**CONSIDERATION OF BILLS**  
(Regular Calendar)

**Senate File 2261**

On motion of Senator Gettings, Senate File 2261, a bill for an

act relating to employment services by eliminating certain unemployment benefit charges, requiring participation in reemployment services for certain individuals receiving unemployment benefits, making the voluntary shared work program permanent, and making changes to the workers' compensation laws, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2261) the vote was:

Ayes, 43:

Banks	Bartz	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	

Nays, none.

Absent or not voting, 7:

Bennett	Borlaug	Jensen	Kramer
Rittmer	Welsh	Zieman	

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

### Senate File 2264

On motion of Senator Judge, Senate File 2264, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities, was taken up for consideration.

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?" (S.F. 2264) the vote was:

Ayes, 41:

Banks	Bartz	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Redfern
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack			

Nays, none.

Absent or not voting, 9:

Bennett	Borlaug	Jensen	Kramer
Palmer	Rife	Rittmer	Welsh
Zieman			

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

### Senate File 2259

On motion of Senator Dieleman, Senate File 2259, a bill for an act relating to railroad crossing safety, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2259) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy

Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Borlaug                      Welsh

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

### Senate File 2263

On motion of Senator Husak, Senate File 2263, a bill for an act providing for the storage of bulk grain by producers owning the grain, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2263) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Borlaug                      Redfern                      Welsh

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

### Senate File 2260

On motion of Senator Dieleman, Senate File 2260, a bill for an act relating to the regulation of amusement devices and gambling games, and subjecting violators to an existing penalty, was taken up for consideration.

Senator Lind asked and received unanimous consent that action on Senate File 2260 be deferred.

### Senate File 2269

On motion of Senator Vilsack, Senate File 2269, a bill for an act providing for an automatic temporary restraining order in dissolution of marriage, separate maintenance, and annulment actions, and containing an applicability provision, was taken up for consideration.

Senator Vilsack offered amendment S—5096 filed by him on March 7, 1994, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5096 was adopted by a voice vote.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, 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, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2223

On motion of Senator Gronstal, Senate File 2223, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date, 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. 2223) the vote was:

Ayes, 48:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 2:

Bartz	Freeman
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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 2221

On motion of Senator Fink, Senate File 2221, a bill for an act relating to use of water treatment operator certification and examination fees by the department of natural resources, 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. 2221) the vote was:

Ayes, 38:

Banks	Bartz	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Redfern
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tinsman	Vilsack
Welsh	Zieman		

Nays, 12:

Bennett	Bisignano	Freeman	Hedge
Hester	Jensen	Kersten	McLaren
Priebe	Rensink	Rife	Taylor

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

Senator Husak asked and received unanimous consent to take up for consideration Senate Files 2285, 2282, 2287 and 2276.

### Senate File 2285

On motion of Senator McLaren, Senate File 2285, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments, and providing an effective date, 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. 2285) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
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Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2282

On motion of Senator Gronstal, Senate File 2282, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state, 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. 2282) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon

Szymoniak  
Welsh

Taylor  
Zieman

Tinsman

Vilsack

Nays, none.

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

### Senate File 2287

On motion of Senator Lloyd-Jones, Senate File 2287, a bill for an act establishing requirements for disclosure of psychological test material, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2287) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2276

On motion of Senator Bisignano, Senate File 2276, a bill for an act relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2276) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 1:

Riordan

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

### Senate File 2010

On motion of Senator Kibbie, Senate File 2010, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision, with report of committee recommending passage was taken up for consideration.

Senator Kersten asked and received unanimous consent that action on **Senate File 2010** be deferred.

### Senate File 2108

On motion of Senator Kramer, Senate File 2108, a bill for an act relating to vital statistics information relating to births based

upon the marital status of the parents of a child, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2108) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2237, 2199, 2261, 2264, 2259, 2263, 2269, 2223, 2221, 2285, 2282, 2287, 2276 and 2108 be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2308**, a bill for an act relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date.

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

**House File 2314**, a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce.

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

### INTRODUCTION OF BILL

**Senate File 2311**, by committee on Human Resources, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury.

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

### RECESS

On motion of Senator Horn, the Senate recessed at 11:11 a.m., until 2:30 p.m.

## APPENDIX

### BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of March, 1994:

Senate File 294.

JOHN F. DWYER  
Secretary of the Senate

### SIMILAR BILL RECEIVED

On March 7, 1994, **House File 2199** was received and attached to similar **Senate File 2253** on the senate calendar.

### BILLS ASSIGNED TO COMMITTEE

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

H.F.	2033	Education
H.F.	2049	Education
H.F.	2156	Transportation

### COMMITTEE REPORT

#### HUMAN RESOURCES

**Final Bill Action:** \*SENATE FILE 2311 (SSB 2233), a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan and Rittmer. Nays, none. Absent or not voting, 1: Sturgeon.

**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 2311 and they were attached to the committee report.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

**Convened:** March 7, 1994, 1:45 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Palmer.

**Committee Business:** Assigned bills to subcommittees; recommended passage of Senate File 2079 as amended.

**Adjourned;** 2:00 p.m.

### AMENDMENTS FILED

S-5106	S. F.	2234	Michael E. Gronstal Mike Connolly
S-5107	S. F.	2309	Andy McKean Donald B. Redfern
S-5108	S. F.	2268	Tom Vilsack
S-5109	S. F.	2219	Mike Connolly
S-5110	S. F.	2099	Al Sturgeon
S-5111	S. F.	2270	Al Sturgeon
S-5112	S. F.	2219	Sheldon Rittmer
S-5113	S. F.	2220	Joe Welsh
S-5114	S. F.	2267	Merlin Bartz

## AFTERNOON SESSION

The Senate reconvened at 2:47 p.m., President Boswell presiding.

### QUORUM CALL

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

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

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2288.

#### Senate File 2288

On motion of Senator Szymoniak, Senate File 2288, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date, 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. 2288) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon

Szymoniak  
Welsh

Taylor  
Zieman

Tinsman

Vilsack

Nays, none.

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

### Senate File 2071

On motion of Senator Fink, Senate File 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property, with report of committee recommending amendments and passage, was taken up for consideration.

Senator Fink asked and received unanimous consent to withdraw amendment S—5009 filed by the committee on Natural Resources on February 2, 1994, to page 1 of the bill.

Senator Fink offered amendment S—5047 filed by the committee on Natural Resources on February 23, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5047 was adopted by a voice vote.

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. 2071) the vote was:

Ayes, 44:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McLaren
Murphy	Palmer	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 5:

Banks	Freeman	Kersten	McKean
Pate			

Absent or not voting, 1:

Sorensen

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

### Senate File 2049

On motion of Senator Judge, Senate File 2049, a bill for an act relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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?" (S.F. 2049) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 1:

Welsh

Absent or not voting, 2:

Rife	Sorensen
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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 2230

On motion of Senator Vilsack, Senate File 2230, a bill for an act relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2230) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer.	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2291.

### Senate File 2291

On motion of Senator Kramer, Senate File 2291, a bill for an act relating to access to and the use of child or dependent adult abuse information and the access to and use of criminal records

in evaluating licensure and regulation of certain programs and facilities and their personnel, was taken up for consideration.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2291** be deferred.

### **Senate File 2219**

On motion of Senator Gronstal, Senate File 2219, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, was taken up for consideration.

Senator Connolly offered amendment S—5109 filed by him from the floor to pages 1, 2, 5, 7, 8, 19 and 23 of the bill and moved its adoption.

Amendment S—5109 was adopted by a voice vote.

Senator Drake offered amendment S—5075 filed by Senators Drake and Gronstal on March 3, 1994, to page 11 of the bill and moved its adoption.

Amendment S—5075 was adopted by a voice vote.

Senator Bisignano offered amendment S—5117 filed by Senators Bisignano, et al., from the floor to pages 20 and 23 of the bill and moved its adoption.

Amendment S—5117 was adopted by a voice vote.

Senator Rittmer offered amendment S—5112 filed by him from the floor to page 23 of the bill and moved its adoption.

Amendment S—5112 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. 2219) the vote was:

Ayes, 48:

Banks  
Borlaug

Bart  
Boswell

Bennett  
Buhr

Bisignano  
Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh

Nays, 1:

Zieman

Absent or not voting, 1:

Sturgeon

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

### Senate File 2245

On motion of Senator Gettings, Senate File 2245, a bill for an act relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2245) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge

Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### BUSINESS PENDING

#### Senate File 2010

The Senate resumed consideration of Senate File 2010, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision, previously deferred.

Senator Kersten offered amendment S—5115 filed by him from the floor to page 2 and the title page of the bill.

Senator Murphy raised the point of order that amendment S—5115 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5115 in order.

Senator Kersten moved the adoption of amendment S—5115.

A non record roll call was requested.

The ayes were 32, nays 11.

Amendment S—5115 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2010) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisignano	Boswell	Buhr	Connolly
Dieleman	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Judge	Kibbie	Murphy
Palmer	Priebe	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Nays, 25:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Dvorsky	Freeman
Hester	Jensen	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Pate	Redfern	Rensink
Rife	Rittmer	Taylor	Tinsman
Zieman			

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

## UNFINISHED BUSINESS

(Deferred March 7, 1994)

### Senate File 2234

The Senate resumed consideration of Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, deferred March 7, 1994.

Senator Gronstal offered amendment S—5106 filed by Senators Gronstal and Connolly from the floor to page 7 of the bill and moved its adoption.

Amendment S—5106 was adopted by a voice vote.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2234** be deferred.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that Senate Files 2288, 2071, 2049, 2230, 2219 and 2245 be immediately messaged to the House.

The Senate stood at ease at 4:20 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 5:08 p.m., Senator Kibbie presiding.

## APPENDIX

### EXPLANATION OF VOTES

MR. PRESIDENT: Had I been present on March 8, I would have voted "aye" on Senate Files 2237, 2199, 2261 and 2264.

LYLE E. ZIEMAN

### STUDY BILLS RECEIVED

#### SSB 2252 Appropriations

Appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development including a conditional property tax exemption, and providing effective dates.

#### SSB 2253 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 for effective and applicability dates.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2088

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Kramer

#### SSB 2232

JUDICIARY: Rosenberg, Chair; Bisignano, Pate, Sturgeon, Szymoniak, Taylor and Maddox

#### SSB 2252

APPROPRIATIONS: Bisignano, Chair; Borlaug and Murphy

#### SSB 2253

APPROPRIATIONS: Deluhery, Chair; Kramer and Murphy

**House Concurrent Resolution 114****RULES AND ADMINISTRATION:** Gronstal, Chair; Horn and Kramer**MOTIONS TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2010 failed to pass the Senate on March 8, 1994.

**JIM KERSTEN**

**MR. PRESIDENT:** I move to reconsider the vote by which Senate File 2010 failed to pass the Senate on March 8, 1994.

**PATRICK J. DELUHERY****COMMITTEE REPORTS****APPROPRIATIONS**

**Final Bill Action:** SENATE FILE 2312 (SSB 2252), a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development including a conditional property tax exemption, and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Murphy, Boswell, Bisignano, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Palmer, Rosenberg and Vilsack. Nays, 9: McLaren, Banks, Borlaug, Kramer, Lind, Pate, Redfern, Rensink and Tinsman. Absent or not voting, 1: Kersten.

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

**COMMERCE**

**Final Bill Action:** HOUSE FILE 2110, a bill for an act providing for the continued suspension of certain banking laws relating to the acquisition of savings and loan associations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Deluhery, Palmer, Jensen, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Redfern and Sturgeon. Nays, none. Absent or not voting, 4: Bisignano, Pate, Priebe and Welsh.

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

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 110**, by Lloyd-Jones, Buhr, Judge, Szymoniak, Lind, Rosenberg, Dvorsky, Banks, Freeman, Kramer, Tinsman, Vilsack, Dieleman, and Taylor, a concurrent resolution honoring March 8, 1994, as International Women's Day.

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

### INTRODUCTION OF BILL

**Senate File 2312**, by committee on Appropriations, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development.

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

### AMENDMENTS FILED

S-5115	S.F.	2010	Jim Kersten
S-5116	S.F.	2250	Elaine Szymoniak
S-5117	S.F.	2219	Tony Bisignano
			O. Gene Maddox
			Florence Buhr
			Mary Kramer
S-5118	S.F.	2009	Jean Lloyd-Jones
S-5119	S.F.	2136	Tony Bisignano

### ADJOURNMENT

On motion of Senator Fraise, the Senate adjourned at 5:10 p.m., until 9:00 a.m., Wednesday, March 9, 1994.

# JOURNAL OF THE SENATE

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FIFTY-NINTH CALENDAR DAY  
THIRTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 9, 1994

The Senate met in regular session at 9:08 a.m., President Boswell presiding.

Prayer was offered by the Reverend Raymond J. Higgins, assistant pastor of St. Anthony's Church, Des Moines, Iowa.

The Journal of Tuesday, March 8, 1994, was approved.

The Senate stood at ease at 9:12 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:00 a.m., President Boswell presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 7, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 181**, a bill for an act relating to motorcycle rider education.

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

**House File 2236**, a bill for an act relating to certain minors' rights to object to voluntary commitment and providing for surrogate decision making by parents, legal guardians, or other legal representatives under certain circumstances.

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

**House File 2270**, a bill for an act relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor.

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

**House File 2312**, a bill for an act adopting the uniform transfer on death security registration act.

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

ALSO: That the House has on March 8, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2318**, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporations and limited liability companies are eligible to receive assistance, and providing an effective date.

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

ALSO: That the House has on March 9, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2241**, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center.

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

**House File 2362**, a bill for an act relating to hazardous liquid pipeline condemnation and providing an effective date.

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

#### QUORUM CALL

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

Senator Connolly took the chair at 11:05 a.m.

The vote revealed 41 present, 9 absent and a quorum present.

**ADOPTION OF RESOLUTION  
(Regular Calendar)**

**Senate Concurrent Resolution 104**

On motion of Senator Bartz, Senate Concurrent Resolution 104, a concurrent resolution encouraging the United States Drug Enforcement Agency to provide for adequate supplies of the drug methylphenidate sold under the brand name Ritalin, for therapeutic purposes for America's children, with report of committee recommending passage, was taken up for consideration.

Senator Bartz offered amendment S—5010 filed by Senators Bartz and Borlaug on February 2, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5010 was adopted by a voice vote.

Senator Bartz moved the adoption of Senate Concurrent Resolution 104 as amended, which motion prevailed by voice vote.

**CONSIDERATION OF BILLS  
(Regular Calendar)**

**Senate File 2094**

On motion of Senator Vilsack, Senate File 2094, a bill for an act relating to the awarding of joint custody of children resulting from a dissolution of marriage, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, 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, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge

Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Sorensen

Absent or not voting, 2:

Kramer

Sturgeon

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

President Boswell took the chair at 11:35 a.m.

### Senate File 2250

On motion of Senator Szymoniak, Senate File 2250, a bill for an act relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator, was taken up for consideration.

Senator Szymoniak offered amendment S—5116 filed by her on March 8, 1994, to pages 1-3 of the bill.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zieman until he returns on request of Senator Rife and Senator Sturgeon until he arrives on request of Senator Boswell.

### BUSINESS PENDING

### Senate File 2250

The Senate resumed consideration of Senate File 2250 and amendment S—5116.

Senator Szymoniak moved the adoption of amendment S—5116, which motion prevailed by voice vote.

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

On the question "Shall the bill pass?" (S.F. 2250) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Szymoniak
Taylor	Tinsman	Vilsack	

Nays, 5:

Buhr	Kersten	Rosenberg	Sorensen
Welsh			

Absent or not voting, 2:

Sturgeon	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 2079

On motion of Senator Sorensen, Senate File 2079, a bill for an act providing for the inspection of commercial weighing and measuring devices, and providing for fees, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Husak offered amendment S—5095 filed by the committee on Ways and Means on March 7, 1994, to strike everything after the enacting clause and to the title page of the bill.

Senator Giannetto asked and received unanimous consent that action on amendment S—5095 and Senate File 2079 be deferred.

**Senate File 2297**

On motion of Senator Judge, Senate File 2297, a bill for an act relating to a home and community based waiver for persons with brain injury, was taken up for consideration.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McLaren until he returns on request of Senator Rife.

**BUSINESS PENDING****Senate File 2297**

The Senate resumed consideration of Senate File 2297.

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?" (S.F. 2297) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, none.

Absent or not voting, 3:

McLaren	Sturgeon	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 Horn asked and received unanimous consent that **Senate Concurrent Resolution 104** and **Senate Files 2094, 2250** and **2297** be immediately messaged to the House.

**RECESS**

On motion of Senator Horn, the Senate recessed at 12:01 p.m., until 2:30 p.m.

## APPENDIX

### EXPLANATION OF VOTES

MR. PRESIDENT: Had I been present on March 8, 1994, I would have voted "aye" on Senate Files 2237, 2199, 2261 and 2264.

SHELDON RITTMER

### BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

S. C. R. 110 Rules and Administration

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

Convened: March 8, 1994, 11:20 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Discussed and deferred action on SSBs 2252 and 2253.

**Recessed:** 12:05 p.m.

**Reconvened:** March 8, 1994, 1:10 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Kersten (excused).

**Committee Business:** Approved SSB 2252 as a committee bill.

**Recessed:** 1:40 p.m.

**Reconvened:** March 9, 1994, 9:25 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2253 as a committee bill; recommended passage of Senate File 414.

**Adjourned:** 10:55 a.m.

## COMMERCE

**Convened:** March 8, 1994, 1:46 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Redfern and Sturgeon.

**Members Absent:** Bisignano, Pate, Priebe and Welsh.

**Committee Business:** Recommended passage of House File 2110.

**Adjourned:** 1:50 p.m.

## PRESENTATION OF VISITORS

Senator Deluhery introduced two guests from the U.S. Department of Health and Human Services in Kansas City, Missouri: Kathleen Steele, Regional Director, and Linda Carson, Regional Administrator and Administrator for Children and Families.

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

Members of the Dubuque High School Girls' State basketball tournament team, accompanied by Coach Larry Croghan. Senator Connolly.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 414, a bill for an act providing for ex officio, nonvoting membership on the state board of regents and for related matters.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Murphy, Boswell, Bisignano, Buhr, Connolly, Deluhery, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Palmer and Vilsack. Nays, 10: McLaren, Banks, Borlaug, Dvorsky, Lind, Pate, Redfern, Rensink, Rosenberg and Tinsman.

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

## SIMILAR AND COMPANION BILLS RECEIVED

On March 8, 1994, **House File 2314** was received and attached to similar **Senate File 2275** on the senate calendar.

On March 8, 1994, **House File 2308** was received and attached to companion **Senate File 2235** on the senate calendar.

## SUBCOMMITTEE ASSIGNMENT

**Senate File 2303**

**HUMAN RESOURCES:** Szymoniak, Chair; Kramer and Lloyd-Jones

## ANNOUNCEMENT OF APPOINTMENTS

The President of the Senate announced the following appointments on March 9, 1994:

### COMMUNICATIONS REVIEW COMMITTEE (Code 2.35)

Senator Bob Dvorsky - term for remainder of 75th General Assembly.

### STATE LIBRARY UNIFIED PLANNING TEAM Request of State Librarian/Administrator

Senator Bill Fink - no set term

## AMENDMENTS FILED

S-5120	S. F.	2222	Elaine Szymoniak
S-5121	S. F.	2097	Joe Welsh
S-5122	S. F.	2258	Merlin E. Bartz
			Jim Lind
			Allen Borlaug

S—5123	S. F.	2258
S—5124	S. F.	2258

Paul Pate  
John Kibbie  
Berl Priebe  
Randal Giannetto  
John W. Jensen  
John Jensen  
Michael E. Gronstal  
Richard F. Drake  
John W. Jensen  
Jean Lloyd-Jones  
Larry Murphy

## AFTERNOON SESSION

The Senate reconvened at 2:45 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 48 present, 2 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2053

On motion of Senator Judge, Senate File 2053, a bill for an act relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Judge offered amendment S—5021 filed by the committee on Human Resources on February 15, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5021 was adopted by a voice vote.

Senator Lind offered amendment S—5051 filed by him on February 24, 1994, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5051 be adopted?" (S.F. 2053) the vote was:

Ayes, 18:

Bisignano  
Giannetto  
Lind  
Pate  
Tinsman

Borlaug  
Hester  
Maddox  
Redfern  
Zieman

Drake  
Jensen  
McLaren  
Rife

Freeman  
Kramer  
Palmer  
Szymoniak

Nays, 31:

Banks	Bartz	Bennett	Boswell
Buhr	Connolly	Deluhery	Dieleman
Dvorsky	Fink	Fraise	Gettings
Gronstal	Hedge	Horn	Husak
Judge	Kibbie	Lloyd-Jones	McKean
Murphy	Priebe	Rensink	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Taylor	Vilsack	Welsh	

Absent or not voting, 1:

Kersten

Amendment S—5051 lost.

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?" (S.F. 2053) the vote was:

Ayes, 37:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Lloyd-Jones	McKean
Murphy	Palmer	Priebe	Redfern
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Vilsack
Zieman			

Nays, 12:

Drake	Freeman	Giannetto	Kersten
Kramer	Lind	Maddox	McLaren
Pate	Rife	Rittmer	Tinsman

Absent or not voting, 1:

Welsh

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

**Senate File 2273**

On motion of Senator Deluhery, Senate File 2273, a bill for an act relating to the investment authority of state banks, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **Senate File 2273** be deferred.

**Senate File 2256**

On motion of Senator Sturgeon, Senate File 2256, a bill for an act to make changes regarding payment of restitution by criminal offenders, was taken up for consideration.

Senator Sturgeon offered amendment S—5125 filed by him from the floor to pages 4 and 5 of the bill and moved its adoption.

Amendment S—5125 was adopted by a voice vote.

Senator McKean asked and received unanimous consent that action on **Senate File 2256** be deferred.

**Senate File 2272**

On motion of Senator Deluhery, Senate File 2272, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action, was taken up for consideration.

Senator Lind offered amendment S—5128 filed by him from the floor to pages 8 and 9 of the bill.

Senator Deluhery raised the point of order that amendment S—5128 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5128 out of order.

Senator Sturgeon asked and received unanimous consent that action on **Senate File 2272** be deferred.

**Senate File 2265**

On motion of Senator Sturgeon, Senate File 2265, a bill for an act relating to the offenses of harassment and stalking, and

providing for penalties and other related matters, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2265) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

## BUSINESS PENDING

### Senate File 2272

The Senate resumed consideration of Senate File 2272, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action, previously deferred.

Senator Sturgeon offered amendment S—5130 filed by him from the floor to pages 6 and 7 of the bill and moved its adoption.

Amendment S—5130 was adopted by a voice vote.

Senator Zieman asked and received unanimous consent that action on Senate File 2272 be deferred.

## MOTION TO RECONSIDER ADOPTED

Senator Kersten called up the motion to reconsider Senate File 2010 filed by him on March 8, 1994, found on page 586 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2010) the vote was:

Ayes, 27:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kersten	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Vilsack	Welsh	

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Dvorsky	Freeman	Hedge
Hester	Jensen	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

The motion prevailed.

Senator Kibbie moved to reconsider the vote by which Senate File 2010 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2010

On motion of Senator Kibbie, Senate File 2010, a bill for an act relating to appointments subject to senate confirmation by providing for duties of appointing authorities and to the appointment and employment of the director of the department of education, and enacting a transitional provision, was taken up for reconsideration.

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. 2010) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kersten	Kibbie
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Dvorsky	Freeman	Hedge
Hester	Jensen	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Absent or not voting, 1:

Lloyd-Jones

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

The motion to reconsider the vote by which Senate File 2010 failed to pass the Senate on March 8, 1994, filed by Senator Deluhery on March 8, 1994, and found on page 586 of the Senate Journal, was out of order.

## CONSIDERATION OF BILLS (Regular Calendar)]

### Senate File 2175

On motion of Senator Fink, Senate File 2175, a bill for an act providing an exemption from certain motor vehicle registration and plate fees for ambulances owned and operated by nonprofit corporations, 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?" (S.F. 2175) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2076

On motion of Senator Palmer, Senate File 2076, a bill for an act creating a state capitol complex infrastructure fund in the state treasury to fund repairs and renovations to state buildings, with report of committee recommending passage, was taken up for consideration.

Senator Murphy asked and received unanimous consent that **Senate File 2076** be referred to the committee on **Appropriations** under Senate Rule 38.

### Senate File 2097

On motion of Senator Welsh, Senate File 2097, a bill for an act relating to disposition of false identification cards retained by alcoholic beverage control licensees, permittees, or employees, and subjecting violators to existing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Welsh offered amendment S—5121 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5121 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2097) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Sorensen	Sturgeon
Szymoniak	Taylor	Vilsack	Welsh
Zieman			

Nays, 4:

Maddox	McLaren	Rife	Tinsman
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Absent or not voting, 1:

Rosenberg

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

### Senate File 2129

On motion of Senator Dieleman, Senate File 2129, a bill for an act relating to handicapped parking, increasing penalties for improper use of a handicapped identification device, and for providing false information, and creating a penalty for failure to enforce handicapped parking laws, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dieleman offered amendment S—5070 filed by the committee on Transportation on March 3, 1994, to page 7 and the title page of the bill and moved its adoption.

Amendment S—5070 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2129) the vote was:

Ayes, 48:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Bartz

Absent or not voting, 1:

Rosenberg

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

### Senate File 2211

On motion of Senator Riordan, Senate File 2211, a bill for an act relating to licensed physician assistants by providing for coverage of services provided by such licensed physician assistants under a policy, contract, or plan providing for health care coverage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2211) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 4:

Hedge	Kramer	Lind	Rife
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Absent or not voting, 1:

Rosenberg

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

### Senate File 2206

On motion of Senator Judge, Senate File 2206, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions, was taken up for consideration.

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?" (S.F. 2206) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
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Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 1:

Giannetto

Absent or not voting, 3:

Lloyd-Jones                  Rosenberg                  Sturgeon

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

### UNFINISHED BUSINESS (Deferred March 8, 1994)

#### Senate File 2234

The Senate resumed consideration of Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, deferred on March 8, 1994.

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

On the question "Shall the bill pass?" (S.F. 2234) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind

Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

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

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2268

On motion of Senator Vilsack, Senate File 2268, a bill for an act relating to funeral processions, was taken up for consideration.

Senator Vilsack offered amendment S—5108 filed by him on March 8, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5108 was adopted by a voice vote.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, 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:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan

Rittmer  
Taylor

Sorensen  
Tinsman

Sturgeon  
Vilsack

Szymoniak  
Zieman

Nays, 1:

Welsh

Absent or not voting, 1:

Rosenberg

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

### **Senate File 2144**

On motion of Senator Gronstal, Senate File 2144, a bill for an act relating to the abolishment of the department of human rights, transfer of its various divisions to other entities of state government, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gronstal offered amendment S—5065 filed by the committee on State Government on March 2, 1994, to pages 1, 20, 33-35 and 43 of the bill and moved its adoption.

Amendment S—5065 was adopted by a voice vote.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Deluhery for the remainder of the day on request of Senator Horn.

### **BUSINESS PENDING**

### **Senate File 2144**

The Senate resumed consideration of Senate File 2144.

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. 2144) the vote was:

Ayes, 36:

Banks	Bennett	Bisignano	Boswell
Connolly	Dieleman	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hester	Horn	Husak
Jensen	Judge	Kibbie	Lind
Lloyd-Jones	McKean	Murphy	Palmer
Pate	Priebe	Rensink	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Vilsack	Welsh	Zieman

Nays, 11:

Bartz	Borlaug	Drake	Hedge
Kersten	Kramer	Maddox	McLaren
Redfern	Rife	Tinsman	

Absent or not voting, 3:

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

### BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Regular Calendar to committee:

S. F.	2078	Education
S. F.	2299	Agriculture

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2265, 2010, 2175, 2097, 2129, 2206, 2234, 2268 and 2144 be immediately messaged to the House.

**MOTION TO RECONSIDER WITHDRAWN****Senate File 2064**

Senator Kersten withdrew the motion to reconsider Senate File 2064, a bill for an act exempting from regulation certain homeowners' association swimming pools, filed by him on March 7, 1994, and found on page 545 of the Senate Journal.

## APPENDIX

### STUDY BILL RECEIVED

#### SSB 2254 Ways and Means

A Concurrent Resolution urging the passage by the United States Congress of S-1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation.

#### EXPLANATION OF VOTES

MR. PRESIDENT: Had I been present on March 9, 1994, I would have voted "aye" on Senate Files 2297 and 2079.

LYLE E. ZIEMAN

### PRESENTATION OF VISITORS

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

Sixth grade students from Lenox School, Lenox, Iowa, accompanied by Mrs. Janet Reed. Senator Boswell.

### BILLS ASSIGNED TO COMMITTEE

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

H.F.	2236	Judiciary
H.F.	2270	Judiciary
H.F.	181	Transportation

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2313 (SSB 2253), 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 for effective and applicability dates.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 25: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, 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 2313 and they were attached to the committee report.

**LOCAL GOVERNMENT**

**Final Bill Action:** HOUSE FILE 425, a bill for an act relating to the investment of public funds in levee or drainage district warrants or improvement certificates and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Priebe.

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

ALSO:

**Final Bill Action:** HOUSE FILE 606, a bill for an act relating to procedures for the issuance and use of general obligation bonds by counties for the funding of water systems and facilities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Priebe.

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

**NATURAL RESOURCES**

**Final Bill Action:** HOUSE FILE 2126, a bill for an act amending the definition of tenant for eligibility for free deer and wild turkey hunting licenses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Fink, Dieleman, Hester, Banks, Hedge, Kibbie, McKean, Rensink, Riordan and Sturgeon. Nays, none. Absent or not voting, 2: Judge and Priebe.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2216, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Fink, Dieleman, Hester, Banks, Hedge, Kibbie, McKean, Rensink, Riordan and Sturgeon. Nays, none. Absent or not voting, 2: Judge and Priebe.

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

## INTRODUCTION OF BILL

**Senate File 2313**, 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 for effective and applicability dates.

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

## AMENDMENTS FILED

S—5125	S. F.	2256	Al Sturgeon
S—5126	S. F.	2184	Joe Welsh
S—5127	S. F.	2209	Randal J. Giannetto
			Ralph Rosenberg
			Al Sturgeon
			Andy McKean
S—5128	S. F.	2272	Jim Lind
S—5129	S. F.	2258	John P. Kibbie
S—5130	S. F.	2272	Al Sturgeon
S—5131	S. F.	2260	Berl E. Priebe
S—5132	S. F.	2256	Ralph Rosenberg

S-5133	S.F.	2267	Elaine Szymoniak
S-5134	S.F.	2258	Jim Kersten
S-5135	S.F.	2258	Jean Lloyd-Jones
S-5136	S.F.	2222	Jim Riordan

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:15 p.m., until 9:00 a.m., Thursday, March 10, 1994.

# JOURNAL OF THE SENATE

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SIXTIETH CALENDAR DAY  
THIRTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 10, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Ronald Mohr, pastor of the St. Stevens Lutheran Church, Urbandale, Iowa.

The Journal of Wednesday, March 9, 1994, was approved.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2230**, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date.

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

## QUORUM CALL

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

The vote revealed 44 present, 6 absent and a quorum present.

UNFINISHED BUSINESS  
(Deferred March 9, 1994)

**Senate File 2272**

The Senate resumed consideration of Senate File 2272, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action, deferred March 9, 1994.

Senator Banks asked and received unanimous consent that action on Senate File 2272 be deferred.

## CONSIDERATION OF BILLS (Regular Calendar)

### Senate File 2153

On motion of Senator Banks, Senate File 2153, a bill for an act providing for the distribution of earnings by cooperative associations operating on a pooling basis, with report of committee recommending passage, was taken up for consideration.

Senator Banks moved that the bill be read the last time now and placed upon its passage, 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, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

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

### Senate File 2126

On motion of Senator Redfern, Senate File 2126, a bill for an act relating to payment by clerks of the district court of amounts less than one dollar, with report of committee recommending passage, was taken up for consideration.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McLaren and Kersten until they return on request of Senator Hedge.

### BUSINESS PENDING

### Senate File 2126

The Senate resumed consideration of Senate File 2126.

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. 2126) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Sorensen

Absent or not voting, 2:

Kersten

McLaren

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

### SPECIAL GUEST

Senator Drake introduced Iowa's Junior Miss, Kelly Stineman of Grandview, Iowa.

Kelly is a senior at Louisa-Muscatine High School where she participates in speech, athletics, drama club, cheerleading and the State All-Academic Team. She has been awarded a scholarship and plans a career in pharmacy.

### BUSINESS PENDING

#### Senate File 2272

The Senate resumed consideration of Senate File 2272, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action, previously deferred.

Senator Banks offered amendment S—5141 filed by him from the floor to pages 3-5 and 8 of the bill.

Senator Deluhery raised the point of order that amendment S—5141 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5141 out of order.

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

On the question "Shall the bill pass?" (S.F. 2272) the vote was:

Ayes, 47:

Banks  
Borlaug  
Deluhery

Bartz  
Boswell  
Dieleman

Bennett  
Buhr  
Drake

Bisignano  
Connolly  
Dvorsky

Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Rife

Absent or not voting, 2:

Kersten

McLaren

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

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2124

On motion of Senator Lloyd-Jones, Senate File 2124, a bill for an act relating to driver education courses, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5055 filed by the committee on Transportation on February 28, 1994, to page 1 of the bill.

Senator Deluhery asked and received unanimous consent that action on amendment S—5055 and **Senate File 2124** be deferred.

#### Senate File 2307

On motion of Senator McKean, Senate File 2307, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment

of separate trusts in certain circumstances, 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. 2307) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	McLaren	Riordan
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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 2267

On motion of Senator Szymoniak, Senate File 2267, a bill for an act relating to paternity, providing an effective date, and providing for applicability of the act, was taken up for consideration.

Senator Szymoniak offered amendment S—5133 filed by her on March 9, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5133 was adopted by a voice vote.

Senator Bartz offered amendment S—5114 filed by him on March 8, 1994, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 24, nays 24.

Amendment S—5114 lost.

Senator Bartz asked and received unanimous consent that action on **Senate File 2267** be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2272** and **2307** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED

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

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 9, 1994, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2089**, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date (S—5144).

### MOTION TO RECONSIDER WITHDRAWN

#### **Senate File 2064**

Senator Buhr withdrew the motion to reconsider **Senate File 2064**, a bill for an act exempting from regulation certain homeowners' association swimming pools, filed by her on March 7, 1994, and found on page 545 of the Senate Journal.

The Senate stood at ease at 10:37 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:50 a.m., President Boswell presiding.

**CONSIDERATION OF BILL  
(Regular Calendar)**

**Senate File 2222**

On motion of Senator Szymoniak, Senate File 2222, a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions, was taken up for consideration.

Senator Horn asked and received unanimous consent that action on Senate File 2222 be deferred.

**RECESS**

On motion of Senator Horn, the Senate recessed at 12:08 p.m., until 2:30 p.m.

## APPENDIX

### EXPLANATION OF VOTES (Revised from 3-9-94)

MR. PRESIDENT: Had I been present on March 9, 1994, I would have voted "aye" on Senate Files 2297 and 2250.

LYLE E. ZIEMAN

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

Convened: March 9, 1994, 2:05 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Judge.

**Committee Business:** Presentation by the director of the department of human services on managed mental health care plan in Iowa.

Adjourned: 2:49 p.m.

#### LOCAL GOVERNMENT

Convened: March 9, 1994, 8:35 a.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** Priebe.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House Files 425 and 606.

Adjourned: 8:55 a.m.

#### NATURAL RESOURCES

Convened: March 9, 1994, 1:40 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Banks, Hedge, Kibbie, McKean, Rensink, Riordan and Sturgeon.

**Members Absent:** Judge and Priebe (both excused).

**Committee Business:** Recommended passage of House Files 2126 and 2216.

**Adjourned:** 1:45 p.m.

## COMPANION AND SIMILAR BILLS

House Files were attached to companion or similar Senate Files on the senate calendar as follows:

H.F. 2312	similar	S.F. 2278	3-9-94
H.F. 2318	similar	S.F. 2306	3-9-94
H.F. 2241	companion	S.F. 2209	3-9-94
H.F. 2362	companion	S.F. 2296	3-9-94

## PRESENTATION OF VISITORS

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

Thirty-seven twelfth grade students from English Valleys High School, North English, accompanied by Brian Newel. Senators Husak and Hedge.

## MOTION TO RECONSIDER

**MR. PRESIDENT:** I move to reconsider the vote by which amendment S—5114 to Senate File 2267 failed to be adopted by the Senate on March 10, 1994.

MARY KRAMER

## COMMITTEE REPORTS

### TRANSPORTATION

**Final Bill Action:** HOUSE FILE 605, a bill for an act relating to damage claims for the vacating and closing of roads.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 1: Kersten.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2099, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Lloyd-Jones, Fraise, Drake, Connolly, Dieleman, Fink, Gettings, Jensen and Pate. Nays, none. Absent or not voting, 1: Kersten.

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

### SUBCOMMITTEE ASSIGNMENTS

#### Senate Concurrent Resolution 109

RULES AND ADMINISTRATION: Palmer, Chair; Gronstal and Rife

#### Senate Concurrent Resolution 110

RULES AND ADMINISTRATION: Gronstal, Chair; Boswell and Kramer

#### Senate File 2170

TRANSPORTATION: Connolly, Chair; Kersten and Lloyd-Jones

#### Senate File 2280

WAYS AND MEANS: Riordan, Chair; Bennett and Husak

#### Senate File 2299

AGRICULTURE: Riordan, Chair; Bartz and Husak

#### House File 2156

TRANSPORTATION: Fink, Chair; Dieleman and Drake

### AMENDMENTS FILED

S—5137	S.F.	2222	Merlin E. Bartz
S—5138	S.F.	2295	Joe Welsh
S—5139	H.F.	2256	John W. Jensen
S—5140	S.F.	2208	John W. Jensen
S—5141	S.F.	2272	Brad Banks
S—5142	S.F.	2222	Elaine Szymoniak
			Mary Kramer

S-5143	S.F.	2222	Elaine Szymoniak
S-5144	S.F.	2089	House amendment
S-5145	S.F.	2216	Michael E. Gronstal Ralph Rosenberg
S-5146	S.F.	2222	Elaine Szymoniak Mary E. Kramer
S-5147	S.F.	2079	Tony Bisignano
S-5148	S.F.	2124	William W. Dieleman Emil J. Husak Ray Taylor Wilmer Rensink Andy McKean Merlin E. Bartz Allen Borlaug John P. Kibbie Don Gettings Eugene S. Fraise
S-5149	S.F.	2222	Mary E. Kramer Mary Lou Freeman
S-5150	S.F.	2300	Jim Kersten
S-5151	S.F.	2300	Jim Kersten
S-5152	S.F.	2222	Tom Vilsack Michael E. Gronstal Patty Judge Mike Connolly Jean Lloyd-Jones Jim Riordan Bill Fink Robert E. Dvorsky Ralph Rosenberg

## AFTERNOON SESSION

The Senate reconvened at 2:40 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2222

The Senate resumed consideration of Senate File 2222, a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions, previously deferred.

Senator Vilsack offered amendment S—5152 filed by Senators Vilsack, et al., from the floor to strike everything after the enacting clause of the bill.

(Action on amendment S—5152 and Senate File 2222 was temporarily deferred).

The Senate stood at ease at 2:55 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:53 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2222

The Senate resumed consideration of Senate File 2222 and amendment S—5172, previously deferred.

Senator Dieleman offered amendment S—5155 filed by him from the floor to page 2 of amendment S—5152.

Senator Rosenberg raised the point of order that amendment S—5155 to amendment S—5152 was not germane.

The Chair ruled the point well taken and amendment S—5155 out of order.

Senator Riordan offered amendment S—5156 filed by Senators Riordan and Lloyd-Jones from the floor to pages 3 and 5 of amendment S—5152 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5156 to amendment S—5152 be adopted?" (S.F. 2222) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisignano	Boswell	Buhr	Connolly
Dieleman	Dvorsky	Fraise	Gettings
Gronstal	Horn	Husak	Judge
Kibbie	Lloyd-Jones	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Taylor	Vilsack	Welsh

Nays, 26:

Banks	Bartz	Bennett	Borlaug
Deluhery	Drake	Fink	Freeman
Giannetto	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Szymoniak
Tinsman	Zieman		

Amendment S—5156 lost.

Senator Szymoniak offered amendment S—5153 filed by her from the floor to pages 6, 7, 11 and 15 of amendment S—5152 and moved its adoption.

Amendment S—5153 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5154 filed by her from the floor to pages 16 and 22 of amendment S—5152 and moved its adoption.

Amendment S—5154 was adopted by a voice vote.

Senator Riordan offered amendment S—5157 filed by Senators Riordan, et al., from the floor to page 17 of amendment S—5152 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5157 to amendment S—5152 be adopted?" (S.F. 2222) the vote was:

Ayes, 24:

Banks	Bartz	Bennett	Buhr
Connolly	Dieleman	Dvorsky	Fink
Gettings	Hedge	Hester	Husak
Jensen	Judge	Kibbie	Lloyd-Jones
McKean	Pate	Priebe	Riordan
Rosenberg	Sturgeon	Taylor	Welsh

Nays, 26:

Bisignano	Borlaug	Boswell	Deluhery
Drake	Fraise	Freeman	Giannetto
Gronstal	Horn	Kersten	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Redfern	Rensink	Rife
Rittmer	Sorensen	Szymoniak	Tinsman
Vilsack	Zieman		

Amendment S—5157 lost.

Senator Priebe offered amendment S—5160 filed by Senators Priebe, et al., from the floor to page 19 of amendment S—5152 and moved its adoption.

Amendment S—5160 was adopted by a voice vote.

Senator Gronstal offered amendment S—5159 filed by him from the floor to pages 7, 11 and 18 of amendment S—5152 and moved its adoption.

Amendment S—5159 was adopted by a voice vote.

Senator Lloyd-Jones withdrew the following motion to reconsider filed by her from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5153 to Senate File 2222 was adopted by the Senate on March 10, 1994.

Senator Vilsack moved the adoption of amendment S—5152 as amended.

A record roll call was requested.

On the question "Shall amendment S—5152 as amended be adopted?" (S.F. 2222) the vote was:

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Maddox	McKean	McLaren
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

Amendment S—5152 as amended was adopted.

With the adoption of amendment S—5152 as amended, the Chair ruled the following amendments to the bill out of order:

S—5068 filed by Senator Szymoniak on March 3, 1994, to page 9.

S—5086 filed by Senator Szymoniak on March 7, 1994, to page 6.

S—5087 filed by Senator Szymoniak on March 7, 1994, to page 7.

S—5120 filed by Senator Szymoniak on March 9, 1994, to page 24.

S—5136 filed by Senator Riordan on March 9, 1994, to pages 4 and 6.

S—5137 filed by Senator Bartz from the floor to pages 4 and 21-23.

S—5142 filed by Senators Szymoniak and Kramer from the floor to pages 8, 9, 13 and 18.

S—5143 filed by Senator Szymoniak from the floor to page 2.

S—5146 filed by Senators Szymoniak and Kramer from the floor to pages 1, 2 and 4-6.

S—5149 filed by Senators Kramer and Freeman from the floor to pages 6, 23 and 24.

Senator Bennett asked unanimous consent that Senate File 2222 be referred to the committee on Ways and Means.

Senator Horn asked and received unanimous consent that Senate File 2222 be referred to the committee on Ways and Means and returned to the Senate Calendar by 5:20 p.m., March 10, 1994.

The Senate stood at ease at 5:05 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 5:23 p.m., President Boswell presiding.

## COMMITTEE REPORTS

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2222, a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Dieleman, Husak, Deluhery, Lloyd-Jones, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 6: Bennett, Drake, Freeman, Hedge, Hester and McLaren.

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

ALSO:

**Final Bill Action:** SENATE FILE 2233, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Dieleman, Husak, Deluhery, Drake, Hedge, McLaren, Murphy and Riordan. Nays, 3: Bennett, Freeman and Hester. Absent or not voting, 4: Lloyd-Jones, Palmer, Rosenberg and Szymoniak.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2240, a bill for an act establishing limited liability partnerships and providing a fee.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy and Riordan. Nays, none. Absent or not voting, 2: Palmer and Szymoniak.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2290, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, making appropriations, and establishing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy and Riordan. Nays, none. Absent or not voting, 2: Palmer and Szymoniak.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 111 (SSB 2254), a concurrent resolution urging the passage by the United States Congress of S-1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy and Riordan. Nays, none. Absent or not voting, 2: Palmer and Szymoniak.

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

ALSO:

**Final Bill Action:** HOUSE FILE 2102, a bill for an act relating to the exemption from the state sales tax for certain medical devices and providing a retroactive applicability provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy and Riordan. Nays, none. Absent or not voting, 2: Palmer and Szymoniak.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

## BUSINESS PENDING

### Senate File 2222

The Senate resumed consideration of Senate File 2222, a bill for an act relating to health care reform, regulation of insurance and health care plan providers, income tax credits for certain individuals, establishing certain employer and individual requirements, establishing fees, and providing effective dates and applicability provisions, with report of committee on Ways and Means recommending passage.

Senator Bartz moved that Senate File 2222 be referred to the committee on State Government under Rule 38.

The Chair ruled the motion out of order.

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

On the question "Shall the bill pass?" (S.F. 2222) the vote was:

Ayes, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Maddox	McKean	McLaren
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

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

Senator Horn asked and received unanimous consent that **Senate File 2222** be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2302**, a bill for an act creating a personal assistance services program for persons with disabilities and a comprehensive family support program for families of persons with disabilities to be administered by the department of human services.

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

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 111**, by committee on Ways and Means, a concurrent resolution urging the passage by the United States Congress of S—1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation.

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

## APPENDIX

### PRESENTATION OF VISITORS

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

Members of the Clarke County Girls' State basketball tournament team, Ocoola, accompanied by Coach Doug McAnelly. Senator Judge.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2222

WAYS AND MEANS: Dieleman, Chair; Hester and Husak

#### SSB 2254

WAYS AND MEANS: Dieleman, Chair; Drake and Husak

### BILLS ASSIGNED TO COMMITTEE

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

H.F.	2230	State Government
H.F.	2302	Human Resources

### AMENDMENTS FILED

S-5153	S. F.	2222	Elaine Szymoniak
S-5154	S. F.	2222	Elaine Szymoniak
S-5155	S. F.	2222	William W. Dieleman
S-5156	S. F.	2222	Jim Riordan
			Jean Lloyd-Jones
S-5157	S. F.	2222	Jim Riordan
			Robert E. Dvorsky
			Patty Judge
			John W. Jensen
S-5158	S. F.	2246	Bill Fink
S-5159	S. F.	2222	Michael E. Gronstal
S-5160	S. F.	2222	Berl E. Priebe

H. Kay Hedge  
Emil J. Husak  
Jim Riordan  
John P. Kibbie  
Florence Buhr

S-5161

S.F.

2115

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 6:22 p.m., until 10:00 a.m., Monday, March 14, 1994.

# JOURNAL OF THE SENATE

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SIXTY-FOURTH CALENDAR DAY  
THIRTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 14, 1994

The Senate met in regular session at 10:07 a.m., President Boswell presiding.

Prayer was offered by Candy Boucher, former Senate secretary from Des Moines, Iowa, who sang "Amazing Grace".

The Journal of Thursday, March 10, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Rosenberg and Vilsack until they arrive on request of Senator Horn.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2345**, a bill for an act relating to the use of additional allowable growth by school districts for costs of insurance and providing an effective and applicability date provision.

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

ALSO: That the House has on March 10, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House Joint Resolution 2011**, a joint resolution to designate the American bison or buffalo as the official state mammal for the state of Iowa for the period of Iowa's sesquicentennial from 1846 through 1996.

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

**House File 109**, a bill for an act lowering the priority of the standard requiring legislative district boundaries to follow congressional district lines.

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

**House File 2177**, a bill for an act relating to underground storage tanks site classifications and monitoring, the underground storage tank fund board and the department of natural resources, installers, bonds, and relating to the environmental protection charge, and providing a penalty.

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

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2115

On motion of Senator Buhr, Senate File 2115, a bill for an act relating to public health issues regarding brain injured individuals, substance abuse treatment programs, vital records services, and immunizations, was taken up for consideration.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern until he returns on request of Senator Jensen.

### BUSINESS PENDING

#### Senate File 2115

The Senate resumed consideration of Senate File 2115.

Senator Buhr offered amendment S—5161 filed by her on March 10, 1994, to pages 2, 3 and the title page of the bill and moved its adoption.

Amendment S—5161 was adopted by a voice vote.

Senator Buhr asked and received unanimous consent that **House File 2145** be substituted for **Senate File 2115** as amended.

Senator Buhr asked and received unanimous consent that action on **House File 2145** be deferred.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2136

On motion of Senator Fraise, Senate File 2136, a bill for an act relating to the probationary employment period for police dispatchers, was taken up for consideration.

Senator Bisignano offered amendment S—5025 filed by him on February 21, 1994, to page 1 and the title page of the bill.

Senator Bisignano withdrew amendment S—5119 filed by him on March 8, 1994, to amendment S—5025.

Senator Bisignano moved the adoption of amendment S—5025, which motion prevailed by voice vote.

Senator Fraise asked and received unanimous consent that **House File 2218** be substituted for **Senate File 2136** as amended.

Senator Fraise asked and received unanimous consent that action on **House File 2218** be deferred.

#### Senate File 2209

On motion of Senator Giannetto, Senate File 2209, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center, was taken up for consideration.

Senator Giannetto asked and received unanimous consent to withdraw amendment S—5127 filed by Senators Giannetto, et al., on March 9, 1994, to page 1 and the title page of the bill.

Senator Giannetto asked and received unanimous consent that **House File 2241 be substituted for Senate File 2209.**

Senator Giannetto asked and received unanimous consent that action on **House File 2241 be deferred.**

### **Senate File 2235**

On motion of Senator Kibbie, Senate File 2235, a bill for an act relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that **House File 2308 be substituted for Senate File 2235.**

Senator Kibbie asked and received unanimous consent that action on **House File 2308 be deferred.**

Senator Kibbie asked and received unanimous consent that **Senate File 2235 be withdrawn** from further consideration of the Senate.

### **Senate File 2253**

On motion of of Senator Fraise, Senate File 2253, a bill for an act relating to the number and election of sanitary district trustees, was taken up for consideration.

Senator Fraise asked and received unanimous consent that **House File 2199 be substituted for Senate File 2253.**

Senator Fraise asked and received unanimous consent that action on **House File 2199 be deferred.**

### **Senate File 2296**

On motion of Senator Drake, Senate File 2296, a bill for an act relating to hazardous liquid pipeline condemnation and providing an effective date, was taken up for consideration.

Senator Drake asked and received unanimous consent that **House File 2362** be substituted for **Senate File 2296**.

Senator Drake asked and received unanimous consent that action on **House File 2362** be deferred.

Senator Drake asked and received unanimous consent that **Senate File 2296** be withdrawn from further consideration of the Senate.

### **Senate File 2278**

On motion of Senator Palmer, **Senate File 2278**, a bill for an act adopting the uniform transfer on death security registration act, was taken up for consideration.

Senator Palmer asked and received unanimous consent that **House File 2312** be substituted for **Senate File 2278**.

Senator Palmer asked and received unanimous consent that action on **House File 2312** be deferred.

Senator Palmer asked and received unanimous consent that **Senate File 2278** be withdrawn from further consideration of the Senate.

### **Senate File 2171**

On motion of Senator Bisignano, **Senate File 2171**, a bill for an act relating to the qualifications of an applicant for a license to sell real estate in this state, was taken up for consideration.

Senator Bisignano offered amendment S—5165 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5165 was adopted by a voice vote.

Senator Bisignano asked and received unanimous consent that **House File 2250** be substituted for **Senate File 2171** as amended.

Senator Bisignano asked and received unanimous consent that action on **House File 2250** be deferred.

### **Senate File 2275**

On motion of Senator Gronstal, **Senate File 2275**, a bill for an act relating to insurance fraud and establishing an insurance fraud

bureau within the insurance division of the department of commerce, was taken up for consideration.

Senator Gronstal offered amendment S—5166 filed by Senators Deluhery and Gronstal from the floor to page 3 of the bill and moved its adoption.

Amendment S—5166 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that **House File 2314** be substituted for **Senate File 2275** as amended.

Senator Gronstal asked and received unanimous consent that action on **House File 2314** be deferred.

### CONSIDERATION OF BILLS (Ways and Means Calendar)

#### Senate File 2132

On motion of Senator Szymoniak, Senate File 2132, a bill for an act increasing for a limited time period the maximum property tax levy for certain county hospitals, 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. 2132) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Rosenberg

Sturgeon

Vilsack

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

Senator Horn asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 111.

### Senate Concurrent Resolution 111

On motion of Senator Dieleman, Senate Concurrent Resolution 111, a concurrent resolution urging the passage by the United States Congress of S—1825, the Tax Fairness for Main Street Business Act of 1994 or similar legislation, was taken up for consideration.

Senator Dieleman moved the adoption of Senate Concurrent Resolution 111, which motion prevailed by a voice vote.

## CONSIDERATION OF BILLS (Regular Calendar)

### House Joint Resolution 2007

On motion of Senator Husak, House Joint Resolution 2007, a joint resolution authorizing the temporary use and consumption of alcoholic beverages in the State Capitol in conjunction with the 1994 annual meeting of the Adjutants General Association of the United States, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.J.R. 2007) the vote was:

Ayes, 29:

Borlaug  
Deluhery

Boswell  
Dvorsky

Buhr  
Fink

Connolly  
Fraise

Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kersten	Kibbie
Lind	Lloyd-Jones	Maddox	Murphy
Palmer	Pate	Redfern	Rife
Riordan	Rittmer	Szymoniak	Tinsman
Welsh			

Nays, 18:

Banks	Bartz	Bennett	Bisignano
Dieleman	Drake	Freeman	Hedge
Hester	Jensen	Kramer	McKean
McLaren	Priebe	Rensink	Sorensen
Taylor	Zieman		

Absent or not voting, 3:

Rosenberg	Sturgeon	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 2236

On motion of Senator Deluhery, Senate File 2236, a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school, 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. 2236) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe

Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Rosenberg	Sturgeon	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 2216

On motion of Senator Fink, Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, was taken up for consideration.

Senator Gronstal offered amendment S—5145 filed by Senators Gronstal and Rosenberg on March 10, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5145 was adopted by a voice vote.

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. 2216) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Kramer

Rosenberg

Sturgeon

Vilsack

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

### Senate File 2208

On motion of Senator Connolly, Senate File 2208, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, flashing blue lights, leased motor vehicles, and single registration for motor carriers, certificates of title, damage disclosure statements, leased motor vehicles, motor vehicle dealer's licensing bond, and other technical changes, and providing effective dates, was taken up for consideration.

Senator Connolly offered amendment S—5170 filed by him from the floor to pages 2, 12, 15 and the title page of the bill and moved its adoption.

Amendment S—5170 was adopted by a voice vote.

Senator Connolly asked and received unanimous consent that **House File 2256** be substituted for **Senate File 2208** as amended.

Senator Connolly asked and received unanimous consent that action on **House File 2256** be deferred.

### Senate File 2059

On motion of Senator Connolly, Senate File 2059, a bill for an act relating to employer practices regarding persons summoned to jury duty and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto asked and received unanimous consent that action on **Senate File 2059** be deferred.

### Senate File 2233

On motion of Senator Sorensen, Senate File 2233, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Sorensen offered amendment S—5071 filed by him on March 3, 1994, to page 3 of the bill.

Senator McKean asked and received unanimous consent that action on amendment S—5071 and **Senate File 2233** be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2132, 2216 and 2236, Senate Concurrent Resolution 111 and House Joint Resolution 2007** be immediately messaged to the House.

### WITHDRAWN

Senator Buhr asked and received unanimous consent that **Senate File 2115** be withdrawn from further consideration of the Senate.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:40 a.m., until 2:30 p.m.

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2222, the following correction was made:

1. Page 32, line 13, the word and number "Section 30" were changed to the word and number "Section 32".

JOHN F. DWYER  
Secretary of the Senate

### BILL SIGNED BY THE GOVERNOR

Communication was received announcing that on March 11, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 294 — An act relating to qualifications for sheriffs.

### COMMITTEE REPORTS

#### TRANSPORTATION

Convened: March 10, 1994, 8:39 a.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen and Pate.

**Members Absent:** Kersten.

**Committee Business:** Recommended passage of House Files 605 and 2099; assigned bills to subcommittees.

Adjourned: 9:00 a.m.

#### WAYS AND MEANS

Convened: March 10, 1994, 1:25 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan and Rosenberg.

**Members Absent:** Palmer and Szymoniak.

**Committee Business:** Assigned bills to subcommittees; recommended passage of Senate Files 2233, 2290, 2240 and House File 2102; approved SSB 2254 as a committee resolution.

**Adjourned:** 2:00 p.m.

## WAYS AND MEANS

**Convened:** March 10, 1994, 5:15 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Recommended passage of Senate File 2222.

**Adjourned:** 5:25 p.m.

## PETITION

The following petition was presented and placed on file by:

Senator Rittmer from 410 residents of Clinton County opposing legislation moving drivers licensing to the county treasurer's office.

## AMENDMENTS FILED

S—5162	S. F.	2207	Wayne Bennett
S—5163	S. F.	2207	Elaine Szymoniak
S—5164	H. F.	2308	John P. Kibbie
S—5165	S. F.	2171	Tony Bisignano
S—5166	S. F.	2275	Patrick J. Deluhery Michael E. Gronstal
S—5167	S. F.	2313	Elaine Szymoniak
S—5168	S. F.	2040	Jean Lloyd-Jones O. Gene Maddox
S—5169	H. F.	2218	Tony Bisignano
S—5170	S. F.	2208	Mike Connolly
S—5171	S. F.	2286	William D. Palmer
S—5172	S. F.	2313	Elaine Szymoniak
S—5173	H. F.	2256	Mike Connolly
S—5174	S. F.	2286	William D. Palmer
S—5175	S. F.	2262	Randal J. Giannetto

## AFTERNOON SESSION

The Senate reconvened at 2:43 p.m., President Boswell presiding.

### QUORUM CALL

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

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

### CONSIDERATION OF BILL (Appropriations Calendar)

#### Senate File 2313

On motion of Senator Deluhery, Senate File 2313, 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 for effective and applicability dates, was taken up for consideration.

Senator Szymoniak withdrew amendment S—5167 filed by her from the floor to page 8 of the bill.

Senator Szymoniak offered amendment S—5172 filed by her from the floor to page 8 of the bill and moved its adoption.

Amendment S—5172 was adopted by a voice vote.

Senator Murphy offered amendment S—5181 filed by him from the floor to page 8 of the bill and moved its adoption.

Amendment S—5181 was adopted by a voice vote.

Senator Bartz offered amendment S—5176 filed by him from the floor to pages 8 and 40 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5176 be adopted?" (S.F. 2313) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Dieleman	Freeman	Hedge	Hester
Husak	Jensen	Kersten	Kibbie
Lind	McKean	McLaren	Pate
Priebe	Redfern	Rensink	Rife
Taylor	Welsh	Zieman	

Nays, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Judge	Kramer	Lloyd-Jones
Maddox	Murphy	Palmer	Riordan
Rittmer	Rosenberg	Szymoniak	Tinsman
Vilsack			

Absent or not voting, 2:

Sorensen	Sturgeon
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Amendment S—5176 lost.

Senator Szymoniak offered amendment S—5178 filed by her from the floor to pages 14 and 25 of the bill and moved its adoption.

Amendment S—5178 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5187 filed by Senators Szymoniak and Deluhery from the floor to pages 14 and 23-25 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 16, nays 30.

Amendment S—5187 lost.

Senator Szymoniak asked and received unanimous consent to withdraw amendment S—5179 filed by Senators Szymoniak and Deluhery from the floor to pages 15-17, 31 and 43 of the bill.

Senator Pate offered amendment S—5182 filed by him from the floor to page 17 of the bill.

Senator Murphy raised the point of order that amendment S—5182 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5182 out of order.

Senator Gettings offered amendment S—5184 filed by Senators Gettings, et al., from the floor to pages 31 and 36 of the bill.

Action on amendment S—5184 was temporarily deferred.

Senator Priebe withdrew amendment S—5183 filed by him from the floor to page 43 of the bill.

The Senate resumed consideration of amendment S—5184 by Senators Gettings, et al., to pages 31 and 36 of the bill, previously deferred.

Senator Gettings offered amendment S—5199 filed by Senators Gettings, Murphy and Kramer from the floor to amendment S—5184 and moved its adoption.

Amendment S—5199 was adopted by a voice vote.

Senator Gettings moved the adoption of amendment S—5184 as amended, which motion prevailed by a voice vote.

Senator Szymoniak offered amendment S—5198 filed by her from the floor to page 37 of the bill and moved its adoption.

Amendment S—5198 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5195 filed by her from the floor to page 41 of the bill and moved its adoption.

Amendment S—5195 was adopted by a voice vote.

Senator Taylor asked and received unanimous consent to withdraw amendment S—5194 filed by Senators Taylor, et al., from the floor to page 3 of the bill.

Senator Dieleman offered amendment S—5201 filed by Senators Dieleman and Borlaug from the floor to pages 24, 25 and 43 of the bill.

Senator Gronstal raised the point of order that amendment S—5201 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5201 out of order.

Senator Dieleman offered amendment S—5197 filed by Senators Dieleman and Borlaug from the floor to page 24 of the bill.

Senator Dieleman asked and received unanimous consent that action on amendment S—5197 be deferred.

Senator Bartz offered amendment S—5203 filed by him from the floor to page 24 of the bill and moved its adoption.

Amendment S—5203 was adopted by a voice vote.

Senator Dieleman asked and received unanimous consent to withdraw amendment S—5197 to page 24 of the bill, previously deferred.

Senator Taylor offered amendment S—5202 filed by Senators Taylor and Pate from the floor to page 15 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5202 be adopted?” (S.F. 2313) the vote was:

Ayes, 22:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Zieman		

Nays, 27:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Maddox	Murphy	Palmer	Priebe
Riordan	Rosenberg	Sorensen	Szymoniak
Tinsman	Vilsack	Welsh	

Absent or not voting, 1:

Sturgeon

Amendment S—5202 lost.

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. 2313) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

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

Senator Horn asked and received unanimous consent that Senate File 2313 be immediately messaged to the House.

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

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

H.F.	109	State Government
H.F.	2345	Education
H.J.R.	2011	State Government

### STUDY BILLS RECEIVED

#### SSB 2255 Ways and Means

Relating to the ability to appeal a local board of review determination of a protest of the application of an equalization order.

#### SSB 2256 Ways and Means

Relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

### SUBCOMMITTEE ASSIGNMENTS

#### SSB 2255

WAYS AND MEANS: Freeman, Chair; Bennett and Husak

#### SSB 2256

WAYS AND MEANS: Deluhery, Chair; Freeman and Lloyd-Jones

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Jeff Butikofer, Delhi and Justin High, Manchester — For attaining the rank of eagle scout. Senator Murphy (3-14-94).

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2190, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5188.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Palmer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2200, a bill for an act relating to the imposition by a school district of the tax levy for payment of bonds to be issued.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Palmer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2210, a bill for an act providing for the filing of a notice for pending conveyances of legal or equitable interest in real estate and providing for fees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, McLaren, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 4: Deluhery, Lloyd-Jones, Murphy and Palmer.

**Fiscal Note:** REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2232, a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

**Recommendation: DO PASS.**

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Palmer.

**Fiscal Note: REQUIRED UNDER JOINT RULE 17.**

**ALSO:**

**Final Bill Action: SENATE FILE 2271, a bill for an act to provide for mediation of dissolution proceedings and providing for a fee.**

**Recommendation: AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5186.**

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Palmer.

**Fiscal Note: REQUIRED UNDER JOINT RULE 17.**

### AMENDMENTS FILED

S-5176	S.F.	2313	Merlin E. Bartz
S-5177	S.F.	414	Jim Lind Robert E. Dvorsky
S-5178	S.F.	2313	Elaine Szymoniak
S-5179	S.F.	2313	Elaine Szymoniak Patrick J. Deluhery
S-5180	S.F.	2184	Mary E. Kramer Elaine Szymoniak Michael E. Gronstal Robert E. Dvorsky Richard F. Drake Tom Vilsack Jean Lloyd-Jones Jim Kersten Maggie Tinsman
S-5181	S.F.	2313	Larry Murphy
S-5182	S.F.	2313	Paul D. Pate
S-5183	S.F.	2313	Berl E. Priebe
S-5184	S.F.	2313	Don Gettings John P. Kibbie Wilmer Rensink

			Richard F. Drake
			Larry Murphy
			Elaine Szymoniak
S-5185	S.F.	2278	William D. Palmer
S-5186	S.F.	2271	Ways and Means
S-5187	S.F.	2313	Elaine Szymoniak
			Patrick Deluhery
S-5188	S.F.	2190	Ways and Means
S-5189	S.F.	2309	Ralph Rosenberg
S-5190	S.F.	2308	Michael E. Gronstal
S-5191	S.F.	2065	Michael E. Gronstal
S-5192	S.F.	2065	Michael E. Gronstal
S-5193	H.F.	2256	Michael E. Gronstal
			John W. Jensen
			Richard F. Drake
			Jean Lloyd-Jones
S-5194	S.F.	2313	Ray Taylor
			Brad Banks
			William W. Dieleman
			Merlin E. Bartz
			Mary Lou Freeman
S-5195	S.F.	2313	Elaine Szymoniak
S-5196	S.F.	2306	Jim Riordan
S-5197	S.F.	2313	William D. Dieleman
			Allen Borlaug
S-5198	S.F.	2313	Elaine Szymoniak
S-5199	S.F.	2313	Don Gettings
			Larry Murphy
			Mary Kramer
S-5200	S.F.	2256	Andy McKean
S-5201	S.F.	2313	William W. Dieleman
			Allen Borlaug
S-5202	S.F.	2313	Ray Taylor
			Paul Pate
S-5203	S.F.	2313	Merlin E. Bartz
S-5204	S.F.	2294	Patty Judge
S-5205	H.F.	181	Jim Kersten

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:15 p.m., until 9:00 a.m., Tuesday, March 15, 1994.

# JOURNAL OF THE SENATE

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SIXTY-FIFTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 15, 1994

The Senate met in regular session at 8:58 a.m., President Boswell presiding.

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

The Journal of Monday, March 14, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2309**, a bill for an act relating to the provision of contact lenses and spectacle lenses and providing penalties.

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

ALSO: That the House has on March 11, 1994, adopted the following resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 118**, a concurrent resolution to designate Le Mars, Iowa, the Ice Cream Capital of the World.

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

**House Concurrent Resolution 119**, a concurrent resolution condemning bigotry and hatred.

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

ALSO: That the House has on March 11, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 180**, a bill for an act relating to the juror source list by providing an additional date for updating the motor vehicle operators list and voter registration list, and deleting public utility customers lists from available comprehensive source lists.

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

**House File 2134**, a bill for an act to permit the patient advocate to attend hospitalization hearings of persons who are alleged to be seriously mentally impaired.

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

**House File 2163**, a bill for an act relating to the affidavit accompanying the nomination petitions or certificates for candidates for public office.

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

**House File 2280**, a bill for an act establishing limited liability partnerships and providing a fee.

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

**House File 2353**, a bill for an act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection.

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

**House File 2361**, a bill for an act relating to certain state publication and purchasing procedures involving the department of general services.

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

**House File 2365**, a bill for an act relating to rechargeable batteries.

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

**House File 2366**, a bill for an act relating to reapportionment, redistricting, and reprecincting by certain jurisdictions.

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

**House File 2374**, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, and providing civil penalties.

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

### QUORUM CALL

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

The vote revealed 46 present, 4 absent and a quorum present.

### PREVIOUS ACTION RESCINDED (Senate File 2278/House File 2312)

Senator Palmer asked and received unanimous consent to rescind action taken by the Senate on March 14, 1994, Senate Journal page 644, substituting House File 2312 for Senate File 2278, a bill for an act adopting the uniform transfer on death security registration act, deferring House File 2312 and withdrawing Senate File 2278.

Senator Palmer offered amendment S—5185 filed by him on March 14, 1994, to page 5 of Senate File 2278 and moved its adoption.

Amendment S—5185 was adopted by a voice vote.

Senator Palmer asked and received unanimous consent that **House File 2312 be substituted for Senate File 2278 as amended**.

Senator Palmer asked and received unanimous consent that action on **House File 2312 be deferred**.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2306

On motion of Senator Riordan, Senate File 2306, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that family farm

limited corporations and family farm limited liability companies are eligible to receive assistance, and providing an effective date, was taken up for consideration.

Senator Riordan offered amendment S—5196 filed by him on March 14, 1994, to pages 1-3 and the title page of the bill and moved its adoption.

Amendment S—5196 was adopted by a voice vote.

Senator Riordan asked and received unanimous consent that House File 2318 be substituted for Senate File 2306 as amended.

Senator Riordan asked and received unanimous consent that action on House File 2318 be deferred.

### Senate File 2203

On motion of Senator Judge, Senate File 2203, a bill for an act relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services, was taken up for consideration.

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?" (S.F. 2203) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2166

On motion of Senator Welsh, Senate File 2166, a bill for an act defining illegal gambling activities at gambling facilities operated lawfully in this state and imposing a criminal penalty, with report of committee recommending passage, was taken up for consideration.

Senator Bisignano asked and received unanimous consent that action on **Senate File 2166** be deferred.

### Senate File 2200

On motion of Senator Szymoniak, Senate File 2200, a bill for an act relating to the imposition by a school district of the tax levy for payment of bonds to be issued, with report of committee on Ways and Means 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. 2200) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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

### Senate File 2232

On motion of Senator Vilsack, Senate File 2232, a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees, with report of committee on Ways and Means recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2232) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 2:

Borlaug	Jensen
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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 2308

On motion of Senator Deluhery, Senate File 2308, a bill for an act relating to dumping of solid waste by a private or public agency, was taken up for consideration.

Senator Gronstal offered amendment S—5190 filed by him on March 14, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5190 was adopted by a voice vote.

Senator Hedge asked and received unanimous consent that action on Senate File 2308 be deferred.

## UNFINISHED BUSINESS (Deferred March 9, 1994)

### Senate File 2256

The Senate resumed consideration of Senate File 2256, a bill for an act to make changes regarding payment of restitution by criminal offenders, deferred March 9, 1994.

Senator Rosenberg offered amendment S—5132 filed by him on March 9, 1994, to pages 2-4 of the bill and moved its adoption.

Amendment S—5132 was adopted by a voice vote.

Senator McKean withdrew amendment S—5200 filed by him on March 14, 1994, to page 4 of the bill.

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

On the question "Shall the bill pass?" (S.F. 2256) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

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

## BUSINESS PENDING

### Senate File 2308

The Senate resumed consideration of Senate File 2308, a bill for an act relating to dumping of solid waste by a private or public agency, previously deferred.

Senator Hedge offered amendment S—5217 filed by Senators Hedge and Priebe from the floor to page 2 of the bill and moved its adoption.

Amendment S—5217 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. 2308) the vote was:

Ayes, 45:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 5:

Bartz	Freeman	Kersten	McLaren
Rife			

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

### Senate File 2295

On motion of Senator Welsh, Senate File 2295, a bill for an act relating to the Iowa finance authority and the title guaranty division by expanding the membership of the division board and establishing a title guaranty marketing program and related programs, was taken up for consideration.

Senator Welsh offered amendment S—5138 filed by him on March 10, 1994, to pages 1 and 2 of the bill.

Senator Welsh withdrew amendment S—5212 filed by him from the floor to amendment S—5138.

Senator Welsh moved the adoption of amendment S—5138, which motion prevailed by voice vote.

President pro tempore Palmer took the chair at 10:35 a.m.

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

On the question "Shall the bill pass?" (S.F. 2295) the vote was:

Ayes, 39:

Banks	Bennett	Bisignano	Boswell
Buhr	Connolly	Deluhery	Drake
Dvorsky	Fink	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Lind	Lloyd-Jones	Maddox
McKean	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, 10:

Bartz	Borlaug	Dieleman	Fraise
Hester	Kramer	McLaren	Rife
Sorensen	Taylor		

Absent or not voting, 1:

Murphy

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

### Senate File 2207

On motion of Senator Connolly, Senate File 2207, a bill for an act relating to public school open enrollment procedures, was taken up for consideration.

Senator Bennett offered amendment S—5162 filed by him on March 14, 1994, to pages 1 and 5 of the bill and moved its adoption.

Amendment S—5162 was adopted by a voice vote.

Senator Kibbie offered amendment S—5061 filed by him on March 1, 1994, to pages 1, 4, 5 and the title page of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5061 be adopted?" (S.F. 2207) the vote was:

Ayes, 33:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Fink
Fraise	Freeman	Gettings.	Giannetto
Gronstal	Hedge	Horn	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	McKean	Palmer	Pate
Rife	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh
Zieman			

Nays, 16:

Bennett	Dieleman	Drake	Dvorsky
Hester	Husak	Lloyd-Jones	Maddox
McLaren	Murphy	Priebe	Redfern
Rensink	Rittmer	Taylor	Tinsman

Absent or not voting, 1:

Deluhery

Amendment S—5061 was adopted.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Taylor for the remainder of the morning on request of Senator Jensen.

## BUSINESS PENDING

### Senate File 2207

The Senate resumed consideration of Senate File 2207.

Senator Connolly offered amendment S—5210 filed by him from the floor to page 4 of the bill and moved its adoption.

Amendment S—5210 lost by a voice vote.

Senator Szymoniak withdrew amendment S—5163 filed by her on March 14, 1994, to page 5 of the bill.

With the withdrawal of amendment S—5163, the Chair ruled amendment S—5221 filed by Senator Connolly from the floor to amendment S—5163, out of order.

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

On the question "Shall the bill pass?" (S.F. 2207) the vote was:

Ayes, 32:

Banks	Bart	Bisignano	Borlaug
Boswell	Buhr	Connolly	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Horn	Jensen
Judge	Kibbie	Kramer	Lind
Maddox	Palmer	Pate	Rife
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Vilsack	Welsh	Zieman

Nays, 17:

Bennett	Deluhery	Dieleman	Drake
Dvorsky	Hester	Husak	Kersten
Lloyd-Jones	McKean	McLaren	Murphy
Priebe	Redfern	Rensink	Rittmer
Tinsman			

Absent or not voting, 1:

Taylor

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

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate Files 2203, 2200, 2232, 2256, 2308, 2295 and 2207 be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2385**, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, and establishing penalties.

This bill was read first time and passed on file.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:43 a.m., until 1:30 p.m.

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2313, the following correction was made:

1. Page 47, line 17, the word and number "Section 30" were changed to the word and number "Section 31".

JOHN F. DWYER  
Secretary of the Senate

### PRESENTATION OF VISITORS

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

Nineteen students from Charles City High School, accompanied by Louis Koenigsfeld. Senator Borlaug.

Forty eighth grade students from Dallas Center-Grimes Jr. High School, Grimes, Iowa, accompanied by Bill Wineland. Senator Maddox.

### REPORT OF COMMITTEE MEETING

#### WAYS AND MEANS

Convened: March 14, 1994, 1:30 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Palmer (excused).

**Committee Business:** Recommended passage of Senate Files 2210, 2232 and 2200; recommended passage of Senate Files 2271 and 2190 as amended.

**Adjourned:** 2:17 p.m.

### CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Coach Ed Hansen, Solon High School — For Coaching the Class 2-A State Champion Football Team, 1988, and the Class 2-A State Champion Girls' Basketball tournament team. 1994. Senator Dvorsky (3-14-94).

Solon High School Lady Spartans Basketball Team — For winning the Class 2-A Girls' State Basketball tournament championship. Senator Dvorsky (3-14-94).

Jess Settles, Winfield — For being named Big 10 Freshman Basketball Player of the Year. Senator Vilsack (3-15-94).

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2076

APPROPRIATIONS: Palmer, Chair; Lind and Murphy

#### Senate File 2254

APPROPRIATIONS: Dvorsky, Chair; Deluhery, Fraise, McLaren and Redfern

#### House File 181

TRANSPORTATION: Lloyd-Jones, Chair; Connolly and Drake

#### House File 2302

HUMAN RESOURCES: Dvorsky, Chair; Lloyd-Jones and Rittmer

### AMENDMENTS FILED

S-5206	H.F.	2256	Jim Kersten
S-5207	H.F.	2256	Eugene Fraise John W. Jensen
S-5208	H.F.	2256	Jim Kersten Joe Welsh
S-5209	H.F.	2256	John W. Jensen Joe Welsh Tom Vilsack
S-5210	S.F.	2207	Mike Connolly
S-5211	S.F.	2190	Elaine Szymoniak
S-5212	S.F.	2295	Joe Welsh
S-5213	H.F.	2256	Michael E. Gronstal Jean Lloyd-Jones John W. Jensen Richard F. Drake

S—5214	S. F.	2233	Andy McKean
S—5215	S. F.	2233	Andy McKean Don Gettings Mary Lou Freeman
S—5216	S. F.	2233	Andy McKean Jim Riordan
S—5217	S. F.	2308	H. Kay Hedge Berl E. Priebe
S—5218	S. F.	2065	Derryl McLaren
S—5219	S. F.	2065	Derryl McLaren
S—5220	S. F.	2065	Derryl McLaren
S—5221	S. F.	2207	Mike Connolly

## AFTERNOON SESSION

The Senate reconvened at 1:45 p.m., President Boswell presiding.

### QUORUM CALL

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

The vote revealed 37 present, 13 absent and a quorum present.

## CONSIDERATION OF BILL (Regular Calendar)

### Senate File 2274

On motion of Senator Deluhery, Senate File 2274, a bill for an act relating to limitations on the acquisition of banks, savings and loan associations, and savings banks by bank holding companies, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **Senate File 2274** be deferred.

### Senate File 2065

On motion of Senator Gronstal, Senate File 2065, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date, was taken up for consideration.

Senator Jensen offered amendment S—5088 filed by him on March 7, 1994, to pages 1-4 of the bill.

(Action on amendment S—5088 and Senate File 2065 was deferred.)

The Senate stood at ease at 2:11 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:04 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2065

The Senate resumed consideration of Senate File 2065 and amendment S—5088 by Senator Jensen to pages 1-4 of the bill, previously deferred.

Senator Jensen moved the adoption of amendment S—5088.

A non record roll call was requested.

The ayes were 29, nays 13.

Amendment S—5088 was adopted.

With the adoption of amendment S—5088, the Chair ruled the following amendments out of order:

S—5218 filed by Senator McLaren from the floor to page 2 and S—5219 filed by Senator McLaren from the floor to page 2.

Senator McLaren offered amendment S—5220 filed by him 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—5220 be adopted?" (S.F. 2065) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Banks	Bartz	Bennett	Bisignano
Buhr	Dieleman	Freeman	Hedge
Husak	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Palmer
Priebe	Redfern	Rife	Rittmer
Taylor	Tinsman		

Nays, 27:

Borlaug	Boswell	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Hester
Horn	Jensen	Judge	Kibbie

Lloyd-Jones  
Riordan  
Szymoniak

Murphy  
Rosenberg  
Vilsack

Pate  
Sorensen  
Welsh

Rensink  
Sturgeon

Absent or not voting, 1:

Zieman

Amendment S—5220 lost.

Senator Gronstal offered amendment S—5191 filed by him on March 14, 1994, to page 3 of the bill and moved its adoption.

Amendment S—5191 was adopted by a voice vote.

Senator Gronstal offered amendment S—5192 filed by him on March 14, 1994, to pages 3, 4 and the title page of the bill and moved its adoption.

Amendment S—5192 was adopted by a voice vote.

With the adoption of amendment S—5192, the Chair ruled amendment S—5222 filed by Senator McLaren from the floor to pages 1 and 4 of the bill, out of order.

Senator Husak asked and received unanimous consent that action on **Senate File 2065** be deferred.

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2262

On motion of Senator Giannetto, Senate File 2262, a bill for an act establishing a microenterprise development act, was taken up for consideration.

Senator Giannetto offered amendment S—5175 filed by him on March 14, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5175 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2262) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kersten                      Maddox

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 Maddox for the remainder of the day on request of Senator Hedge.

### MOTION TO RECONSIDER ADOPTED

Senator Dieleman called up the motion to reconsider Senate File 2074 filed by him on February 14, 1994, found on page 279 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2074) the vote was:

Ayes, 36:

Banks	Bartz	Borlaug	Boswell
Connolly	Deluhery	Dieleman	Drake
Dvorsky	Freeman	Gettings	Giannetto
Horn	Husak	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McLaren	Murphy	Palmer	Pate

Redfern  
Rittmer  
Taylor

Rensink  
Sorensen  
Tinsman

Rife  
Sturgeon  
Vilsack

Riordan  
Szymoniak  
Zieman

Nays, 13:

Bennett  
Fraise  
Judge  
Welsh

Bisignano  
Gronstal  
McKean

Buhr  
Hedge  
Priebe

Fink  
Hester  
Rosenberg

Absent or not voting, 1:

Maddox

The motion prevailed.

Senator Dieleman moved to reconsider the vote by which Senate File 2074 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2074

On motion of Senator Dieleman, Senate File 2074, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date, was taken up for reconsideration.

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

On the question "Shall the bill pass?" (S.F. 2074) the vote was:

Ayes, 33:

Banks  
Connolly  
Freeman  
Husak  
Lind  
Palmer  
Rife  
Sturgeon  
Zieman

Bartz  
Deluhery  
Gettings  
Kersten  
Lloyd-Jones  
Pate  
Riordan  
Szymoniak

Borlaug  
Dieleman  
Giannetto  
Kibbie  
McLaren  
Redfern  
Rittmer  
Taylor

Boswell  
Drake  
Horn  
Kramer  
Murphy  
Rensink  
Sorensen  
Tinsman

Nays, 16:

Bennett	Bisignano	Buhr	Dvorsky
Fink	Fraise	Gronstal	Hedge
Hester	Jensen	Judge	McKean
Priebe	Rosenberg	Vilsack	Welsh

Absent or not voting, 1:

Maddox

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, 1994)

#### Senate File 2267

The Senate resumed consideration of Senate File 2267, a bill for an act relating to paternity, providing an effective date, and providing for applicability of the act, deferred March 10, 1994.

Senator Kramer called up the motion to reconsider the vote by which amendment S—5114 to Senate File 2267 failed to be adopted by the Senate on March 10, 1994, filed by her on March 10, 1994, found on page 627 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5114 by Senator Bartz to page 1 of the bill, was taken up for reconsideration.

Senator Bartz moved the adoption of amendment S—5114.

A record roll call was requested.

On the question "Shall amendment S—5114 be adopted?" (S.F. 2267) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Giannetto

Hedge	Hester	Husak	Jensen
Kersten	Lind	McKean	McLaren
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Taylor	Zieman

Nays, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Gronstal	Horn	Judge
Kibbie	Kramer	Lloyd-Jones	Murphy
Palmer	Rittmer	Rosenberg	Sorensen
Szymoniak	Tinsman	Vilsack	Welsh

Absent or not voting, 2:

Maddox                      Sturgeon

Amendment S—5114 lost.

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

On the question "Shall the bill pass?" (S.F. 2267) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Maddox

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

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate Files 2262, 2074 and 2267 be immediately messaged to the House.**

## APPENDIX

### PRESENTATION OF VISITORS

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

Group of exchange students from Japan, Spain and Germany as the guests of Senator Drake.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2055

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Kersten and Rosenberg

#### House File 2190

ENVIRONMENT AND ENERGY UTILITIES: Fink, Chair; Kersten and Rosenberg

### BILLS ASSIGNED TO COMMITTEE

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

H.F.	180	Judiciary
H.F.	2134	Human Resources
H.F.	2163	State Government
H.F.	2177	Environment and Energy Utilities
H.F.	2309	State Government
H.F.	2361	State Government
H.F.	2365	Environment and Energy Utilities
H.F.	2366	State Government
H.C.R.	118	Rules and Administration
H.C.R.	119	Human Resources

### AMENDMENTS FILED

S-5222	S.F.	2065	Derryl McLaren
S-5223	S.F.	2233	Andy McKean Don Gettings

S—5224	S.F.	2311	Mary Lou Freeman
S—5225	H.F.	2256	Maggie Tinsman
			Eugene Fraise
			William W. Dieleman
S—5226	H.F.	2011	Elaine Szymoniak

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:15 p.m., until 9:00 a.m., Wednesday, March 16, 1994.

# JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
FORTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 16, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Kay Slokum, pastor of the First Lutheran Church, Cedar Rapids, Iowa.

The Journal of Tuesday, March 15, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2149**, a bill for an act relating to HIV-related testing of convicted sexual assault offenders.

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

**House File 2184**, a bill for an act relating to the factors considered in the placement of a child for adoption.

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

**House File 2267**, a bill for an act eliminating the requirement that a duplicate receipt for property taken incident to an arrest be filed with the clerk of the district court.

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

**House File 2286**, a bill for an act increasing the jurisdictional amount for small claims.

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

**House File 2321**, a bill for an act relating to leases, by providing for leasing agreements, and amending the uniform commercial code by establishing a new article relating to leases.

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

**House File 2325**, a bill for an act to limit the use of presentence investigations.

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

**House File 2389**, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien.

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

ALSO: That the House has on March 15, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2383**, a bill for an act relating to safety in schools.

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

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2311

On motion of Senator Tinsman, Senate File 2311, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury, was taken up for consideration.

Senator Tinsman offered amendment S—5224 filed by her on March 15, 1994, to pages 17, 19, 21 and 36 of the bill and moved its adoption.

Amendment S—5224 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. 2311) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 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 14, 1994)

### House File 2308

On motion of Senator Kibbie, House File 2308, a bill for an act relating to the regrouping of school district funds to be more compatible with generally accepted accounting principles and providing an effective date, was taken up for further consideration (substituted for Senate File 2235 and deferred on March 14, 1994).

Senator Kibbie offered amendment S—5164 filed by him on March 14, 1994, to pages 2-5, 7 and 8 of the bill and moved its adoption.

Amendment S—5164 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. 2308) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Kersten

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2190

On motion of Senator Szymoniak, Senate File 2190, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5188 filed by committee on Ways and Means on March 14, 1994, to pages 1-6 of the bill.

Senator Szymoniak offered amendment S—5211 filed by her on March 15, 1994, to pages 2, 4 and 9 of amendment S—5188 and moved its adoption.

Amendment S—5211 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kersten until he returns on request of Senator Rife.

### BUSINESS PENDING

#### Senate File 2190

The Senate resumed consideration of Senate File 2190 and amendment S—5188 as amended.

Senator Szymoniak moved the adoption of amendment S—5188 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5188 as amended, the Chair ruled amendment S—5089 filed by Senator Szymoniak on March 7, 1994, to pages 1-6 of the bill, out of order.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2190) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Bisignano

Hester

Kersten

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2311, 2190 and House File 2308** be immediately messaged to the House.

The Senate stood at ease at 9:58 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:43 a.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 16, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2153**, a bill for an act to prohibit eluding a law enforcement vehicle while participating in the commission of a felony and providing a penalty.

This bill was read first time and **passed on file**.

**House File 2232**, a bill for an act relating to the rights and obligations of innkeepers and guests.

This bill was read first time and **passed on file**.

**House File 2261**, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date.

**This bill was read first time and passed on file.**

**House File 2388, a bill for an act relating to the moratorium on the granting of permits for the construction or operation of infectious waste treatment or disposal facilities and providing for exemptions.**

**This bill was read first time and passed on file.**

### RECESS

**On motion of Senator Horn, the Senate recessed at 11:45 a.m., until 3:00 p.m.**

## APPENDIX

### COMPANION AND SIMILAR BILLS

House files were attached to companion or similar Senate files on the senate calendar as follows:

H.F. 2280	companion	S.F. 2240	3-15-94
H.F. 2353	similar	S.F. 2062	3-15-94
H.F. 2374	similar	S.F. 2281	3-15-94
H.F. 2385	similar	S.F. 2290	3-15-94

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2149	Judiciary
H.F.	2267	Judiciary
H.F.	2286	Judiciary
H.F.	2321	Judiciary
H.F.	2325	Judiciary
H.F.	2389	Judiciary

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

Convened: March 15, 1994, 11:45 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Lind, Palmer, Redfern, Rensink, Tinsman and Vilsack.

**Members Absent:** Bisignano, Kersten, Kramer, Pate and Rosenberg (all excused).

**Committee Business:** Presentation of Senate File 2076 by Senator Palmer.

Adjourned: 12:20 p.m.

**COMMITTEE REPORT****TRANSPORTATION**

**Final Bill Action:** HOUSE FILE 2156, a bill for an act relating to size requirements for registration plates for certain trailers and providing effective and applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Lloyd-Jones, Fraise, Connolly, Dieleman, Fink, Gettings and Jensen. Nays, none. Absent or not voting, 3: Drake, Kersten and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**SUBCOMMITTEE ASSIGNMENTS****House Concurrent Resolution 118**

**RULES AND ADMINISTRATION:** Palmer, Chair; Gronstal and Rife

**House Concurrent Resolution 119**

**HUMAN RESOURCES:** Sturgeon, Chair; Bartz and Lloyd-Jones

**House Joint Resolution 2011**

**STATE GOVERNMENT:** Bisignano, Chair; Lind and Sorensen

**House File 109**

**STATE GOVERNMENT:** Gronstal, Chair; Drake and Kibbie

**House File 2134**

**HUMAN RESOURCES:** Dvorsky, Chair; Bennett and Judge

**House File 2163**

**STATE GOVERNMENT:** Gronstal, Chair; Drake and Kibbie

**House File 2230**

**STATE GOVERNMENT:** Gronstal, Chair; Dieleman and Drake

**House File 2309**

**STATE GOVERNMENT:** Fink, Chair; Bisignano and Pate

**House File 2361**

STATE GOVERNMENT: Welsh, Chair; Giannetto and Rittmer

**House File 2366**

STATE GOVERNMENT: Gronstal, Chair; Drake and Kibbie

**AMENDMENTS FILED**

S—5227	H.F.	2256	William D. Palmer
S—5228	S.F.	2300	Brad Banks
S—5229	H.F.	2256	Eugene Fraise John W. Jensen
S—5230	S.F.	2246	Ralph Rosenberg
S—5231	S.F.	2294	Patty Judge

## AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

### UNFINISHED BUSINESS (Deferred March 14, 1994)

#### House File 2256

On motion of Senator Connolly, House File 2256, a bill for an act relating to motor vehicle and highway regulation by the state department of transportation concerning interest rates for condemnation damages, right-of-way notice filings, testing on private property, retention of records and documents, certificates of title, dissolution decree transfers of motor vehicle titles, junking certificates for abandoned vehicles, damage disclosure statements, flashing blue lights, weight limitation on tow vehicles, leased motor vehicles, motor vehicle dealer's licensing bond, and single registration for motor carriers and other technical changes, and providing an effective date, was taken up for further consideration (substituted for Senate File 2208 and deferred on March 14, 1994).

Senator Gronstal asked and received unanimous consent to withdraw amendment S—5193 filed by Senators Gronstal, et al., on March 14, 1994, to pages 1, 2, 12, 15 and the title page of the bill.

With the withdrawal of amendment S—5193, the Chair ruled amendment S—5206 filed by Senator Kersten on March 15, 1994, to amendment S—5193, out of order.

Senator Gronstal offered amendment S—5213 filed by Senators Gronstal, et al., on March 15, 1994, to pages 1, 2, 12, 15 and the title page of the bill.

Senator Connolly raised the point of order that amendment S—5213 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5213 in order.

Senator Kersten asked and received unanimous consent that action on amendment S—5213 be deferred.

Senator Connolly offered amendment S—5173 filed by him on March 14, 1994, to pages 2, 12, 15 and the title page of the bill.

Senator McKean asked and received unanimous consent that action on amendment S—5173 be deferred.

Senator Connolly asked and received unanimous consent that action on **House File 2256** be deferred.

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2271

On motion of Senator Lloyd-Jones, Senate File 2271, a bill for an act to provide for mediation of dissolution proceedings and providing for a fee, with report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5186 filed by the committee on Ways and Means on March 14, 1994, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5186 was adopted by a voice vote.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2271) the vote was:

Ayes, 43:

Banks  
Buhr

Bennett  
Connolly

Bisignano  
Deluhery

Boswell  
Dieleman

Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, 6:

Bartz	Borlaug	Lind	McLaren
Rife	Zieman		

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### UNFINISHED BUSINESS (Deferred March 8, 1994)

#### Senate File 2260

The Senate resumed consideration of Senate File 2260, a bill for an act relating to the regulations of amusement devices and gambling games, and subjecting violators to an existing penalty, deferred March 8, 1994.

Senator Priebe offered amendment S—5131 filed by him on March 9, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5131 was adopted by a voice vote.

Senator Welsh asked and received unanimous consent that action on Senate File 2260 be deferred.

### UNFINISHED BUSINESS (Deferred March 10, 1994)

#### Senate File 2233

The Senate resumed consideration of Senate File 2233, a bill for an act relating to the duties of the county recorder, by transferring certain duties of the clerk of the district court relating to vital statistics and marriage, by providing for fees, by providing for other properly related matters, and providing an effective date, and amendment S—5071 by Senator Sorensen to page 3 of the bill, deferred March 14, 1994.

Senator McKean asked and received unanimous consent that action on amendment S—5071 continue to be deferred.

Senator McKean asked and received unanimous consent to withdraw amendment S—5215 filed by Senators McKean, Gettings and Freeman on March 15, 1994, to strike everything after the enacting clause of the bill.

Senator McKean offered amendment S—5223 filed by Senators McKean, Gettings and Freeman on March 15, 1994, to strike everything after the enacting clause of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5223 be adopted?" (S.F. 2233) the vote was:

Ayes, 14:

Bartz	Bennett	Freeman	Gettings
Hester	Husak	Kersten	Kramer
Lind	Maddox	McKean	Rittmer
Taylor	Zieman		

Nays, 33:

Bisignano	Borlaug	Boswell	Buhr
Connolly	Deluhery	Dieleman	Drake
Dvorsky	Fink	Fraise	Giannetto
Gronstal	Hedge	Horn	Jensen
Judge	Kibbie	Lloyd-Jones	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Tinsman	Vilsack
Welsh			

Absent or not voting, 3:

Banks	Rife	Szymoniak
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Amendment S—5223 lost.

Senator McKean offered amendment S—5216 filed by Senators McKean and Riordan on March 15, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5216 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5071 by Senator Sorensen to page 3 of the bill, previously deferred.

Senator Sorensen moved the adoption of amendment S—5071, which motion prevailed by voice vote.

Senator McKean offered amendment S—5214 filed by him on March 15, 1994, to page 7 of the bill and moved its adoption.

Amendment S—5214 was adopted by a voice vote.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2233) the vote was:

Ayes, 39

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Gettings	Giannetto
Gronstal	Hedge	Horn	Jensen
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, 11:

Banks	Bartz	Bennett	Borlaug
Freeman	Hester	Husak	Kramer
McKean	Rittmer	Zieman	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate Files 2271 and 2233** be **immediately messaged** to the House.

**BILL REFERRED TO COMMITTEE**

Senator Priebe asked and received unanimous consent that **Senate File 2147** be referred from the Regular Calendar to the committee on **Agriculture**.

## APPENDIX

## STUDY BILL RECEIVED

## SSB 2256.1 Ways and Means

Relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2153	Judiciary
H.F.	2184	Human Resources
H.F.	2232	Commerce
H.F.	2261	Human Resources
H.F.	2383	Education
H.F.	2388	Environment & Energy Utilities

## COMMITTEE REPORTS

## ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** HOUSE FILE 2190 a bill for an act relating to asbestos testing for training fires involving asphalt shingles.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rosenberg, Deluhery, Banks, Borlaug, Fink, Gronstal, Hedge and Sorensen. Nays, none. Absent or not voting, 2: Kersten and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 542, a bill for an act relating to programs and services under the purview of the Iowa department of public health, including programs and services relating to licensed substance abuse treatment programs,

operations of radiation equipment, state and local substitute medical decision-making boards, homemaker-home health aide transportation, tanning devices enforcement, indoor air, and lead poisoning, and providing criminal penalties.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5233.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Bennett.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** HOUSE FILE 610, a bill for an act relating to the exemption for attorneys who have provided abstract services under the title guaranty program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Sturgeon, McKean, Bisignano, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Welsh. Nays, 1: Vilsack. Absent or not voting, 2: Rosenberg and Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2011, a bill for an act relating to victim restitution payments from moneys collected by the clerk of the district court.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5239.

**Final Vote:** Ayes, 13: Sturgeon, McKean, Bisignano, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Rosenberg and Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2124, a bill for an act relating to nonsubstantive Code corrections.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, McKean, Bisignano, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Rosenberg and Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2197, a bill for an act relating to the investment of funds paid to the clerk of the district court.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5238.

**Final Vote:** Ayes, 13: Sturgeon, McKean, Bisignano, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Rosenberg and Connolly.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### TRANSPORTATION

**Final Bill Action:** HOUSE FILE 181, a bill for an act relating to motorcycle rider education.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5234.

**Final Vote:** Ayes, 6: Lloyd-Jones, Fraise, Connolly, Fink, Gettings and Jensen. Nays, 1: Dieleman. Absent or not voting, 3: Drake, Kersten and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S-5232	H.F.	2241	Randal J. Giannetto Ralph Rosenberg
S-5233	H.F.	542	Human Resources
S-5234	H.F.	181	Transportation
S-5235	H.F.	2256	Jim Kersten
S-5236	S.F.	2062	Jim Riordan
S-5237	H.F.	2256	Jim Kersten
S-5238	H.F.	2197	Judiciary
S-5239	H.F.	2011	Judiciary
S-5240	H.F.	2256	Andy McKean
S-5241	S.F.	2096	Andy McKean

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 5:00 p.m., until 9:00 a.m., Thursday, March 17, 1994.

# JOURNAL OF THE SENATE

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SIXTY-SEVENTH CALENDAR DAY  
FORTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 17, 1994

The Senate met in regular session at 9:10 a.m., President Boswell presiding.

Prayer was offered by Father Eugene Murray, pastor of the Holy Family Parish, Emmetsburg, Iowa.

The Journal of Wednesday, March 16, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2276**, a bill for an act relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments.

ALSO: That the House has on March 15, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2120**, a bill for an act relating to benefits paid under the state employees disability insurance program, and providing effective and retroactive applicability dates.

This bill was read first time and **passed on file**.

**House File 2367**, a bill for an act relating to Iowa motor vehicle registration plates, by providing for a moratorium on new types of special registration plates, eliminating the implied consent

special plates, providing for special United States armed forces retired plates and natural resources plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing effective dates.

**This bill was read first time and passed on file.**

ALSO: That the House has on March 16, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2377**, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision.

**This bill was read first time and passed on file.**

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

### SPECIAL GUESTS

Senator Kibbie introduced Miss Shamrock of 1994, Lisa Kliegl and her parents, Mr. and Mrs. Ken Kliegl, from Laurens, Iowa. Lisa is a senior at Laurens-Marathon High School.

Senator Kibbie introduced the Honorable Jim Higgins, a member of the Irish Parliament, who was accompanied by his wife Marion. Mr. Higgins was a senator from 1983-1987 and elected to Parliament in 1987. He is a candidate for the European Parliament.

Mr. Higgins address the Senate with remarks about his country and stated that in Iowa he had found the true heart of America.

He thanked the state for hosting many generations of Irish people and extending to them a welcome that has included dignity of existence and quality of life.

## CONSIDERATION OF BILLS (Regular Calendar)

### Senate File 2056

On motion of Senator Vilsack, Senate File 2056, a bill for an act relating to the calculation of the threshold amount of local revenue in the definition of state mandates included in statute or administrative rule, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2056) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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 Fink, Senate File 2201, a bill for an act relating to funding of gifted and talented programs, 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. 2201) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh		

Nays, 2:

Hedge	Zieman
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Absent or not voting, 2:

Hester	Sturgeon
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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 2038

On motion of Senator Szymoniak, Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5054 filed by the committee on Judiciary on February 28, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5054 was adopted by a voice vote.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2038) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President pro tempore Palmer took the chair at 10:32 a.m.

### Senate File 2096

On motion of Senator McKean, Senate File 2096, a bill for an act relating to the disposition of private property condemned under eminent domain, with report of committee recommending passage, was taken up for consideration.

Senator McKean offered amendment S—5241 filed by him on March 16, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5241 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. 2096) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2056, 2201, 2038 and 2096** be **immediately messaged** to the House.

### UNFINISHED BUSINESS

(Deferred April 23, 1993)

#### Senate File 414

On motion of Senator Boswell, Senate File 414, a bill for an act providing for ex officio, nonvoting membership on the state board of regents and for related matters, deferred on April 23, 1993, referred to the committee on Appropriations on January 10, 1994, with report of committee recommending passage, was taken up for consideration.

Senator Banks offered amendment S—5244 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5244 was adopted by a voice vote.

Senator Lind asked and received unanimous consent to withdraw amendment S—5177 filed by Senators Lind and Dvorsky on March 14, 1994, to page 1 of the bill.

(Action on Senate File 414 was temporarily deferred.)

The Senate stood at ease at 10:53 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 11:40 a.m., President pro tempore Palmer presiding.

### BUSINESS PENDING

#### Senate File 414

The Senate resumed consideration of Senate File 414, previously deferred.

Senator Boswell asked and received unanimous consent that action on **Senate File 414** be deferred.

### RECESS

On motion of Senator Husak, the Senate recessed at 11:43 a.m., until 3:00 p.m.

## APPENDIX

### COMMUNICATIONS FROM THE GOVERNOR

The following communications from the governor were presented:

Mr. John F. Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration the following governor's appointees as members of state boards, departments and commissions:

As members of the Accountancy Examining Board pursuant to Section 542C.3 for terms beginning May 1, 1994, and ending April 30, 1997:

Donna M. Brosdahl, Cresco, Howard County, for reappointment; Thomas L. Erpelding, Algona, Kossuth County, for reappointment and David A. Vaudt, Des Moines, Polk County, for appointment.

Jack N. Nystrom, Boone, Boone County, for appointment as Administrator of the Alcoholic Beverages Division pursuant to Section 123.10 for a term beginning March 2, 1994, and ending April 30, 1998.

K. Marie Thayer, Ankeny, Polk County, for reappointment as Administrator of Professional Licensing and Regulation pursuant to Section 546.10 for a term beginning May 1, 1994, and ending April 30, 1998.

Diana Leonard, Des Moines, Polk County, for reappointment as Administrator of the Division of Deaf Services pursuant to Section 216A.2 for a term beginning May 1, 1994, and to serve at the pleasure of the governor.

For reappointment as members of the Agricultural Development Authority pursuant to Section 175.3 for terms beginning May 1, 1994, and ending April 30, 2000:

Edward J. Engstrom, Kanawha, Hancock County; Gene E. Geissinger, West Des Moines, Polk County, and Gordon E. Swenson, Rake, Winnebago County.

For appointment as members of the Alcoholic Beverages Commission pursuant to Sections 123.5-6:

Susan D. Albright, Boone, Boone County, for a term beginning May 1, 1994, and ending April 30, 1999; Jeffrey L. Goodman, Des Moines, Polk County, for a term beginning March 14, 1994, and ending April 30, 1998, and Daryl K. Henze,

Urbandale, Polk County, for a term beginning March 14, 1994, and ending April 30, 1997.

As members of the Architectural Examining Board pursuant to Section 544A.1 for terms beginning May 1, 1994, and ending April 30, 1997:

Glen D. Huntington, Alta, Buena Vista County, for reappointment and Kevin W. Monson, Iowa City, Johnson County, for appointment.

As members of the Board of Barber Examiners pursuant to Section 147.14(1) for terms beginning May 1, 1994, and ending April 30, 1997:

Peggy C. Dunshee, Urbandale, Polk County, for appointment and Dennis Ruffcorn, Missouri Valley, Harrison County, for reappointment.

As members of the Board of Behavioral Science Examiners pursuant to Section 147.14(13):

Robert T. Buckley, Waterloo, Black Hawk County, for reappointment; Martin R. Edwards, Cedar Falls, Black Hawk County, for reappointment; Linda S. Trudeau, Carroll, Carroll County, for appointment and Barbara Walters, Des Moines, Polk County, for reappointment.

As members of the Board of Chiropractic Examiners pursuant to Section 147.14(8) for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Ramona K. Kennedy, Cherokee, Cherokee County, for reappointment; Dr. Elizabeth C. Kressin, Spencer, Clay County, for appointment and Norma J. Papik, Blue Grass, Scott County, for appointment.

Haywood Belle, Iowa City, Johnson County, for appointment as a member of the Board of Corrections pursuant to Section 904.104, for a term beginning May 1, 1994, and ending April 30, 1998.

As members of the Board of Cosmetology Arts and Sciences Examiners pursuant to Section 147.14(14) for terms beginning May 1, 1994, and ending April 30, 1997:

Reuvena M. Bruxvoort, Oskaloosa, Mahaska County, for reappointment and Michael F. Kronfeldt, Dubuque, Dubuque County, for appointment.

As members of the Board of Dental Examiners pursuant to Section 147.14(4) for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Robert B. Cochrane, Fort Dodge, Webster County, for reappointment; Nancy S. Le Peau, Iowa City, Johnson County, for appointment and Carolyn A. McNeill, Perry, Dallas County, for reappointment.

For reappointment as members of the Board of Dietetic Examiners pursuant to Section 147.14(11) for terms beginning May 1, 1994, and ending April 30, 1997:

Mary K. Carlson, Humboldt, Humboldt County; Charles H. Finch, Des Moines, Polk County, and Elvin R. Soll, Murray, Clarke County.

As members of Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers pursuant to Sections 154A.2-3:

Richard T. Clark, Fort Dodge, Webster County, for appointment for a term beginning March 15, 1994, and ending April 30, 1995. and Coral M. Jud, Knierim, Calhoun County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Board of Medical Examiners pursuant to Section 147.14(2) for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. James D. Collins, Jr. Waterloo, Black Hawk County, for reappointment; Dr. Donna M. Norman, Bettendorf, Scott County, for appointment and Laura J. Stensrud, Lake Mills, Winnebago County, for reappointment.

As members of the Board of Mortuary Science Examiners pursuant to Section 147.14(1) for terms beginning May 1, 1994, and ending April 30, 1997:

Diane E. Palmer, West Des Moines, Polk County, for appointment and Peter R. Teahen, Cedar Rapids, Linn County, for reappointment.

Nancy E. Knutstrom, Davenport, Scott County, for reappointment as a member of the Board of Nursing Examiners pursuant to Section 147.14(3) for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Board of Optometry Examiners pursuant to Section 147.14(6) for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Patricia A. Blume, Fort Dodge, Webster County, for appointment; Sharon M. Mahood, Davenport, Scott County, for reappointment and Dr. Richard F. Noyes, Marion, Linn County, for appointment.

For reappointment as members of the Landscape Architectural Examining Board pursuant to Section 544B.3 for terms beginning May 1, 1994, and ending April 30, 1997:

M. Susan Erickson, Slater, Story County, and Monty D. Mitchell, Davenport, Scott County.

Walter L. Saur, Oelwein, Fayette County, for reappointment as a member and Chairperson of the Board of Parole pursuant to Sections 904A.1-3 for a term beginning May 1, 1994, and ending April 30, 1998.

As members of the Board of Pharmacy Examiners pursuant to Section 147.14(5):

Marian L. Roberts, Laurens, Pocahontas County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997; John P. Romano, Waukee, Dallas County, for appointment for a term beginning March 11, 1994, and ending April 30, 1995, and Arlan D. Van Norman, Swea City, Kossuth County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Board of Physical and Occupational Therapy Examiners pursuant to Section 147.14(10) for terms beginning May 1, 1994, and ending April 30, 1997:

James E. Hughes, Cresco, Howard County, for reappointment and Alice B. Price, Knoxville, Marion County, for appointment.

For reappointment as members of the Board of Physician Assistant Examiners pursuant to Section 147.14(12) for terms beginning May 1, 1994, and ending April 30, 1997:

Jane Dubberke, Hubbard, Hardin County; Mary Frances Winegardner, Clear Lake, Cerro Gordo County, and Robert A. Witt, Allison, Butler County.

For reappointment as members of the Board of Podiatry Examiners pursuant to Section 147.14(1) for terms beginning May 1, 1994, and ending April 30, 1997:

Lillian J. Madison, Independence, Buchanan County, and Dr. Brenda M. Salocker, Fort Dodge, Webster County.

As members of the Board of Psychology Examiners pursuant to Section 147.14(7) for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Janet S. McDonough, Des Moines, Polk County, for reappointment and Dr. Scott W. Shafer, Des Moines, Polk County, for appointment.

As members of the Board of Social Work Examiners pursuant to Section 147.14(1):

Richard Matland, Glenwood, Mills County, for appointment for a term beginning March 15, 1994, and ending April 30, 1995, and Erlene Veverka, Prairie City, Jasper County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14(9):

Julia A. Bebensee, West Des Moines, Polk County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997; Michael G. Genz, West Des Moines, Polk County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997, and Rose G. Hayne, West Des Moines, Polk County, for appointment for a term beginning March 15, 1994, and ending April 30, 1996.

Delman L. Bowers, Waterloo, Black Hawk County, for reappointment as a member of the City Development Board pursuant to Section 368.9 for a term beginning May 1, 1994, and ending April 30, 2000.

Paul H. Wieck, II, Osceola, Clarke County, for reappointment as the Commissioner of Public Safety pursuant to Section 80.2, for a term beginning May 1, 1994, and to serve at the pleasure of the Governor.

Robert J. Martin, Davenport, Scott County, for reappointment as a member of the Commission for the Blind pursuant to Section 216B.2 for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Commission on Community Action Agencies pursuant to Section 216A.92A:

Allan L. Axeen, Coralville, Johnson County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997; Bette L. Crumrine, Lineville, Wayne County, for appointment for a term beginning March 15, 1994, and ending April 30, 1996, and Lois R. Kotz, Clear Lake, Cerro Gordo County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997.

For reappointment as members of the Commission on the Deaf pursuant to Section 216A.112 for terms beginning May 1, 1994, and ending April 30, 1997:

Patrick R. Sell, Story City, Story County, and James G. Snyder, Dubuque, Dubuque County.

For appointment as members of the Commission on the Status of African-Americans pursuant to Section 216A.142:

Jim C. Hester, Davenport, Scott County for a term beginning May 1, 1994, and ending April 30, 1998; Reverend Marvin D. Jenkins, Fort Dodge, Webster County, for a term beginning March 15, 1994, and ending April 30, 1996, and Andre' Peery, Cedar Rapids, Linn County, for a term beginning May 1, 1994, and ending April 30, 1998.

As members of the Commission on the Status of Women pursuant to Sections 216A.52-53 for terms beginning May 1, 1994, and ending April 30, 1998:

Kathryn M. Burt, Marshalltown, Marshall County, for appointment; Lisa L. Green, Indianola, Warren County, for appointment; Mignon Manelli, Ames, Story County, for reappointment and Tom Morain, Ames, Story County, for reappointment.

For reappointment as members of the Credit Union Review Board pursuant to Section 533.53 for terms beginning May 1, 1994, and ending April 30, 1997:

Tom N. Sarvis, Dubuque, Dubuque County; William G. Sizer, Waterloo, Black Hawk County, and H. Idris Thomas, Mason City, Cerro Gordo County.

As members of the Criminal and Juvenile Justice Planning Advisory Council pursuant to Section 216A.132 for terms beginning May 1, 1994, and ending April 30, 1998:

Lorna M. Burnside, Storm Lake, Buena Vista County, for reappointment; Betty Jean Clark, Rockwell, Cerro Gordo County, for reappointment; Gary G. Kimes, Osceola, Clarke County, for reappointment; James L. Kurth, Jefferson, Greene County, for appointment; Ronald D. Stehl, Des Moines, Polk County, for appointment; Joan L. Vanden Berg, Iowa City, Johnson County, for appointment and Dr. R. Dean Wright, West Des Moines, Polk County, for reappointment.

Dr. Al Ramirez, West Des Moines, Polk County, for appointment as the Director of the Department of Education pursuant to Section 256.8 for a term beginning December 30, 1993, and to serve at the pleasure of the Governor.

Cynthia P. Eisenhauer, Ankeny, Polk County, for reappointment as the Director of the Department of Employment Services pursuant to Section 84A.1(2) for a term beginning May 1, 1994, and to serve at the pleasure of the Governor.

Almo J. Hawkins, Des Moines, Polk County, for reappointment as Director of the Department of Human Rights pursuant to Section 216A.2 for a term beginning May 1, 1994, and to serve at the pleasure of the Governor.

Charles W. Larson, Des Moines, Polk County, for appointment as the Drug Enforcement and Abuse Prevention Coordinator pursuant to Section 80E.1 for a term beginning August 23, 1993, and to serve at the pleasure of the Governor.

As members of the Employment Appeal Board pursuant to Section 10A.601:

Norma I. Lock, Des Moines, Polk County, for reappointment for a term beginning May 1, 1994, and ending April 30, 2000, and Shirlene R. Robinson, Cedar Rapids, Linn County, for appointment for a term beginning March 15, 1994, and ending April 30, 1998.

As members of the Engineering and Land Surveying Examining Board pursuant to Section 542B.3:

Jolee L. Belzung, Ankeny, Polk County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997; Terry L. Martin, Des Moines, Polk County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997, and Anne W. McKeown, Council Bluffs, Pottawattamie County, for appointment for a term beginning March 15, 1994, and ending April 30, 1995.

Kathryn A. Murphy, Le Mars, Plymouth County, for appointment as a member of the Environmental Protection Commission pursuant to Section 455A.6 for a term beginning March 15, 1994, and ending April 30, 1997.

Dr. Al Ramirez, West Des Moines, Polk County, for appointment as a member of the First in the Nation in Education Foundation Governing Board pursuant to Sections 257A.2-3 for a term beginning March 3, 1994, and ending April 30, 2000.

As members of the Higher Education Strategic Planning Council pursuant to Section 272D.1:

Marvin S. Berenstein, Sioux City, Woodbury County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998; Jeffrey D. Eaton, Waterloo, Black Hawk County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998; Betty J. Furgerson, Waterloo, Black Hawk County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998; Gene Gardner, Burlington, Des Moines County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998; Karen K. Goodenow, Okoboji, Dickinson County, for appointment for a term beginning January 24, 1994, and ending April 30, 1994, and reappointment for a term beginning May 1, 1994, and ending April 30, 1998; John V. Hartung, Indianola, Warren County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998, and Marcia Dudden, Reinbeck, Grundy County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998.

As members of the Indigent Defense Advisory Council pursuant to Section 13B.2A for terms beginning May 1, 1994, and ending April 30, 1997:

Mary Ann Brown, Burlington, Des Moines County, for reappointment; Michael R. Hellige, Sioux City, Woodbury County, for appointment and Ellengray G. Kennedy, Bancroft, Kossuth County, for appointment.

For reappointment as members of the Iowa Board of Veterinary Medicine pursuant to Section 169.5 for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Dean Frey, North Liberty, Johnson County, and Jane A. McCall, Manchester, Delaware County.

For reappointment as members of the Iowa Council on Human Investment pursuant to Section 8A.1 for terms beginning May 1, 1994, and ending April 30, 1997:

Willie J. Culpepper, Waterloo, Black Hawk County; Charles S. Johnson, Des Moines, Polk County, and Austin B. Turner, Corning, Adams County.

As members of the Iowa Economic Development Board pursuant to Section 15.103 for terms beginning May 1, 1994, and ending April 30, 1998:

Lois H. Eichacker, Fort Madison, Lee County, for reappointment and Eugene L. Larson, Swisher, Johnson County, for appointment.

Julie-Anita Ingoli, Cedar Rapids, Linn County, for reappointment as a member of the Iowa Emergency Response Commission pursuant to Section 30.2, for a term beginning May 1, 1994, and ending April 30, 1997.

James Weinman, Indianola, Warren County, for reappointment as a member of the Iowa Higher Education Loan Authority pursuant to Section 261A.6 for a term beginning May 1, 1994, and ending April 30, 2000.

For appointment as members of the Iowa Law Enforcement Academy Council pursuant to Section 80B.6 for terms beginning May 1, 1994, and ending April 30, 1998:

Gerald R. Hinzman, Cedar Rapids, Linn County, and James R. Wharton, Sioux City, Woodbury County.

For reappointment as members of the Iowa Lottery Board pursuant to Section 99E.5 for terms beginning May 1, 1994, and ending April 30, 1998:

Emma M. Chance, Council Bluffs, Pottawattamie County, and Gary Hughes, Coralville, Johnson County.

For reappointment as members of the Iowa Railway Finance Authority pursuant to Section 327I.6 for terms beginning May 1, 1994, and ending April 30, 2000:

Carmen E. Halverson, Cedar Falls, Black Hawk County, and Catherine J. Johnson, Iowa City, Johnson County.

As members of the Mental Health and Mental Retardation Commission pursuant to Section 225C.5:

Mary Anne Anderson, Red Oak, Montgomery County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997; Sharon Blair, Des Moines, Polk County, for appointment for a term beginning March 15, 1994, and ending April 30, 1995; Robert J. DeSmidt, Sioux City, Woodbury County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997; Gilbert C. Hoogendoorn, George, Lyon County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997; Sonia A. Johannsen, La Porte City, Black Hawk County, for appointment for a term beginning March 15, 1994, and ending April 30, 1996, and Clark A. Lane, Humboldt, Humboldt County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Prevention of Disabilities Policy Council pursuant to Section 225B.3 for terms beginning May 1, 1994, and ending April 30, 1997:

Dr. Alfred Healy, Iowa City, Johnson County, for reappointment; Georganna Hinrichsen, Ames, Story County, for appointment and Melva J. Urban, Newell, Buena Vista County, for appointment.

Richard R. Ramsey, Osceola, Clarke County, for reappointment as a member of the Public Employment Relations Board pursuant to Section 20.5 for a term beginning May 1, 1994, and ending April 30, 1998.

As members of the Real Estate Appraiser Examining Board pursuant to Section 543D.4:

David R. Hicks, Hampton, Franklin County, for appointment for a term beginning March 14, 1994, and ending April 30, 1995; Nancy M. Larson, Des Moines, Polk County, for appointment for a term beginning May 1, 1994, and ending April 30, 1997, and Dianne L. Paca, Garner, Hancock County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Real Estate Commission pursuant to Section 543B.8 for terms beginning May 1, 1994, and ending April 30, 1997:

Russell D. Nading, Marion, Linn County, for reappointment and Evelyn M. Rank, Clarinda, Page County, for appointment.

As members of the Renewable Fuel Advisory Committee pursuant to Section 159A.4 for terms beginning May 1, 1994, and ending April 30, 1997:

Ann R. Schuster, West Des Moines, Polk County, for appointment and Rita A. Venner, Breda, Carroll County, for reappointment.

Nancy E. Welter, Cedar Rapids, Linn County, for reappointment as a member of the Respiratory Care Advisory Committee pursuant to Section 152B.13 for a term beginning May 1, 1994, and ending April 30, 1997.

Patrick D. Cavanaugh, West Des Moines, Polk County, for reappointment as a member of the School Budget Review Committee pursuant to Section 257.30 for a term beginning May 1, 1994, and ending April 30, 1997.

As members of the Small Business Advisory Council pursuant to Section 15.108(7h):

George O. Barton, Ankeny, Polk County, for appointment for a term beginning March 15, 1994, and ending April 30, 1996; James M. Doyne, Cedar Rapids, Linn County, for appointment for a term beginning May 1, 1994, and ending April 30, 1998; Christine R. Junker, Parkersburg, Butler County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998, and Eugene W. Pierce, III, Bettendorf, Scott County, for reappointment for a term beginning May 1, 1994, and ending April 30, 1998.

For reappointment as members of the State Board of Education pursuant to Section 256.3 for terms beginning May 1, 1994, and ending April 30, 2000:

Sally J. Frudden, Charles City, Floyd County; Gregory D. McClain, Cedar Falls, Black Hawk County and Ronald J. McGauvran, Clinton, Clinton County.

As members of the State Board of Examiners for Nursing Home Administrators pursuant to Section 155.2 for terms beginning May 1, 1994, and ending April 30, 1997:

Steven C. Dowd, Coralville, Johnson County, for reappointment; Gary A. Kirchhof, Cresco, Howard County, for reappointment; David E. Koos, Harlan, Shelby County, for reappointment; Drucilla M. Straub, Des Moines, Polk County, for reappointment and Lanny J. Ward, Indianola, Warren County, for appointment.

For reappointment as members of the State Citizen Foster Care Review Board pursuant to Section 237.16 for terms beginning May 1, 1994, and ending April 30, 1998:

Lorenzo Jasso, Des Moines, Polk County, and Stephen A. Kuhn, Indianola, Warren County.

As members of the State Racing and Gaming Commission pursuant to Section 99D.5 for terms beginning May 1, 1994, and ending April 30, 1997:

Lorraine May, Des Moines, Polk County, for reappointment and Nancy L. Whittenburg, Spencer, Clay County, for appointment.

For appointment as members of the State Transportation Commission pursuant to Section 307.3 for terms beginning May 1, 1994, and ending April 30, 1998:

Richard L. Pellett, Atlantic, Cass County and Daniel H. Wiedemeier, Burlington, Des Moines County.

Berneil Preul, Denison, Crawford County, for appointment as a member of the Title Guaranty Division Board pursuant to Section 16.2, for a term beginning March 15, 1994, and ending April 30, 1995.

As members of the Wallace Technology Transfer Foundation of Iowa pursuant to Section 15E.154:

Marlys D. Johnson, Akron, Plymouth County, for appointment for a term beginning July 1, 1993, and ending April 30, 1995; Janice K. Laue, Des Moines, Polk County, for appointment for a term beginning July 1, 1993, and ending April 30, 1996; Lori A. Logli, Des Moines, Polk County, for appointment for a term beginning July 1, 1993, and ending April 30, 1995; Gaylen A. Mendini, Clinton, Clinton County, for appointment for a term beginning July 1, 1993, and ending April 30, 1994, and reappointment for a term beginning May 1, 1994, and ending April 30, 1997; Wayne T. Newton, Luzerne, Benton County, for appointment for a term beginning July 1, 1993, and ending April 30, 1996; Robert O. Paulson, Newton, Jasper County, for appointment for a term beginning July 1, 1993, and ending April 30, 1994, and for reappointment for a term beginning May 1, 1994, and ending April 30, 1997; Russell W. Teig, Newell, Hamilton County, for appointment for a term beginning July 1, 1993, and ending April 30, 1995; Dr. Nancy J. Tomes, Cumming, Warren County, for appointment for a term beginning July 1, 1993, and ending April 30, 1996; Rod A. Walker, Des Moines, Polk County, for appointment for a term beginning July 1, 1993, and ending April 30, 1994,

and for reappointment for a term beginning May 1, 1994, and ending April 30, 1997.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**Communications were referred to the committee on Rules and Administration.**

**COMMUNICATIONS FROM THE GOVERNOR  
(Appointee Positions Deferred)**

The following communications from the governor were received in the office of the secretary of the senate on March 15, 1994:

March 15, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

Pursuant to Iowa Code Section 2.32(4) (1993), the following appointee positions are being deferred because no appropriate replacement candidates have been found at this time:

Kenneth Culp on the Board of Nursing Examiners.

Stephanie Johnson on the Commission on Community Action Agencies.

Jonathan Narcisse and Anna Weems on the Commission on the Status of African-Americans.

James Benbow on the County Finance Committee.

Robert Petersen on the Mental Health and Mental Retardation Commission.

Steven Berry on the Respiratory Care Advisory Committee.

Michael Ralston on the Board of Speech Pathology and Audiology Examiners.

Janet Stone on the State Judicial Nominating Commission.

Michael Stallman on the Mental Health and Mental Retardation Commission.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**STUDY BILL RECEIVED**

**SSB 2257 Appropriations**

Relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

**SUBCOMMITTEE ASSIGNMENTS**

**SSB 2257**

**APPROPRIATIONS:** Husak, Chair; Banks and Murphy

**House File 2177**

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Kersten and Rosenberg

**House File 2184**

**HUMAN RESOURCES:** Buhr, Chair; Judge and Tinsman

**House File 2232**

**COMMERCE:** Redfern, Chair; Dvorsky and Sturgeon

**House File 2261**

**HUMAN RESOURCES:** Dvorsky, Chair; Bennett and Sturgeon

**House File 2365**

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Hedge and Rosenberg

**House File 2388**

**ENVIRONMENT AND ENERGY UTILITIES:** Gronstal, Chair; Hedge and Rosenberg

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Members of the West Waterloo High School Boys' State basketball tournament team, accompanied by Coach Mike Hurn. Senators Lind and Redfern.

Forty-six fourth grade students from Des Moines Christian School, Des Moines, Iowa, accompanied by Constance Vande Krol. Senator Szymoniak.

## AMENDMENTS FILED

S—5242	S.F.	2310	Ralph Rosenberg
S—5243	S.F.	2310	Ralph Rosenberg
S—5244	S.F.	414	Brad Banks
S—5245	S.F.	2220	Ray Taylor Joe Welsh
S—5246	H.F.	2256	Randal J. Giannetto
S—5247	S.F.	2258	William W. Dieleman Eugene Fraise
S—5248	H.F.	2256	William W. Dieleman Eugene Fraise

## AFTERNOON SESSION

The Senate reconvened at 3:11 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 183**, a bill for an act relating to school directors as agents for school textbooks and supplies and providing an effective date.

This bill was read first time and **passed on file**.

**House File 2044**, a bill for an act repealing provisions pertaining to weather modification, and providing an effective date.

This bill was read first time and **passed on file**.

**House File 2094**, a bill for an act relating to the collection and disposition of fees by county officers.

This bill was read first time and **passed on file**.

**House File 2313**, a bill for an act providing for the administration of drainage districts, and providing for assessments.

This bill was read first time and **passed on file**.

**House File 2343**, a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

This bill was read first time and **passed on file.**

**House File 2354**, a bill for an act relating to certification of certain medication aides.

This bill was read first time and **passed on file.**

**House File 2370**, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing a repeal provision.

This bill was read first time and **passed on file.**

**House File 2373**, a bill for an act relating to the procedure for recording of a satisfaction of payment for child support, which is not made through the clerk of the district court or the collection services center, for a child who is not a recipient of public assistance.

This bill was read first time and **passed on file.**

**House File 2391**, a bill for an act excusing reporting requirements for certain persons owning, leasing, or holding agricultural land in this state.

This bill was read first time and **passed on file.**

**House File 2402**, a bill for an act relating to demotion of supervisory employees during state government reorganizations.

This bill was read first time and **passed on file.**

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Palmer for the remainder of the day and Senator Buhr until she returns on request of Senator Horn.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2062

On motion of Senator Riordan, Senate File 2062, a bill for an

act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection, was taken up for consideration.

Senator Riordan offered amendment S—5236 filed by him on March 16, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5236 was adopted by a voice vote.

Senator Riordan asked and received unanimous consent that **House File 2353** be substituted for **Senate File 2062** as amended.

Senator Riordan asked and received unanimous consent that action on **House File 2353** be deferred.

### **Senate File 2294**

On motion of Senator Judge, Senate File 2294, a bill for an act relating to value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs, the appropriation of moneys, the repeal of a section, and an effective date, was taken up for consideration.

Senator Judge asked and received unanimous consent that action on **Senate File 2294** be deferred.

### **Senate File 2310**

On motion of Senator Rosenberg, Senate File 2310, a bill for an act relating to tenants rights and landlord and tenant law and providing or increasing civil remedies, was taken up for consideration.

Senator Rosenberg offered amendment S—5242 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5242 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5243 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5243 was adopted by a voice vote.

### **LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Riordan for the remainder of the day on request of Senator Horn.

## BUSINESS PENDING

### Senate File 2310

The Senate resumed consideration of Senate File 2310.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2310) the vote was:

Ayes, 11:

Buhr	Dvorsky	Fink	Giannetto
Gronstal	Horn	Lloyd-Jones	Rosenberg
Sturgeon	Szymoniak	Vilsack	

Nays, 34:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Fraise	Freeman	Gettings
Hedge	Hester	Husak	Jensen
Judge	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Pate	Priebe	Redfern	Rensink
Rittmer	Sorensen	Taylor	Tinsman
Welsh	Zieman		

Voting present, 2:

Drake	Kersten
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Absent or not voting, 3:

Palmer	Rife	Riordan
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The bill not having received a constitutional majority was declared to have failed to pass the Senate.

## CONSIDERATION OF BILLS (Regular Calendar)

### Senate File 2220

On motion of Senator Welsh, Senate File 2220, a bill for an act relating to access to tribal gaming employee background investigation information, with report of committee recommending passage, was taken up for consideration.

Senator Taylor offered amendment S—5245 filed by Senators Taylor and Welsh from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Rosenberg raised the point of order that amendment S—5245 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5245 out of order.

Senator Welsh offered amendment S—5113 filed by him on March 8, 1994, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5113 was adopted by a voice vote.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2220) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Murphy	Pate
Priebe	Redfern	Rensink	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 1:

McKean

Absent or not voting, 4:

Bisignano

Palmer

Rife

Riordan

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### Senate File 2240

On motion of Senator Vilsack, Senate File 2240, a bill for an act establishing limited liability partnerships and providing a fee, with report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Vilsack asked and received unanimous consent that House File 2280 be substituted for Senate File 2240.

Senator Vilsack asked and received unanimous consent that action on House File 2280 be deferred.

### Senate File 2112

On motion of Senator Rosenberg, Senate File 2112, a bill for an act relating to the procedure for civil commitment hearings, establishing a time limit for the filing of the report of the examining physician and providing limitations on the refiling of applications which have been denied for lack of evidence, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Rosenberg offered amendment S—5069 filed by the committee on Judiciary on March 3, 1994, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5069 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2112) the vote was:

Ayes, 46:

Banks

Borlaug

Deluhery

Bartz

Boswell

Dieleman

Bennett

Buhr

Drake

Bisignano

Connolly

Dvorsky

Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Redfern
Rensink	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Palmer	Rife	Riordan	Welsh
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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 2009

On motion of Senator Lloyd-Jones, Senate File 2009, a bill for an act relating to child abuse investigations by requiring communication between the department of human services and a physician who conducts an examination of a child who is alleged to be abused, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5067 filed by the committee on Human Resources on March 3, 1994, to page 1 of the bill.

Senator Lloyd-Jones offered amendment S—5118 filed by her on March 8, 1994, to amendment S—5067 and moved its adoption.

Amendment S—5118 was adopted by a voice vote.

Senator Lloyd-Jones moved the adoption of amendment S—5067 as amended, which motion prevailed by voice vote.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2009) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Redfern
Rensink	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Palmer	Rife	Riordan
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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 2281

On motion of Senator Gronstal, Senate File 2281, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, establishing fees, and providing civil penalties, was taken up for consideration.

Senator Gronstal offered amendment S—5253 filed by him from the floor to pages 1, 6, 24 and the title page of the bill and moved its adoption.

Amendment S—5253 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent that **House File 2374** be substituted for **Senate File 2281** as amended.

Senator Gronstal asked and received unanimous consent that action on **House File 2374** be deferred.

Senator Gronstal asked and received unanimous consent that **Senate File 2281** be withdrawn from further consideration of the Senate.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

**Senate File 2057**

On motion of Senator Rosenberg, Senate File 2057, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions, was taken up for consideration.

Senator Bartz withdrew amendment S—5022 filed by him on February 16, 1994, to pages 10 and 17 of the bill.

Senator Rosenberg offered amendment S—5015 filed by him on February 9, 1994, to page 11 of the bill and moved its adoption.

Amendment S—5015 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2057) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Redfern
Rensink	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Palmer	Rife	Riordan
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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 Horn asked and received unanimous consent that Senate Files 2009, 2112, 2220 and 2057 be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2146**, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties.

This bill was read first time and **passed on file**.

**House File 2311**, a bill for an act relating to the rate of interest that may be charged by a governing body assessing land within a drainage district.

This bill was read first time and **passed on file**.

**House File 2352**, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department.

This bill was read first time and **passed on file**.

**INTRODUCTION OF BILL**

**Senate File 2314**, by committee on Appropriations, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

**Read first time and placed on Appropriations Calendar.**

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2057, the following corrections were made:

1. Page 17, line 6, the word and number "Section 30" were changed to the word and number "Section 31".

2. Page 17, line 8, the words and numbers "Sections 25, 26, and 28" were changed to the words and numbers "Sections 25, 26, and 29".

JOHN F. DWYER  
Secretary of the Senate

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	183	Education
H.F.	2044	Local Government
H.F.	2094	Local Government
H.F.	2120	State Government
H.F.	2313	Local Government
H.F.	2343	Ways and Means
H.F.	2354	Human Resources
H.F.	2367	Transportation
H.F.	2370	Commerce
H.F.	2373	Human Resources
H.F.	2377	Human Resources
H.F.	2391	Agriculture
H.F.	2402	State Government

### REPORTS OF COMMITTEE MEETINGS

#### ENVIRONMENT AND ENERGY UTILITIES

Convened: March 16, 1994, 2:35 p.m.

Members Present: Rosenberg, Chair; Fink, Vice Chair; Banks, Borlaug, Gronstal, Hedge, Horn and Sorensen.

**Members Absent:** Kersten, Ranking Member and Welsh.

**Committee Business:** Recommended passage of House File 2190.

**Adjourned:** 2:55 p.m.

## HUMAN RESOURCES

**Convened:** March 16, 1994, 2:29 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Bennett.

**Committee Business:** Deferred action on House File 582; recommended passage of House File 542 as amended.

**Adjourned:** 3:05 p.m.

## JUDICIARY

**Convened:** March 16, 1994, 1:40 p.m.

**Members Present:** Sturgeon, Chair; McKean, Ranking Member; Bisignano, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Rosenberg (excused) and Connolly.

**Committee Business:** Recommended passage of House Files 2124 and 610; recommended passage of House Files 2011 and 2197 as amended.

**Adjourned:** 1:50 p.m.

## TRANSPORTATION

**Convened:** March 16, 1994, 11:50 a.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Connolly, Dieleman, Fink, Gettings and Jensen

**Members Absent:** Drake, Ranking Member; Kersten (excused) and Pate.

**Committee Business:** Recommended passage of House File 181 as amended; recommended passage of House File 2156.

Adjourned: 12:04 p.m.

## COMMUNICATION FROM THE GOVERNOR

The following communication was received in the office of the secretary of the senate on March 17, 1994:

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

The appointment of John P. Romano for the Board of Pharmacy Examiners is hereby withdrawn.

Pursuant to Iowa Code Section 2.32(4), the appointment for this position on the Board of Pharmacy Examiners is being deferred as no appropriate candidate has been found for this position at this time.

Sincerely,  
TERRY E. BRANSTAD  
Governor

## CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Cedar Rapids Washington High School, Cedar Rapids — For being named in 1994 in the Redbook Magazine Article on "America's Best Schools". Senator Pate (3-17-94).

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2310 failed to pass the Senate on March 17, 1994.

LARRY MURPHY

## COMMITTEE REPORTS

### APPROPRIATIONS

Final Bill Action: SENATE FILE 2314 (SSB 2257), a bill for an act relating

to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 19: Murphy, Boswell, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 6: McLaren, Kersten, Kramer, Lind, Palmer and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BUSINESS AND LABOR RELATIONS

**Final Bill Action:** HOUSE FILE 618, a bill for an act relating to liens against employers for unpaid unemployment compensation contributions.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5251.

**Final Vote:** Ayes, 8: Gettings, Redfern, Buhr, Connolly, Freeman, Giannetto, Murphy and Taylor. Nays, none. Absent or not voting, 2: Sturgeon and Maddox.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Final Bill Action:** HOUSE FILE 592, a bill for an act relating to the allocation to school districts of certain federal funds received for at-risk children.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5250.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor and Tinsman. Nays, none. Absent or not voting, 1: Vilsack.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2018, a bill for an act relating to school bus transportation requirements.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Connolly, Kibbie, Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor and Tinsman. Nays, none. Absent or not voting, 2: Kramer and Vilsack.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 582, a bill for an act relating to the establishment of a preadmission assessment program for frail elders considering placement or residing in a nursing facility.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5255.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2003, a bill for an act relating to child day care building and nutrition requirements.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5254.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, and Sturgeon. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2037, a bill for an act relating to the involuntary commitment of another, and providing for a summary of the procedures involved in an involuntary commitment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, and Sturgeon. Nays, none. Absent or not voting, 1: Rittmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 259, a bill for an act relating to boards of trustees of city hospitals or health care facilities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, Bisignano, Buhr, Dieleman, Fink, Giannetto, Lind, Pate, Priebe and Welsh. Nays, none. Absent or not voting, 6: Rittmer, Drake, Kramer, McLaren, Pate and Sorensen.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2309, a bill for an act relating to the provision of contact lenses and spectacle lenses and providing penalties.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5249.

**Final Vote:** Ayes, 11: Gronstal, Kibbie, Bisignano, Buhr, Dieleman, Fink, Giannetto, Lind, Pate, Priebe and Welsh. Nays, none. Absent or not voting, 6: Rittmer, Drake, Kramer, McLaren, Pate and Sorensen.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**AMENDMENTS FILED**

S-5249	H.F.	2309	State Government
S-5250	H.F.	592	Education
S-5251	H.F.	618	Business & Labor Relations
S-5252	H.F.	2374	Michael E. Gronstal
S-5253	S.F.	2281	Michael E. Gronstal
S-5254	H.F.	2003	Human Resources
S-5255	H.F.	582	Human Resources
S-5256	S.F.	2273	Patrick J. Deluhery
S-5257	S.F.	2300	Brad Banks
S-5258	H.F.	2314	Michael E. Gronstal

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:35 p.m., until 10:00 a.m., Monday, March 21, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
 FORTY-SECOND SESSION DAY

Senate Chamber  
 Des Moines, Iowa, Monday, March 21, 1994

The Senate met in regular session at 10:10 a.m., President Boswell presiding.

Prayer was offered by the Reverend Douglas MacLeod, pastor of the Peace Christian Reformed Church, Cedar Rapids, Iowa.

The Journal of Thursday, March 17, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Sturgeon until he arrives on request of Senator Horn and Senator Hester for the day on request of Senator Jensen.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 1994, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2069**, a bill for an act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the health data commission (S—5259).

ALSO: That the House has on March 16, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2237**, a bill for an act relating to attendance requirements for graduating secondary school pupils and providing an effective date.

ALSO: That the House has on March 18, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2415**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates.

This bill was read first time and **passed on file**.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

### CONSIDERATION OF BILL (Ways and Means Calendar)

#### House File 2102

On motion of Senator Lloyd-Jones, House File 2102, a bill for an act relating to the exemption from the state sales tax for certain medical devices and providing a retroactive applicability provision, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2102) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern

Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Hester	Riordan	Sturgeon
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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 BILLS (Regular Calendar)

#### House File 2126

On motion of Senator Fink, House File 2126, a bill for an act amending the definition of tenant for eligibility for free deer and wild turkey hunting licenses, 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. 2126) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Hester                      Riordan                      Rosenberg                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2086

On motion of Senator Dieleman, House File 2086, a bill for an act relating to federal dimensional requirements for handicapped parking spaces, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2086) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Hester                      Riordan                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2194

On motion of Senator Palmer, House File 2194, a bill for an act providing for the display and sale of dairy products by allowing

processors and distributors to lend equipment to retailers, with report of committee recommending passage, was taken up for consideration.

Senator Palmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2194) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 425

On motion of Senator Vilsack, House File 425, a bill for an act relating to the investment of public funds in levee or drainage district warrants or improvement certificates and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 425) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2216

On motion of Senator Fink, House File 2216, a bill for an act relating to the fee for a combined hunting and fishing license and providing an effective date and applicability provision, with report of committee recommending passage, was taken up for consideration.

Senator Kersten asked and received unanimous consent that action on **House File 2216** be deferred.

### House File 605

On motion of Senator Gettings, House File 605, a bill for an act relating to damage claims for the vacating and closing of roads, with report of committee recommending passage, was taken up for consideration.

Senator Gettings moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 605) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 606

On motion of Senator Fraise, House File 606, a bill for an act relating to procedures for the issuance and use of general obligation bonds by counties for the funding of water systems and facilities, 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. 606) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy

Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2115

On motion of Senator Welsh, House File 2115, a bill for an act relating to the regulation of alcoholic beverages licensees and permittees, by providing for the imposition, suspension, and revocation of civil penalties, by establishing a broker's permit and annual fee, by eliminating the alcoholic liquor wholesaler license and bond, by prohibiting certain gifts of liquor, by making other properly related amendments, and subjecting violators to existing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2115) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2314.

#### Senate File 2314

On motion of Senator Husak, Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, was taken up for consideration.

Senator Husak offered amendment S—5261 filed by Senators Husak and Banks from the floor to pages 5, 8, 15, 19, 24 and 26 of the bill and moved its adoption.

Amendment S—5261 was adopted by a voice vote.

Senator Priebe offered amendment S—5262 filed by Senators Priebe, et al., from the floor to page 23 of the bill and moved its adoption.

Amendment S—5262 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake until he returns on request of Senator Lind.

### BUSINESS PENDING

#### Senate File 2314

The Senate resumed consideration of Senate File 2314.

Senator Husak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2314) the vote was:

Ayes, 40:

Banks	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Dvorsky	Fink	Fraise	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 7:

Bartz	Bennett	Freeman	Kersten
Lind	McLaren	Rife	

Absent or not voting, 3:

Drake	Hester	Sturgeon
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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 Horn asked and received unanimous consent that House Files 2102, 2126, 2086, 2194, 425, 605, 2115 and Senate File 2314 be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:17 p.m., until 3:00 p.m.

## APPENDIX

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following governor's appointments to state boards, commissions and departments to standing committees as indicated for investigation on March 17, 1994:

#### AGRICULTURE

Edward J. Engstrom, Gene E. Geissinger and Gordon E. Swenson — Agricultural Development Authority.

#### BUSINESS AND LABOR RELATIONS

Cynthia P. Eisenhower — Director of the Department of Employment Services.

Norma I. Lock and Shirlene R. Robinson — Employment Appeal Board.

Richard R. Ramsey — Public Employment Relations Board.

#### COMMERCE

Tom N. Sarvis, William G. Sizer and H. Idris Thomas — Credit Union Review Board.

Berneil Preul — Title Guaranty Division Board.

#### EDUCATION

Dr. Al Ramirez — Director of the Department of Education.

Dr. Al Ramirez — First in the Nation in Education Foundation Governing Board.

Marvin S. Berenstein, Marcia Dudden, Jeffrey D. Eaton, Betty J. Furgerson, Gene Gardner, Karen K. Goodenow and John V. Hartung — Higher Education Strategic Planning Council.

James Weinman — Iowa Higher Education Loan Authority.

Patrick D. Cavanaugh — School Budget Review Committee.

Sally J. Frudden, Gregory D. McClain and Ronald J. McGauvran — State Board of Education.

#### ENVIRONMENT AND ENERGY UTILITIES

Environmental Protection Commission — Kathryn A. Murphy.

Ann R. Schuster and Rita A. Venner — Renewable Fuel Advisory Committee.

### HUMAN RESOURCES

Diana Leonard — Administrator of the Division of Deaf Services.

Robert T. Buckley, Martin R. Edwards, Linda S. Trudeau and Barbara Walters — Board of Behavioral Science Examiners.

Jane Dubberke, Mary Frances Winegardner and Robert A. Witt — Board of Physician Assistant Examiners.

Robert J. Martin — Commission for the Blind.

Allan L. Axeen, Bette L. Crumrine and Lois L. Kotz — Commission on Community Action Agencies.

Kathryn M. Burt, Lisa L. Green, Tom Morain and Mignon Manelli — Commission on the Status of Women.

Patrick R. Sell and James G. Snyder — Commission on the Deaf.

Almo J. Hawkins — Director of the Department of Human Rights.

Willie J. Culpepper, Charles S. Johnson and Austin B. Turner — Iowa Council on Human Investment.

Mary Anne Anderson, Sharon Blair, Robert J. DeSmidt, Gilbert C. Hoogendoorn, Sonia A. Johannsen and Clark A. Lane as members of the Mental Health and Mental Retardation Commission.

Dr. Alfred Healy, Georganna Hinricksen and Melva J. Urban — Prevention of Disabilities Policy Council.

Lorenzo Jasso and Stephen A. Kuhn — State Citizen Foster Care Review Board.

### JUDICIARY

Haywood Belle — Board of Corrections.

Walter L. Saur — Chairperson and member of the Board of Parole.

Joan L. Vanden Berg, Lora M. Burnside, Betty Jean Clark, Gary C. Kimes, James L. Kurth, Ronald D. Stehl and Dr. R. Dean Wright — Criminal and Juvenile Justice Planning Advisory Council.

Charles W. Larson — Drug Enforcement and Abuse Prevention Coordinator.

Mary Ann Brown, Michael R. Hellige and Ellengray G. Kennedy — Indigent Defense Advisory Commission.

**LOCAL GOVERNMENT**

Delman L. Bowers — City Development Board.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

Lois H. Eichacker and Eugene L. Larson — Iowa Economic Development Board.

George O. Barton, James M. Doyne, Christine R. Junker and Eugene W. Pierce, III — Small Business Advisory Council.

Marlys D. Johnson, Janice K. Laue, Lori A. Logli, Gaylen A. Mendini, Wayne T. Newton, Robert O. Paulson, Russell W. Teig, Dr. Nancy J. Tomes and Rod A. Walker — Wallace Technology Transfer Foundation of Iowa.

**STATE GOVERNMENT**

Donna M. Brosdahl, Thomas L. Erpelding and David A. Vaudt — Accountancy Examining Board.

K. Marie Thayer — Administrator of Professional Licensing and Regulation.

Jack N. Nystrom — Administrator of the Alcoholic Beverages Division.

Susan D. Albright, Jeffrey L. Goodman and Daryl K. Henze — Alcoholic Beverages Commission.

Glen D. Huntington and Kevin W. Monson — Architectural Examining Board.

Peggy C. Dunshee and Dennis Ruffcorn — Board of Barber Examiners.

Dr. Ramona K. Kennedy, Dr. Elizabeth C. Kressin and Norma J. Papik — Board of Chiropractic Examiners.

Reuvena M. Breuxvoort and Michael F. Kronfeldt — Board of Cosmetology Arts and Sciences Examiners.

Dr. Robert B. Cochrane, Nancy S. Le Peau and Carolyn A. McNeill — Board of Dental Examiners.

Mary K. Carlson, Charles H. Finch and Elvin R. Soll — Board of Dietetic Examiners.

Richard T. Clark and Coral M. Jud — Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Dr. James D. Collins, Jr., Dr. Donna M. Norman and Laura J. Stensrud — Board of Medical Examiners.

Diane E. Palmer and Peter R. Teahen — Board of Mortuary Science Examiners.

Nancy E. Knutstrom — Board of Nursing Examiners.

Dr. Patricia A. Blume, Sharon M. Mahood and Dr. Richard F. Noyes — Board of Optometry Examiners.

Marian L. Roberts and Arlan D. Van Norman — Board of Pharmacy Examiners.

James E. Hughes and Alice B. Price — Board of Physical and Occupational Therapy Examiners.

Lillian J. Madison and Dr. Brenda M. Salocker — Board of Podiatry Examiners.

Dr. Janet S. McDonough and Dr. Scott W. Shafer — Board of Psychology Examiners.

Richard Matland and Erlene Veverka — Board of Social Work Examiners.

Julia A. Bebensee, Michael G. Genz and Rose G. Hayne — Board of Speech Pathology and Audiology Examiners.

Jim C. Hester, Rev. Marvin D. Jenkins and Andre' Peery — Commission on the Status of African-Americans.

Jolee L. Belzung, Anne W. McKeown and Terry L. Martin — Engineering and Land Surveying Examining Board.

Dr. Dean Frey and Jane A. McCall — Iowa Board of Veterinary Medicine.

Julie-Anita Ingoli — Iowa Emergency Response Commission.

Emma M. Chance and Gary Hughes — Iowa Lottery Board.

M. Susan Erickson and Monty D. Mitchell — Landscape Architectural Examining Board.

David R. Hicks, Nancy M. Larson and Dianne L. Paca — Real Estate Appraiser Examining Board.

Russell D. Nading and Evelyn M. Rank — Real Estate Commission.

Nancy E. Welter — Respiratory Care Advisory Committee.

Steven C. Dowd, Gary A. Kirchhof, David E. Koos, Drucilla M. Straub and Lanny J. Ward — State Board of Examiners for Nursing Home Administrators.

Lorraine May and Nancy L. Whittenburg — State Racing and Gaming Commission.

## TRANSPORTATION

Paul H. Wieck, II — Commissioner of Public Safety.

Gerald R. Hinzman and James R. Wharton — Iowa Law Enforcement Academy Council.

Richard L. Pellett and Daniel H. Wiedemeier — State Transportation Commission.

## WAYS AND MEANS

Carmen E. Halverson and Catherine J. Johnson — Iowa Railway Finance Authority.

WALLY E, HORN, Chair

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

Convened: March 17, 1994, 11:55 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** McLaren, Ranking Member; Kersten, Kramer, Lind, Palmer and Pate (all excused).

**Committee Business:** Approved SSB 2257 as a committee bill.

**Adjourned:** 12:10 p.m.

### BUSINESS AND LABOR RELATIONS

Convened: March 17, 1994, 1:35 p.m.

**Members Present:** Gettings, Chair; Redfern, Ranking Member; Buhr, Connolly, Freeman, Giannetto, Murphy and Taylor.

**Members Absent:** Sturgeon, Vice Chair and Maddox (both excused).

**Committee Business:** Recommended passage of House File 618 as amended.

**Adjourned:** 1:45 p.m.

**EDUCATION**

**Convened:** March 17, 1994, 2:20 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor and Tinsman.

**Members Absent:** Vilsack (excused).

**Committee Business:** Assigned bills and governor's appointees to subcommittees; recommended confirmation of two governor's appointees; recommended passage of House File 592 as amended; recommended passage of House File 2018.

**Adjourned:** 2:33 p.m.

**HUMAN RESOURCES**

**Convened:** March 17, 1994, 2:41 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** Buhr (excused).

**Committee Business:** Recommended passage of House Files 2003 and 582 as amended; recommended passage of House File 2037.

**Adjourned:** 2:58 p.m.

**STATE GOVERNMENT**

**Convened:** March 17, 1994, 1:52 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Bisignano, Buhr, Dieleman, Fink, Giannetto, Lind, McKean, Priebe and Welsh.

**Members Absent:** Rittmer, Ranking Member; Drake, Kramer, McLaren, Pate and Sorensen.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 2309 as amended; recommended passage of House File 259.

**Adjourned:** 2:10 p.m.

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 606 passed the Senate on March 21, 1994.

WILLIAM FINK

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Jim Higgins, T.D., Mayo County, Ireland — For presentation of an enlightening speech and participation in Iowa's St. Patrick's Day festivities. Senator Kibbie (3-17-94).

### PRESENTATION OF VISITORS

Senator Riordan presented the following Kyrgyzstan Parliament Delegation and their host, Tony Sageen, the Executive Director of the Lawyers Alliance for World Security: Abdyjaper Tagayev, Nurmukhamed Kenjiyev and Yuruslan Toychubekov. Senator Riordan presented each guest with a tin of candy.

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty twelfth grade students from Tri-County High School, Thornburg, accompanied by Jim Freeze. Senator Hedge.

Twelfth grade government students from GMG High School, Garwin. Senators Husak and Giannetto.

### PETITION

The following petition was presented and placed on file by:

Senator Lind from 214 residents of Iowa favoring legislation allowing slot machines at the existing pari-mutuel tracks in Iowa.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 2147**

AGRICULTURE: Priebe, Chair; Hester and Ziemann

**House File 2033**

EDUCATION: Fink, Chair; Murphy and Tinsman

**House File 2044**

LOCAL GOVERNMENT: Priebe, Chair; Buhr and Ziemann

**House File 2049**

EDUCATION: Murphy, Chair; Kibbie and Taylor

**House File 2094**

LOCAL GOVERNMENT: Szymoniak, Chair; Jensen and Vilsack

**House File 2313**

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Rittmer

**House File 2343**

WAYS AND MEANS: Palmer, Chair; Freeman and Szymoniak

**House File 2345**

EDUCATION: Connolly, Chair; Deluhery and Kramer

**House File 2354**

HUMAN RESOURCES: Judge, Chair; Kramer and Lloyd-Jones

**House File 2373**

HUMAN RESOURCES: Sturgeon, Chair; Bartz and Szymoniak

**House File 2377**

HUMAN RESOURCES: Buhr, Chair; Judge and Rittmer

**House File 2383**

EDUCATION: Connolly, Chair; Kibbie and Rensink

**House File 2391**

AGRICULTURE: Palmer, Chair; Giannetto and McLaren

**SSB 2256.1**

WAYS AND MEANS: Deluhery, Chair; Freeman and Lloyd-Jones

**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 May 17, 1994, to investigate the appointment and reappointment of the following governor's appointees:

**AGRICULTURE**

As members of the Agricultural Development Authority:

EDWARD J. ENGSTROM: Priebe, Chair; Boswell and McLaren

GENE E. GEISSINGER: Riordan, Chair; Giannetto and Sorensen

GORDON E. SWENSON: Priebe, Chair; Bartz and Giannetto

**BUSINESS AND LABOR RELATIONS**

As Director of the Department of Employment Services:

CYNTHIA P. EISENHAUER: Gettings, Chair; Giannetto and Taylor

As members of the Employment Appeal Board:

NORMA I. LOCK: Maddox, Chair; Buhr and Sturgeon

SHIRLENE R. ROBINSON: Connolly, Chair; Gettings and Redfern

As a member of the Public Employment Relations Board:

RICHARD R. RAMSEY: Freeman, Chair; Murphy and Sturgeon

**EDUCATION**

As Director of the Department of Education:

DR. AL RAMIREZ: Connolly, Chair; Kibbie and Kramer

As a member of the First in the Nation in Education Foundation Governing Board:

**DR. AL RAMIREZ:** Connolly, Chair; Kibbie and Kramer

As members of the Higher Education Strategic Planning Council:

**MARVIN S. BERENSTEIN:** Deluhery, Chair; Dvorsky and Rensink

**MARCIA DUDDEN:** Szymoniak, Chair; Fink and Kramer

**JEFFREY D. EATON:** Murphy, Chair; Kibbie and Lind

**BETTY J. FURGERSON:** Szymoniak, Chair; Kramer and Redfern

**GENE GARDNER:** Vilsack, Chair; Deluhery and Tinsman

**KAREN K. GOODENOW:** Kibbie, Chair; Dvorsky and Rensink

**JOHN V. HARTUNG:** Connolly, Chair; Fink and Lind

As a member of the Iowa Higher Education Loan Authority:

**JAMES WEINMAN:** Fink, Chair; Dvorsky and Rensink

As a member of the School Budget Review Committee:

**PATRICK D. CAVANAUGH:** Deluhery, Chair; Szymoniak and Redfern

As members of the State Board of Education:

**SALLY F. FRUDDEN:** Murphy, Chair; Szymoniak and Kramer

**GREGORY D. McCLAIN:** Dvorsky, Chair; Dieleman and Redfern

**RONALD J. McGAUVVRAN:** Vilsack, Chair; Fink and Tinsman

### **ENVIRONMENT AND ENERGY UTILITIES**

As a member of the Environmental Protection Commission:

**KATHRYN A. MURPHY:** Sorensen, Chair; Gronstal and Banks

As members of the Renewable Fuel Advisory Committee:

**ANN R. SCHUSTER:** Hedge, Chair; Sorensen and Borlaug

**RITA A. VENNER:** Sorensen, Chair; Gronstal and Borlaug

### **SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

As members of the Iowa Economic Development Board:

**LOIS H. EICHACKER:** Vilsack, Chair; Judge and Bennett

**EUGENE L. LARSON:** Bisignano, Chair; Borlaug and Lloyd-Jones

As members of the Small Business Advisory Council:

**GEORGE O. BARTON:** Maddox, Chair; Lloyd-Jones and Kibbie

**JAMES M. DOYNE:** Bennett, Chair; Giannetto and Sorensen

**CHRISTINE R. JUNKER:** Borlaug, Chair; Kibbie and Judge

**EUGENE W. PIERCE, III:** Zieman, Chair; Lloyd-Jones and Maddox

As members of the Wallace Technology Transfer Foundation of Iowa:

MARLYS D. JOHNSON: Bartz, Chair; Bisignano and Sorensen  
JANICE K. LAUE: Vilsack, Chair; Giannetto and Maddox  
LORI A. LOGLI: Bisignano, Chair; Judge and Bartz  
GAYLEN A. MENDINI: Lloyd-Jones, Chair; Kibbie and Zieman  
WAYNE T. NEWTON: Riordan, Chair; Bartz and Vilsack  
ROBERT O. PAULSON: Giannetto, Chair; Bartz and Bisignano  
RUSSELL W. TEIG: Sorensen, Chair; Kibbie and Borlaug  
DR. NANCY J. TOMES: Judge, Chair; Riordan and Maddox  
ROD A. WALKER: Riordan, Chair; Vilsack and Maddox

### TRANSPORTATION

As Commissioner of Public Safety:

PAUL H. WIECK, II: Gettings, Chair; Drake and Lloyd-Jones

As members of the Iowa Law Enforcement Academy Council:

GERALD R. HINZMAN: Lloyd-Jones, Chair; Pate and Dieleman  
JAMES R. WHARTON: Fink, Chair; Jensen and Dieleman

As members of the State Transportation Commission:

RICHARD L. PELLETT: Connolly, Chair; Kersten and Fraise  
DANIEL H. WIEDEMEIER: Fraise, Chair; Jensen and Connolly

### WAYS AND MEANS

As members of the Iowa Railway Finance Authority:

CARMEN E. HALVERSON: Drake, Chair; McLaren and Riordan  
CATHERINE J. JOHNSON: Lloyd-Jones, Chair; Drake and Freeman

## AFTERNOON SESSION

The Senate reconvened at 3:30 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 21, 1994, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2016**, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date (S—5270).

**ALSO:** That the House has on March 21, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2217**, a bill for an act relating to changes in terms used to describe parents, children, siblings, and their relationships to one another.

This bill was read first time and **passed on file.**

**House File 2284**, a bill for an act authorizing clerks of the district court to enter scheduling orders in probate matters.

This bill was read first time and **passed on file.**

**House File 2342**, a bill for an act relating to the time limit for an administratively dissolved corporation to file for reinstatement and providing an effective date.

This bill was read first time and **passed on file.**

**House File 2384**, a bill for an act enacting the uniform fraudulent transfer Act.

This bill was read first time and **passed on file.**

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Mary C. Williams as a member of the Iowa Ethics and Campaign Disclosure Board.

Harriet B. Gottlieb as a member of the Iowa Higher Education Loan Authority.

Willie J. Culpepper as a member of the Iowa Council on Human Investment.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Hester

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## CONSIDERATION OF BILLS (Regular Calendar)

### House File 2110

On motion of Senator Deluhery, House File 2110, a bill for an act providing for the continued suspension of certain banking laws relating to the acquisition of savings and loan associations, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2110) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Hester

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### **Senate File 2300**

On motion of Senator Fink, Senate File 2300, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to the environmental permit fees and solid waste, was taken up for consideration.

Senator Rosenberg offered amendment S—5268 filed by Senators Rosenberg, Banks and Kersten from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Banks offered amendment S—5273 filed by him from the floor to page 2 of amendment S—5268 and moved its adoption.

Amendment S—5273 was adopted by a voice vote.

Senator Kersten asked and received unanimous consent that action on amendment S—5268 as amended and **Senate File 2300** be deferred.

Senator Connolly took the chair at 4:12 p.m.

### **UNFINISHED BUSINESS** (Deferred March 17, 1994)

### **Senate File 414**

The Senate resumed consideration of Senate File 414, a bill for an act providing for ex officio, nonvoting membership on the state board of regents and for related matters, deferred March 17, 1994.

Senator Boswell moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 414) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

## Ayes, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Sorensen	Sturgeon	Szymoniak	Vilsack

## Nays, 25:

Banks	Bartz	Bennett	Borlaug
Drake	Dvorsky	Freeman	Hedge
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Rosenberg	Taylor	Tinsman	Welsh
Zieman			

Absent or not voting, 1:

Hester

The bill not having received a constitutional majority was declared to have **failed to pass** the Senate.

## BUSINESS PENDING

### Senate File 2300

The Senate resumed consideration of Senate File 2300, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to the environmental permit fees and solid waste, and amendment S—5268 as amended by Senators Rosenberg, Banks and Kersten to strike everything after the enacting clause and the title page of the bill, previously deferred.

Senator Rosenberg moved the adoption of amendment S—5268 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5268 as amended, the Chair ruled the following amendments to the bill, out of order:

S—5150 filed by Senator Kersten on March 10, 1994, to pages 1, 4 and the title page.

S—5151 filed by Senator Kersten on March 10, 1994, to pages 2, 4 and the title page.

S—5228 filed by Senator Banks on March 16, 1994, to pages 1-4 and S—5257 filed by Senator Banks from the floor to pages 1-4.

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. 2300) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Taylor

Absent or not voting, 2:

Hester                      Szymoniak

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## UNFINISHED BUSINESS (Deferred March 17, 1994)

### Senate File 2210

The Senate resumed consideration of Senate File 2210, a bill for an act providing for the filing of a notice for pending

conveyances of legal or equitable interest in real estate and the pending imposition of liens on real estate and providing for fees, deferred March 17, 1994.

Senator Redfern offered amendment S—5272 filed by him from the floor to pages 1-4 of the bill and moved its adoption.

Amendment S—5272 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?" (S.F. 2210) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Sorensen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Boswell took the chair at 4:55 p.m.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2179**, a bill for an act relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, providing for a county referendum, imposing a tax, allocating gaming revenues, providing an effective date, providing for other properly related matters, and subjecting violators to existing penalties.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 21, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2372**, a bill for an act relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability.

This bill was read first time and **passed on file**.

**House File 2401**, a bill for an act relating to the recording duties of county recorders for limited partnerships, corporations for profit, cooperative associations, and nonprofit corporations.

This bill was read first time and **passed on file**.

### INTRODUCTION OF BILL

**Senate File 2315**, by committee on Ways and Means, a bill for an act relating to the ability to appeal a local board of review determination of a protest of the application of an equalization order.

Read first time and **placed on Ways and Means Calendar**.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2179** was assigned to the committee on **State Government**.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **Senate Files 2210, 2300 and House File 2110** be **immediately messaged** to the House.

**APPENDIX****STUDY BILLS RECEIVED****SSB 2258 Ways and Means**

Relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water damaged public property and providing an effective date.

**SSB 2259 Ways and Means**

Relating to the taxation of shareholders of corporations whose income is taxed to the shareholders and providing an effective and applicability date provision.

**SSB 2260 Ways and Means**

Relating to determining the taxable value of property of a long distance telephone company.

**SSB 2261 Appropriations**

Relating to state budget processes.

**SUBCOMMITTEE ASSIGNMENTS****SSB 2258**

WAYS AND MEANS: Palmer, Chair; McLaren and Murphy

**SSB 2259**

WAYS AND MEANS: Murphy, Chair; Freeman and Palmer

**SSB 2260**

WAYS AND MEANS: Deluhery, Chair; Bennett and Murphy

**SSB 2261**

APPROPRIATIONS: Murphy, Chair; Boswell, Gronstal, Lind and McLaren

**REPORT OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2314, the following corrections were made:

1. Page 27, lines 2 and 3, the words and numbers "Sections 23, 25, 26, 39, 40, 41, 42" were changed to the words and numbers "Sections 23, 25, 26, 40, 41, 42, 43".

JOHN F. DWYER  
Secretary of the Senate

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 21st day of March, 1994:

Senate File 2276.

JOHN F. DWYER  
Secretary of the Senate

**REPORTS OF STANDING COMMITTEE**  
(Place nominees on En Bloc Confirmation Calendar)**EDUCATION**

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following Governor's appointments, completed its investigations on March 17, 1994, and recommended the appointees be confirmed:

Marvin S. Berenstein as a member of the Higher Education Strategic Planning Council.

Patrick D. Cavanaugh as a member of the School Budget Review Committee.

**PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR**

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Patrick D. Cavanaugh be removed from "En Bloc Confirmation Calendar" and placed on the Individual Confirmation Calendar."

LARRY MURPHY

## COMMITTEE REPORT

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 2343, a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Lloyd-Jones, McLaren, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE FILE 2315 (SSB 2255), a bill for an act relating to the ability to appeal a local board of review determination of a protest of the application of an equalization order.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Lloyd-Jones, McLaren, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 2: Hester and Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2146	State Government
H.F.	2217	Judiciary
H.F.	2284	Judiciary
H.F.	2311	Local Government
H.F.	2342	Judiciary
H.F.	2352	Judiciary
H.F.	2384	Judiciary

## AMENDMENTS FILED

S—5259	S.F.	2069	House
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S—5260	H.F.	2011	Elaine Szymoniak
S—5261	S.F.	2314	Emil J. Husak Brad Banks
S—5262	S.F.	2314	Berl E. Priebe Brad Banks H. Kay Hedge Derryl McLaren Emil J. Husak
S—5263	H.F.	2216	Jim Kersten Berl E. Priebe Allen Borlaug Derryl McLaren
S—5264	S.F.	2302	Michael E. Gronstal
S—5265	S.F.	2302	Michael E. Gronstal
S—5266	S.F.	2302	Michael E. Gronstal
S—5267	S.F.	2302	Michael E. Gronstal
S—5268	S.F.	2300	Ralph Rosenberg Brad Banks Jim Kersten
S—5269	H.F.	2256	Eugene Fraise John W. Jensen
S—5270	S.F.	2016	House amendment
S—5271	S.F.	2293	Randal J. Giannetto Ralph Rosenberg Elaine Szymoniak Al Sturgeon
S—5272	S.F.	2210	Donald B. Redfern
S—5273	S.F.	2300	Brad Banks
S—5274	H.F.	610	Eugene Fraise

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:57 p.m., until 9:00 a.m., Tuesday, March 22, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-SECOND CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 22, 1994

The Senate met in regular session at 9:02 a.m., President Boswell presiding.

Prayer was offered by the Reverend Robert Connors, pastor of the Union Park Christian Church, Des Moines, Iowa, who sang "I Go To The Rock".

The Journal of Monday, March 21, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 21, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2155**, a bill for an act relating to public school services provided to children attending nonpublic schools.

This bill was read first time and **passed on file**.

**House File 2410**, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions.

This bill was read first time and **passed on file**.

## MOTION TO RECONSIDER WITHDRAWN

### House File 606

Senator Fink withdrew the motion to reconsider House File

606, a bill for an act relating to procedures for the issuance and use of general obligation bonds by counties for the funding of water systems and facilities, filed by him on March 21, 1994, and found on page 760 of the Senate Journal.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 45 present, 5 absent and a quorum present.

The Senate stood at ease at 9:38 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:04 a.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 46 present, 4 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2290

On motion of Senator Bisignano, Senate File 2290, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, making appropriations, and establishing penalties, with committee on Ways and Means recommending passage, was taken up for consideration.

Senator Bisignano offered amendment S—5276 filed by him from the floor to pages 1, 9 and the title page of the bill and moved its adoption.

Amendment S—5276 was adopted by a voice vote.

Senator Bisignano asked and received unanimous consent that **House File 2385** be substituted for **Senate File 2290** as amended.

### House File 2385

On motion of Senator Bisignano, House File 2385, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including securities, motor vehicle service contracts, residential service contracts, business opportunities, and invention developers, and providing for fees, and establishing penalties, was taken up for consideration.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2385) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
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 Bisignano asked and received unanimous consent that **Senate File 2290** be **withdrawn** from further consideration of the Senate.

## Senate File 2251

On motion of Senator Kibbie, Senate File 2251, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for federal and state tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that action on Senate File 2251 be deferred.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House File 2385 be immediately messaged to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 21, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2407**, a bill for an act relating to the collection of child support, including levies against the accounts of certain child support obligors and including affecting of the professional licensure or certification status of an obligor held in contempt of court.

This bill was read first time and passed on file.

ALSO: That the House has on March 22, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2409**, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date.

This bill was read first time and passed on file.

### INTRODUCTION OF BILL

**Senate File 2316**, by committee on Ways and Means, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

**Read first time and placed on Ways and Means Calendar.**

### RECESS

On motion of Senator Horn, the Senate recessed at 11:25 a.m., until 3:00 p.m.

## APPENDIX

### SUBCOMMITTEE ASSIGNMENTS FOR APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 21, 1994, to investigate the appointment and reappointment of the following Governor's appointees:

#### COMMERCE

As members of the Credit Union Review Board:

TOM N. SARVIS: Gettings, Chair; Welsh and Redfern  
WILLIAM G. SIZER: Gettings, Chair; Welsh and Lind  
H. IDRIS THOMAS: Gettings, Chair; Welsh and Redfern

As a member of the Title Guaranty Division Board:

BERNEIL PREUL: Welsh, Chair; Sturgeon and Kersten

#### HUMAN SERVICES

As Administrator of the Division of Deaf Services:

DIANA LEONARD: Bennett, Chair; Szymoniak and Sturgeon

As members of the Board of Behavioral Science Examiners:

ROBERT T. BUCKLEY: Tinsman, Chair; Judge and Lloyd-Jones  
MARTIN R. EDWARDS: Bartz, Chair; Dvorsky and Szymoniak  
LINDA S. TRUDEAU: Lloyd-Jones, Chair; Dvorsky and Bartz  
BARBARA WALTERS: Kramer, Chair; Judge and Buhr

As members of the Board of Physician Assistant Examiners:

JANE DUBBERKE: Sturgeon, Chair; Szymoniak and Riordan  
MARY FRANCES WINEGARDNER: Bartz, Chair; Kramer and Dvorsky  
ROBERT A. WITT: Buhr, Chair; Kramer and Bennett

As a member of the Commission for the Blind:

ROBERT J. MARTIN: Tinsman, Chair; Sturgeon and Buhr

As members of the Commission on Community Action Agencies:

ALLAN L. AXEEN: Dvorsky, Chair; Bartz and Sturgeon  
BETTE L. CRUMRINE: Judge, Chair; Szymoniak and Kramer  
LOIS L. KOTZ: Bartz, Chair; Judge and Dvorsky

As members of the Commission on the Status of Women:

KATHRYN M. BURT: Rittmer, Chair; Szymoniak and Judge  
 LISA L. GREEN: Judge, Chair; Dvorsky and Bennett  
 MIGNON MANELLI: Kramer, Chair; Dvorsky and Riordan  
 TOM MORAIN: Buhr, Chair; Szymoniak and Rittmer

As members of the Commission on the Deaf:

PATRICK R. SELL: Lloyd-Jones, Chair; Bennett and Judge  
 JAMES G. SNYDER: Rittmer, Chair; Buhr and Lloyd-Jones

As Director of the Department of Human Rights:

ALMO J. HAWKINS: Szymoniak, Chair; Kramer and Tinsman

As members of the Iowa Council on Human Investment:

WILLIE J. CULPEPPER: Bennett, Chair; Sturgeon and Riordan  
 CHARLES S. JOHNSON: Szymoniak, Chair; Judge and Bennett  
 AUSTIN B. TURNER: Sturgeon, Chair; Bartz and Dvorsky

As members of the Mental Health and Mental Retardation Commission:

MARY ANNE ANDERSON: Riordan, Chair; Tinsman and Judge  
 SHARON BLAIR: Szymoniak, Chair; Dvorsky and Sturgeon  
 ROBERT J. DeSMIDT: Sturgeon, Chair; Kramer and Riordan  
 GILBERT C. HOOGENDOORN: Dvorsky, Chair; Szymoniak and Rittmer  
 SONIA A. JOHANNSEN: Bartz, Chair; Riordan and Judge  
 CLARK A. LANE: Lloyd-Jones, Chair; Kramer and Buhr

As members of the Prevention of Disabilities Policy Council:

DR. ALFRED HEALY: Lloyd-Jones, Chair; Kramer and Buhr  
 GEORGANNA HINRICKSEN: Tinsman, Chair; Dvorsky and Riordan  
 MELVA J. URBAN: Bennett, Chair; Dvorsky and Judge

As members of the State Citizen Foster Care Review Board:

LORENZO JASSO: Riordan, Chair; Rittmer and Szymoniak  
 STEPHEN A. KUHN: Judge, Chair; Tinsman and Kramer

## JUDICIARY

As a member of the Board of Corrections:

HAYWOOD BELLE: Redfern, Chair; Lloyd-Jones and Bisignano

As a member and Chairperson of the Board of Parole:

**WALTER L. SAUR:** Rosenberg, Chair; Sturgeon and McKean

As members of the Criminal and Juvenile Justice Planning Advisory Council:

**LORNA M. BURNSIDE:** Rosenberg, Chair; Pate and Sturgeon

**BETTY JEAN CLARK:** McKean, Chair; Sturgeon and Drake

**GARY G. KIMES:** Lloyd-Jones, Chair; Connolly and Redfern

**JAMES L. KURTH:** Pate, Chair; Connolly and Bisignano

**RONALD D. STEHL:** Lloyd-Jones, Chair; Szymoniak and Maddox

**JOAN L. VANDEN BERG:** Szymoniak, Chair; Vilsack and Pate

**DR. R. DEAN WRIGHT:** Sturgeon, Chair; Rosenberg and Taylor

As Drug Enforcement and Abuse Prevention Coordinator;

**CHARLES W. LARSON:** Sturgeon, Chair; Welsh and McKean

As members of the Indigent Defense Advisory Commission:

**MARY ANN BROWN:** McKean, Chair; Welsh and Connolly

**MICHAEL R. HELDIGE:** Sturgeon, Chair; Rosenberg and Drake

**ELLENGRAY G. KENNEDY:** Drake, Chair; Vilsack and Giannetto

### LOCAL GOVERNMENT

As a member of the City Development Board:

**DELMAN L. BOWERS:** Jensen, Chair; Rittmer and Priebe

### STATE GOVERNMENT

As members of the Accountancy Examining Board:

**DONNA M. BROSDAHL:** Rittmer, Chair; Dieleman and Fink

**THOMAS L. ERPELDING:** Priebe, Chair; Sorensen and Lind

**DAVID A. VAUDT:** Kramer, Chair; Bisignano and Buhr

As Administrator of Professional Licensing and Regulation:

**K. MARIE THAYER:** Buhr, Chair; Bisignano and Kramer

As Administrator of the Alcoholic Beverages Division:

**JACK N. NYSTROM:** Gronstal, Chair; Kibbie and Drake

As members of the Alcoholic Beverages Commission:

**SUSAN D. ALBRIGHT:** Kibbie, Chair; Gronstal and Drake

**JEFFREY L. GOODMAN:** Welsh, Chair; Gronstal and Drake

**DARYL K. HENZE:** Welsh, Chair; Gronstal and Drake

As members of the Architectural Examining Board;

GLEN D. HUNTINGTON: McLaren, Chair; Giannetto and Sorensen  
KEVIN W. MONSON: McKean, Chair; Giannetto and Welsh

As members of the Board of Barber Examiners:

PEGGY C. DUNSHEE: Lind, Chair; Fink and Sorensen  
DENNIS RUFFCORN: McLaren, Chair; Gronstal and Dieleman

As members of the Board of Chiropractic Examiners:

DR. RAMONA K. KENNEDY: McKean, Chair; Priebe and Welsh  
DR. ELIZABETH C. KRESSIN: Kibbie, Chair; Gronstal and Drake  
NORMA J. PAPIK: Rittmer, Chair; Bisignano and Buhr

As members of the Board of Cosmetology Arts and Sciences:

MICHAEL F. KRONFELDT: Lind, Chair; Dieleman and Buhr  
REUVENA M. BRUXVOORT: Dieleman, Chair; Fink and McKean

As members of the Board of Dental Examiners:

DR. ROBERT B. COCHRANE: McKean, Chair; Giannetto and Welsh  
NANCY S. LE PEAU: McLaren, Chair; Priebe and Sorensen  
CAROLYN A. McNEILL: McLaren, Chair; Fink and Giannetto

As members of the Board of Dietetic Examiners:

MARY K. CARLSON: Priebe, Chair; Fink and Kramer  
CHARLES H. FINCH: Kramer, Chair; Bisignano and Buhr  
ELVIN R. SOLL: McLaren, Chair; Buhr and Bisignano

As members of the Board of Examiners for the Licensing and Regulation of  
Hearing Aid Dealers:

RICHARD T. CLARK: Lind, Chair; Priebe and Welsh  
CORAL M. JUD: Rittmer, Chair; Dieleman and Fink

As members of the Board of Medical Examiners:

DR. JAMES D. COLLINS, JR.: Lind, Chair; Bisignano and Buhr  
DR. DONNA M. NORMAN: Drake, Chair; Gronstal and Kibbie  
LAURA J. STENSRUD: Dieleman, Chair; Fink and McLaren

As members of the Board of Mortuary Science Examiners:

DIANE E. PALMER: Kramer, Chair; Bisignano and Buhr  
PETER R. TEAHEN: Sorensen, Chair; Welsh and Drake.

As a member of the Board of Nursing Examiners:

NANCY E. KNUTSTROM: Rittmer, Chair; Dieleman and Fink

As members of the Board of Optometry Examiners:

DR. PATRICIA A. BLUME: Fink, Chair; Giannetto and McKean

SHARON M. MAHOOD: McKean, Chair; Sorensen and Welsh

DR. RICHARD F. NOYES: McKean, Chair; Priebe and Sorensen

As members of the Board of Pharmacy Examiners:

MARIAN L. ROBERTS: Kibbie, Chair; Gronstal and Drake

ARLAN D. VAN NORMAN: Priebe, Chair; Sorensen and Rittmer

As members of the Physical and Occupational Therapy Examiners:

JAMES E. HUGHES: McKean, Chair; Dieleman and Giannetto

ALICE B. PRICE: Fink, Chair; Giannetto and Kramer

As members of the Board of Podiatry Examiners:

LILLIAN J. MADISON: McKean, Chair; Fink and Priebe

DR. BRENDA M. SALOCKER: McLaren, Chair; Buhr and Dieleman

As members of the Board of Psychology Examiners:

DR. JANET S. McDONOUGH: Kramer, Chair; Bisignano and Buhr

DR. SCOTT W. SHAFER: Kramer, Chair; Bisignano and Buhr

As members of the Board of Social Work Examiners:

RICHARD MATLAND: McLaren, Chair; Gronstal and Giannetto

ERLENE VEVERKA: Dieleman, Chair; Sorensen and McLaren

As members of the Board of Speech Pathology and Audiology Examiners:

JULIA A. BEBENSEE: Kramer, Chair; Bisignano and Buhr

MICHAEL G. GENZ: Kramer, Chair; Bisignano and Buhr

ROSE G. HAYNE: Kramer, Chair; Bisignano and Buhr

As members of the Commission on the Status of African-Americans:

JIM C. HESTER: Rittmer, Chair; Dieleman and Fink

REV. MARVIN D. JENKINS: Lind, Chair; Welsh and Sorensen

ANDRE' PERRY: Pate, Chair; Giannetto and Sorensen

As members of the Engineering and Land Surveying Examining Board:

JOLEE L. BELZUNG: Kramer, Chair; Bisignano and Buhr

ANNE W. McKEOWN: Gronstal, Chair; Kibbie and Drake

**TERRY L. MARTIN:** Lind, Chair; Buhr and Priebe

As members of the Iowa Board of Veterinary Medicine:

**DR. DEAN FREY:** Pate, Chair; Kibbie and Buhr

**JANE A. McCALL:** McKean, Chair; Fink and Giannetto

As a member of the Iowa Emergency Response Commission:

**JULIE-ANITA INGOLI:** Pate, Chair; Priebe and Gronstal

As members of the Iowa Lottery Board:

**EMMA M. CHANCE:** Gronstal, Chair; Kibbie and Drake

**GARY HUGHES:** Welsh, Chair; Gronstal and Drake

As members of the Landscape Architectural Examining Board:

**M. SUSAN ERICKSON:** Giannetto, Chair; Sorensen and McLaren

**MONTY D. MITCHELL:** Pate, Chair; Priebe and Sorensen

As members of the Real Estate Appraiser Examining Board:

**DAVID R. HICKS:** McLaren, Chair; Giannetto and Sorensen

**NANCY M. LARSON:** McKean, Chair; Priebe and Welsh

**DIANNE L. PACA:** Pate, Chair; Gronstal and Dieleman

As members of the Real Estate Commission:

**RUSSELL D. NADING:** Priebe, Chair; Gronstal and Pate

**EVELYN M. RANK:** Priebe, Chair; Gronstal and Pate

As a member of the Respiratory Care Advisory Committee:

**NANCY E. WELTER:** Pate, Chair; Dieleman and Welsh

As members of the State Board of Examiners for Nursing Home Administrators:

**STEVEN C. DOWD:** Giannetto, Chair; Priebe and McLaren

**GARY A. KIRCHHOF:** Lind, Chair; Priebe and Sorensen

**DAVID E. KOOS:** McLaren, Chair; Kibbie and Gronstal

**DRUCILLA M. STRAUB:** Buhr, Chair; Bisignano and Kramer

**LANNY J. WARD:** Fink, Chair; Giannetto and Lind

As members of the State Racing and Gaming Commission:

**LORRAINE MAY:** Welsh, Chair; Gronstal and Drake

**NANCY L. WHITTENBURG:** Kibbie, Chair; Gronstal and Drake

**COMMITTEE REPORT****WAYS AND MEANS**

**Final Bill Action:** SENATE FILE 2316 (SSB 2256.1), a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Deluhery, Freeman, Hedge, Lloyd-Jones, McLaren, Murphy, Palmer, Rosenberg and Szymoniak. Nays, 2: Drake and Riordan. Absent or not voting, 1: Hester.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**PRESENTATION OF VISITORS**

Senator Bennett introduced a group of young people from around the world with the "Up With People" organization. They will be performing at the Des Moines Civic Center on March 24, 1994.

The organization consists of some 700 positions that will visit more than 80 different towns and cities on two continents and travel over 30,000 miles.

Senator Bennett announced that Karla Mickey, 1993 Senate Page from Oskaloosa, is currently touring with a cast in Europe. Also, Abbey Coon, a 17 year-old from Early, is touring with another group in California.

**REPORT OF COMMITTEE MEETING****WAYS AND MEANS**

**Convened:** March 21, 1994, 2:10 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Hester (excused).

**Committee Business:** Recommended passage of House File 2343; approved SSBs 2255 and 2256.1 as committee bills.

**Adjourned:** 3:10 p.m.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 180

JUDICIARY: Rosenberg, Chair; Drake and Sturgeon

#### House File 2149

JUDICIARY: Bisignano, Chair; Rosenberg and Taylor

#### House File 2153

JUDICIARY: Giannetto, Chair; Lloyd-Jones and Taylor

#### House File 2217

JUDICIARY: Lloyd-Jones, Chair; Connolly and Maddox

#### House File 2236

JUDICIARY: Sturgeon, Chair; Pate and Rosenberg

#### House File 2267

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

#### House File 2270

JUDICIARY: Rosenberg, Chair; McKean and Sturgeon

#### House File 2284

JUDICIARY: McKean, Chair; Giannetto and Vilsack

#### House File 2286

JUDICIARY: Vilsack, Chair; Maddox and Sturgeon

#### House File 2321

JUDICIARY: Vilsack, Chair; Giannetto and Redfern

**House File 2325**

JUDICIARY: Giannetto, Chair; McKean and Rosenberg

**House File 2342**

JUDICIARY: Vilsack, Chair; Connolly and Redfern

**House File 2352**

JUDICIARY: Rosenberg, Chair; McKean and Sturgeon

**House File 2370**

COMMERCE: Gronstal, Chair; Bisignano, Jensen, Kersten and Palmer

**House File 2384**

JUDICIARY: Giannetto, Chair; Drake and Vilsack

**House File 2389**

JUDICIARY: Giannetto, Chair; Pate and Rosenberg

**AMENDMENTS FILED**

S-5275	S. F.	2279	Al Sturgeon
S-5276	S. F.	2290	Tony Bisignano
S-5277	S. F.	2294	Patty Judge
			Jim Riordan

## AFTERNOON SESSION

The Senate reconvened at 3:10 p.m., Senator Riordan presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2293

On motion of Senator Sturgeon, Senate File 2293, a bill for an act relating to child endangerment and establishing penalties, was taken up for consideration.

Senator Giannetto offered amendment S—5271 filed by Senators Giannetto, et al., on March 21, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5271 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2293) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
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 2279

On motion of Senator Sturgeon, Senate File 2279, a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, was taken up for consideration.

Senator Sturgeon offered amendment S—5275 filed by him from the floor to pages 15, 16, 33, 42, 44, 45, 59, 60, 61, 64, 65, 67, 69, 70, 71, 78, 80, 85, 86, 90 and the title page of the bill and moved its adoption.

Amendment S—5275 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2279) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Bisignano

Kibbie

McLaren

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### UNFINISHED BUSINESS (Deferred March 9, 1994)

#### Senate File 2079

The Senate resumed consideration of Senate File 2079, a bill for an act providing for the inspection of commercial weighing and measuring devices, and providing for fees, and amendment S—5095 by the committee on Ways and Means to strike everything after the enacting clause and to the title page of the bill, deferred March 9, 1994.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he returns on request of Senator Rife.

### BUSINESS PENDING

#### Senate File 2079

The Senate resumed consideration of Senate File 2079 and amendment S—5095.

Senator Bisignano withdrew amendment S—5147 filed by him on March 10, 1994 to amendment S—5095.

Senator Husak moved the adoption of amendment S—5095.

A record roll call was requested.

On the question "Shall amendment S—5095 be adopted?" (S.F. 2079) the vote was:

Ayes, 26:

Boswell  
Dvorsky

Connolly  
Fink

Deluhery  
Fraise

Dieleman  
Gettings

Giannetto	Gronstal	Hester	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 23:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Drake	Freeman
Hedge	Jensen	Kersten	Kramer
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Voting present, 1:

Lind

Amendment S—5095 was adopted.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2079) the vote was:

Ayes, 29:

Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hester	Horn	Husak	Jensen
Judge	Kibbie	Lloyd-Jones	Murphy
Palmer	Priebe	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Nays, 20:

Banks	Bartz	Bennett	Bisignano
Borlaug	Freeman	Hedge	Kersten
Kramer	Maddox	McKean	McLaren
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

Voting present, 1:

Lind

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 Horn asked and received unanimous consent that Senate Files 2293, 2279 and 2079 be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2307**, a bill for an act relating to public safety by changing the definition of legal age concerning alcoholic beverage control, by restricting possession of alcohol by certain persons, by providing for forfeiture of vehicles driven by persons convicted of a third or subsequent offense for operating a motor vehicle while intoxicated, and by providing for motor vehicle laws of the road by establishing a provision on exhibition driving and a penalty.

This bill was read first time and passed on file.

## APPENDIX

### REPORTS OF STANDING COMMITTEES (Place nominees on En Bloc Confirmation Calendar)

#### BUSINESS AND LABOR RELATIONS

Pursuant to Senate Rule 59, the committee on Business and Labor Relations assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 22, 1994, and recommended the appointees be confirmed:

Cynthia P. Eisenhower as Director of the Department of Employment Services.

Norma I. Lock as a member of the Employment Appeal Board.

Richard R. Ramsey as a member of the Public Employment Relations Board.

#### ENVIRONMENT AND ENERGY UTILITIES

Pursuant to Senate Rule 59, the committee on Environment and Energy Utilities assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 22, 1994, and recommended the appointees be confirmed:

Kathryn A. Murphy as a member of the Environmental Protection Commission.

Ann R. Schuster and Rita A. Venner as members of the Renewable Fuel Advisory Committee.

### REPORT OF STANDING COMMITTEE (Place nominee on Individual Confirmation Calendar)

#### BUSINESS AND LABOR RELATIONS

Pursuant to Senate Rule 59, the committee on Business and Labor Relations assigned to investigate the following Governor's appointment, completed its investigation on March 22, 1994, and made no recommendation:

Shirlene R. Robinson as a member of the Employment Appeal Board.

#### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F. 2155 Education

H.F.	2372	Human Resources
H.F.	2401	Local Government
H.F.	2407	Human Resources
H.F.	2409	Judiciary
H.F.	2410	Human Resources

### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2317 (formerly Senate File 2093), a bill for an act relating to a study to support historical farmstead restoration.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, and Tinsman. Nays, none. Absent or not voting, 4: Bisignano, Connolly, Palmer 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 2317 and they were attached to the committee report.

#### ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** HOUSE FILE 2055, a bill for an act imposing a lien for city or county expenditures for closure or postclosure care of sanitary landfills.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Rosenberg, Kersten, Banks, Borlaug, Fink, Gronstal, Hedge, Horn, Sorensen and Welsh. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2365, a bill for an act relating to rechargeable batteries.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Rosenberg, Banks, Fink, Gronstal, Hedge, Horn, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Kersten and Borlaug.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 119, a concurrent resolution condemning bigotry and hatred.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2134, a bill for an act to permit the patient advocate to attend hospitalization hearings of persons who are alleged to be seriously mentally impaired.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2302, a bill for an act creating a personal assistance services program for persons with disabilities and a comprehensive family support program for families of persons with disabilities to be administered by the department of human services.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5280.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2373, a bill for an act relating to the procedure for recording of a satisfaction of payment for child support, which is not made through the clerk of the district court or the collection services center, for a child who is not a recipient of public assistance.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 642, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5279.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Priebe.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2094, a bill for an act relating to the collection and disposition of fees by county officers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Priebe.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2313, a bill for an act providing for the administration of drainage districts, and providing for assessments.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Priebe.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 414 failed to pass the Senate on March 21, 1994.

MERLIN E. BARTZ

**INTRODUCTION OF BILL**

**Senate File 2317**, by committee on Appropriations, a bill for an act relating to a study to support historical farmstead restoration.

Read first time under Rule 28 and placed on Appropriations Calendar.

**AMENDMENTS FILED**

S-5278	S.F.	2286	Al Sturgeon
S-5279	H.F.	642	Local Government
S-5280	H.F.	2302	Human Resources
S-5281	H.F.	2216	Jim Kersten Berl E. Priebe Ray Taylor Derryl McLaren

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 4:28 p.m., until 9:00 a.m., Wednesday, March 23, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-THIRD CALENDAR DAY  
FORTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 23, 1994

The Senate met in regular session at 9:06 a.m., President Boswell presiding.

Prayer was offered by Father Ron Friedell, pastor of the St. Joseph's Church, State Center, Iowa.

The Journal of Tuesday, March 22, 1994, was approved.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

## REQUEST TO REFER BILL TO COMMITTEE (Objection raised)

Senator Horn asked unanimous consent that Senate File 2148 be referred from the Regular Calendar to the committee on Judiciary.

Objection was raised by Senator Priebe.

Senator Horn moved that the Senate recess until 4:30 p.m.

Senator Bartz raised the point of order that the previous motion on the floor takes precedence over the motion to recess.

President Boswell ruled the point not well taken because it was a request instead of a motion.

## RECESS

On motion of Senator Horn, the Senate recessed at 9:45 a.m., until 4:30 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

Convened: March 22, 1994, 11:35 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Borlaug, Buhr, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg and Tinsman.

**Members Absent:** Bisignano, Connolly, Palmer and Vilsack (all excused).

**Committee Business:** Amended Senate File 2093 and ordered redrafted as a committee bill and placed on calendar.

**Adjourned:** 11:43 a.m.

#### BUSINESS AND LABOR RELATIONS

Convened: March 22, 1994, 2:35 p.m.

**Members Present:** Gettings, Chair; Sturgeon, Vice Chair; Redfern, Ranking Member; Buhr, Connolly, Freeman, Giannetto, Maddox, Murphy and Taylor.

**Members Absent:** none.

**Committee Business:** Recommended confirmation of governor's appointees; placed Shirlene R. Robinson on Individual Confirmation Calendar with no recommendation.

**Adjourned:** 2:45 p.m.

#### ENVIRONMENT AND ENERGY UTILITIES

Convened: March 22, 1994, 1:37 p.m.

**Members Present:** Rosenberg, Chair; Fink, Vice Chair; Kersten, Ranking Member; Banks, Borlaug, Gronstal, Hedge, Horn, Sorensen and Welsh.

**Members Absent:** none.

**Committee Business:** Recommended confirmation of governor's appointees; recommended passage of House Files 2055 and 2365; recommended passage of House File 2177 as amended.

**Adjourned:** 3:00 p.m.

## HUMAN RESOURCES

**Convened:** March 22, 1994, 1:38 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** House File 2012 failed recommendation for passage; recommended passage of House Files 2134, 2373 and House Concurrent Resolution 119; recommended passage of House File 2302 as amended; recommended confirmation of governor's appointees.

**Adjourned:** 2:22 p.m.

## LOCAL GOVERNMENT

**Convened:** March 22, 1994, 8:05 a.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** Priebe.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 642 as amended; recommended passage of House Files 2094 and 2313; recommended passage of governor's appointee.

**Adjourned:** 8:45 a.m.

## STATE GOVERNMENT

**Convened:** March 22, 1994, 4:30 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Buhr, Dieleman, Fink, Giannetto, Lind, McKean, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** Bisignano, Drake, Kramer, McLaren and Welsh (all excused).

**Committee Business:** Assigned bills to subcommittees.

**Adjourned:** 4:32 p.m.

### REPORT OF THE COMMITTEE ON MEMORIAL RESOLUTIONS

**MR. PRESIDENT:** The committee on memorial resolutions has ascertained the names of former members of the Senate who have become deceased and appoints the following committee to prepare memorial resolutions:

**LINN FUHRMAN:** Freeman, Chair; Bennett and Kibbie

**HARRY SLIFE:** Redfern, Chair; Lind and Husak

**CHARLES P. MILLER:** Fraise, Chair; Vilsack and Drake

**GEORGE W. GROSS:** Sturgeon, Chair; Banks and Bennett

**WILLIAM D. PALMER, Chair**  
**BERL E. PRIEBE**  
**RAY TAYLOR**  
**BRAD BANKS**

### REPORT OF THE SECRETARY OF THE SENATE

**MR. PRESIDENT:** Pursuant to Senate Rule 21, I report that in engrossing Senate File 2279, the following corrections were made:

1. Page 70, line 13, the section number "554.4210" was inserted before the word "PRESENTMENT".

**JOHN F. DWYER**  
Secretary of the Senate

### BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

H.F. 2307      Judiciary

## SIMILAR BILL RECEIVED

On March 21, 1994, House File 2415 was received and attached to similar Senate File 2312 on the senate calendar.

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Coach Doug Moody and the Heelen High School Boys' basketball team, Sioux City — For participation in the 1994 Class 4-A Boys' State high school basketball tournament. Senators Sturgeon and Banks (3-21-94).

Coach Frank Sanders and the Johnston Dragons, Johnston — For winning the 1994 Class 3-A Boys' State high school basketball tournament. Senator Maddox (3-19-94).

Coach Wessel and the Davenport West High School Boys' basketball team — For a perfect season and for winning the 1994 Class 4-A Boys' State high school basketball tournament. Senator Tinsman (3-25-94).

Coach Laurie Busch and the Bettendorf High School Girls' basketball team — For winning the 1994 Class 4-A Girls' State high school basketball tournament. Senator Tinsman (3-15-94).

Coach Denny Thiessen and the Cedar Rapids-Prairie Hawks high school basketball team — For placing second in the 1994 Class 4-A Boys' State high school basketball tournament. Senator Dvorsky (3-21-94).

Coach Paul Walton and the Boyden-Hull Comets high school basketball team — For placing third in the 1994 Class 1-A Boys' State high school basketball tournament. Senator Rensink (3-22-94).

1993-94 Riceville Boys' State Wrestling Champions, Riceville — For winning the 1994 "State Dual" championship. Senator Borlaug (3-23-94).

1993-94 Riceville Boys' State Wrestling Champions, Riceville — For winning the "Team" championship in the traditional state tournament. Senator Borlaug (3-23-94).

Coach Glenn Bouma and the Unity Christian Knights high school basketball team, Orange City — For winning the 1994 Class 2-A Boys' State high school basketball tournament. Senator Rensink (3-22-94).

**SUBCOMMITTEE ASSIGNMENTS****House File 2120**

STATE GOVERNMENT: Fink, Chair; Buhr and Kramer

**House File 2146**

STATE GOVERNMENT: Welsh, Chair; Dieleman and Kramer

**House File 2179**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**House File 2372**

HUMAN RESOURCES: Sturgeon, Chair; Dvorsky and Kramer

**House File 2402**

STATE GOVERNMENT: Gronstal, Chair; Bisignano and Pate

**House File 2407**

HUMAN RESOURCES: Szymoniak, Chair; Lloyd-Jones and Rittmer

**House File 2410**

HUMAN RESOURCES: Szymoniak, Chair; Lloyd-Jones and Rittmer

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)**AGRICULTURE**

Pursuant to Senate Rule 59, the committee on Agriculture assigned to investigate the following Governor's appointments, completed its investigations on March 23, 1994, and recommended the appointees be confirmed:

Edward E. Engstrom, Gene E. Geissinger and Gordon E. Swenson as members of the Agricultural Development Authority.

**LOCAL GOVERNMENT**

Pursuant to Senate Rule 59, the committee on Local Government assigned to investigate the following Governor's appointment, completed its investigation on March 22, 1994, and recommended the appointee be confirmed:

Delman L. Bowers as a member of the City Development Board.

## COMMITTEE REPORTS

### AGRICULTURE

**Final Bill Action:** HOUSE FILE 2391, a bill for an act excusing reporting requirements for certain persons owning, leasing, or holding agricultural land in this state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Priebe, Riordan, Bartz, Boswell, Fraise, Hedge, Hester, Husak, Palmer, Sorensen and Ziemann. Nays, 1: Banks. Absent or not voting, 3: Giannetto, Judge and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** HOUSE FILE 2177, a bill for an act relating to underground storage tanks site classifications and monitoring, the underground storage tank fund board and the department of natural resources, installers, bonds, and relating to the environmental protection charge, and providing a penalty.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5283.

**Final Vote:** Ayes, 6: Rosenberg, Fink, Gronstal, Horn, Sorensen and Welsh. Nays, 4: Kersten, Banks, Borlaug and Hedge.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 455, a bill for an act relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2120, a bill for an act relating to benefits paid under the state employees disability insurance program, and providing effective and retroactive applicability dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe and Sorensen. Nays, none. Absent or not voting, 3: Dieleman, McLaren and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2192, a bill for an act relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe and Sorensen. Nays, none. Absent or not voting, 3: Dieleman, McLaren and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2361, a bill for an act relating to certain state publication and purchasing procedures involving the department of general services.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Bisignano and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2366, a bill for an act relating to reapportionment, redistricting, and reprecincting by certain jurisdictions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe and Sorensen. Nays, none. Absent or not voting, 3: Dieleman, McLaren and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S—5282	S. F.	2063	Robert E. Dvorsky
S—5283	H. F.	2177	Environment & Energy Utilities
S—5284	S. F.	2213	Maggie Tinsman

## AFTERNOON SESSION

The Senate reconvened at 5:02 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2375**, a bill for an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

This bill was read first time and **passed on file**.

**House File 2406**, a bill for an act relating to the marketability of contaminated property and providing an effective and applicability date.

This bill was read first time and **passed on file**.

## APPENDIX

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2375	State Government
H.F.	2406	Environment and Energy Utilities

### COMMITTEE REPORTS

#### COMMERCE

**Final Bill Action:** HOUSE FILE 307, a bil for an act providing for limitations on judgments.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none. Pass, 1: Kersten.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 403, a bill for an act relating to the disposition of property left unclaimed at a dry cleaning establishment.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5287.

**Final Vote:** Ayes, 13: Deluhery, Palmer, Jensen, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none. Absent or not voting, 2: Bisignano and Lind.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2232, a bill for an act relating to the rights and obligations of innkeepers and guests.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none. Absent or not voting, 1: Bisignano.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2370, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing a repeal provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Deluhery, Palmer, Jensen, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh. Nays, none. Absent or not voting, 1: Bisignano.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Final Bill Action:** HOUSE FILE 2033, a bill for an act requiring the state board of education to define the minimum school day.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2155, a bill for an act relating to public school services provided to children attending nonpublic schools.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2345, a bill for an act relating to the use of additional allowable growth by school districts for costs of insurance and providing an effective and applicability date provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, 1: Dieleman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2383, a bill for an act relating to safety in schools.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5289.

**Final Vote:** Ayes, 12: Connolly, Kibbie, Deluhery, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Tinsman and Vilsack. Nays, 3: Kramer, Dieleman and Taylor.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## NATURAL RESOURCES

**Final Bill Action:** HOUSE FILE 230, a bill for an act relating to the offense of operating a motorboat or sailboat while intoxicated and providing penalties and other related matters.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5288.

**Final Vote:** Ayes, 9: Fink, Dieleman, Hester, Hedge, Judge, Kibbie, Rensink, Riordan and Sturgeon. Nays, 1: Priebe. Absent or not voting, 2: Banks and McKean.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## STATE GOVERNMENT

**Final Bill Action:** HOUSE FILE 2146, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5286.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: Bisignano and McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### PRESENTATION OF VISITORS

The Chair welcomed the Honorable John Soorholtz, former member of the Senate from Marshall County, who was present in the Senate chamber.

The following visitors were present in the Senate gallery:

Forty-one twelfth grade students from Central Lyon Community School, Rock Rapids, accompanied by Eldon Maxwell. Senator Rensink.

### AMENDMENTS FILED

S-5285	S.F.	2305	Tony Bisignano
S-5286	H.F.	2146	State Government
S-5287	H.F.	403	Commerce
S-5288	H.F.	230	Natural Resources
S-5289	H.F.	2383	Education

### ADJOURNMENT

On motion of Senator Husak, the Senate adjourned at 5:06 p.m., until 9:00 a.m., Thursday, March 24, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 24, 1994

The Senate met in regular session at 9:06 a.m., President Boswell presiding.

Prayer was offered by the Reverend Keith Scott, pastor of the First United Methodist Church, Cedar Falls, Iowa.

The Journal of Wednesday, March 23, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2363**, a bill for an act providing for the regulation of commercial weighing and measuring devices, and providing for fees.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 23, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2387**, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty.

This bill was read first time and **passed on file**.

## SPECIAL GUEST

Senator Borlaug introduced his cousin, Dr. Norman E. Borlaug, who was born on a farm near Creso in Howard County, Iowa,

on March 25, 1914; eighty years ago tomorrow. Dr. Borlaug was awarded the Nobel Peace Prize in Oslo, Norway, on December 10, 1970, for his wheat breeding accomplishments and bringing the wheat and technology to the bleak lands of the third world.

Dr. Borlaug address the Senate, highlighting the food crisis in the years immediately prior to receiving his award. He explained that, in 1970, the Nobel system did not include a prize for agriculture or food, so he was brought in under the "Peace" category.

He spoke about the food shortages in the world today and the fact that some countries have surplus grains while others, lacking "buying power", have shortages. Dr. Borlaug's life's work has focused on alleviating food shortage problems in the world and he commended Iowa for its involvement in the World Food Product Prize program.

The Senate honored Dr. Borlaug with a standing ovation.

Dr. Borlaug's sister from Cedar Falls accompanied him.

### CONSIDERATION OF BILLS (Regular Calendar)

#### Senate File 2063

On motion of Senator Szymoniak, Senate File 2063, a bill for an act relating to a city's power to allow eligible electors of the city to propose or request reconsideration of a city ordinance, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak asked and received unanimous consent that action on Senate File 2063 be deferred.

#### Senate File 2257

On motion of Senator Rosenberg, Senate File 2257, a bill for an act relating to discrimination cases under the Iowa civil rights Act by providing for mandatory mediation and limitations on damages in certain disability discrimination in employment cases, providing for voluntary mediation in all discrimination cases, and

repealing the section concerning the promotion and transfer of disabled individuals, was taken up for consideration.

Senator Rosenberg asked and received unanimous consent that action on **Senate File 2257** be deferred.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Kersten and McLaren for the day on request of Senator Hedge.

### CONSIDERATION OF BILL (Regular Calendar)

#### Senate File 2277

On motion of Senator Dieleman, Senate File 2277, a bill for an act relating to social studies requirements in the schools, was taken up for consideration.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277) the vote was:

Ayes, 42:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	Murphy
Palmer	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Voting present, 1:

Fink

Absent or not voting, 7:

Horn  
Pate

Kersten  
Redfern

McKean  
Sturgeon

McLaren

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Husak asked and received unanimous consent that **Senate File 2277** be **immediately messaged** to the House.

### RECESS

On motion of Senator Husak, the Senate recessed at 9:53 a.m., until 3:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** March 23, 1994, 8:02 a.m.

**Members Present:** Priebe, Chair; Riordan, Vice Chair; Bartz, Ranking Member; Banks, Boswell, Fraise, Giannetto, Hedge, Hester, Husak, Palmer, Sorensen and Zieman.

**Members Absent:** Judge (excused) and McLaren.

**Committee Business:** Recommended passage of House File 2391; recommended confirmation of governor's appointees.

**Adjourned:** 8:16 a.m.

#### COMMERCE

**Convened:** March 23, 1994, 2:35 p.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Bisignano, Dvorsky, Freeman, Gettings, Gronstal, Kersten, Lind, Pate, Priebe, Redfern, Sturgeon and Welsh.

**Members Absent:** none.

**Committee Business:** Recommended confirmation of governor's appointees; recommended passage of House Files 403, 201 and 307 (as amended in '93); recommended passage of House Files 2370 and 2232.

**Adjourned:** 3:35 p.m.

#### EDUCATION

**Convened:** March 23, 1994, 3:40 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House Files 2155, 2033 and 2345; recommended passage of House File 2383 as amended; recommended confirmation of governor's appointees.

**Adjourned:** 4:56 p.m.

## JUDICIARY

**Convened:** March 23, 1994, 5:10 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Drake.

**Committee Business:** Recommended passage of House Files 2270, 628, 2352, 2321, 2342, 2286, 2267, 2217, 2149, 2153, 2384, 2284 and 2409.

**Adjourned:** 5:45 p.m.

## NATURAL RESOURCES

**Convened:** March 23, 1994, 1:12 p.m.

**Members Present:** Fink, Chair; Dieleman, Vice Chair; Hester, Ranking Member; Hedge, Judge, Kibbie, Priebe, Rensink, Riordan and Sturgeon.

**Members Absent:** Banks and McKean.

**Committee Business:** Recommended passage of House File 230 as amended.

**Adjourned:** 1:25 p.m.

## SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

**Convened:** March 23, 1994, 9:50 a.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bartz, Bennett, Bisignano, Borlaug, Giannetto, Judge, Kibbie, Lloyd-Jones, Maddox and Sorensen.

**Members Absent:** none.

**Committee Business:** Placed governor's appointees on en bloc confirmation calendar; presentation by department of management on performance-based governance.

Adjourned: 10:30 a.m.

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2363	Agriculture
H.F.	2387	Human Resources

## BILL SIGNED BY THE GOVERNOR

Communication was received announcing that on March 24, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2276 — an act relating to and authorizing the establishment of a legal entity for the administration of the insurance business of impaired or insolvent insurers by one or more state life and health insurance guaranty associations and providing for assessments.

## REPORTS OF STANDING COMMITTEES (Place nominees on En Bloc Confirmation Calendar)

### COMMERCE

Pursuant to Senate Rule 59, the committee on Commerce assigned to investigate the following Governor's reappointments, completed its investigations on March 23, 1994, and recommended the appointees be confirmed:

Tom N. Sarvis, William G. Sizer and H. Idris Thomas as members of the Credit Union Review Board.

### EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 23 and 24, 1994, and recommended the appointees be confirmed:

Dr. Al Ramirez as Director of the Department of Education.

Dr. Al Ramirez as a member of the First in the Nation in Education Foundation Governing Board.

Marcia Dudden, Jeffrey D. Eaton, Betty J. Furgerson, Gene Gardner, Karen K. Goodenow and John V. Hartung as members of the Higher Education Strategic Planning Council.

Sally J. Frudden, Gregory D. McClain and Ronald J. McGauvran as members of the State Board of Education.

### HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 22, 1994, and recommended the appointees be confirmed:

Jane Dubberke as a member of the Board of Physician Assistant Examiners.

Austin B. Turner as a member of the Iowa Council on Human Investment.

Robert J. DeSmidt as a member of the Mental Health and Mental Retardation Commission.

### SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Pursuant to Senate Rule 59, the committee on Small Business, Economic Development, and Tourism assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 23, 1994, and recommended the appointees be confirmed:

Lois H. Eichacker and Eugene L. Larson as members of the Iowa Economic Development Board.

George O. Barton, James M. Doyne, Christine R. Junker and Eugene W. Pierce, III as members of the Small Business Advisory Council.

Marlys D. Johnson, Janice K. Laue, Lori A. Logli, Gaylen A. Mendini, Robert O. Paulson, Russell W. Teig, Dr. Nancy J. Tomes and Rod A. Walker as members of the Wallace Technology Transfer Foundation of Iowa.

ALSO:

Pursuant to Senate Rule 59, the committee on Small Business, Economic Development, and Tourism assigned to investigate the following Governor's appointment completed its investigation on March 23, 1994, and made no recommendation:

Wayne T. Newton as a member of the Wallace Technology Transfer Foundation of Iowa.

## TRANSPORTATION

Pursuant to Senate Rule 59, the committee on Transportation assigned to investigate the following Governor's appointments and reappointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Paul H. Wieck, II as Commissioner of Public Safety.

Gerald R. Hinzman and James R. Wharton as members of the Iowa Law Enforcement Academy Council.

Richard L. Pellett and Daniel H. Wiedemeier as members of the State Transportation Commission.

## COMMITTEE REPORTS

### EDUCATION

**Final Bill Action:** HOUSE FILE 2049, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5296.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Dieleman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### JUDICIARY

**Final Bill Action:** HOUSE FILE 2149, a bill for an act relating to HIV-related testing of convicted sexual assault offenders.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2153, a bill for an act to prohibit eluding a law enforcement vehicle while participating in the commission of a felony and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2217, a bill for an act relating to changes in terms used to describe parents, children, siblings, and their relationships to one another.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2267, a bill for an act eliminating the requirement that a duplicate receipt for property taken incident to an arrest be filed with the clerk of the district court.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2270, a bill for an act relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2284, a bill for an act authorizing clerks of the district court to enter scheduling orders in probate matters.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2286, a bill for an act increasing the jurisdictional amount for small claims.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2321, a bill for an act relating to leases, by providing for leasing agreements, and amending the uniform commercial code by establishing a new article relating to leases.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2342, a bill for an act relating to the time limit for an administratively dissolved corporation to file for reinstatement and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2384, a bill for an act enacting the uniform fraudulent transfer Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Sturgeon, Rosenberg, McKean, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, 2: Bisignano and Connolly. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2409, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sturgeon, McKean, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, 3: Rosenberg, Bisignano and Connolly. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 628, a bill for an act relating to the crime of burglary.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2352, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack. Nays, none. Absent or not voting, 2: Drake and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### AMENDMENTS FILED

S—5290	H.F.	2153	Randal J. Giannetto
S—5291	S.F.	2257	Ralph Rosenberg
S—5292	S.F.	2291	Mary E. Kramer
S—5293	S.F.	2257	Ralph Rosenberg
S—5294	H.F.	642	Maggie Tinsman Tom Vilsack
S—5295	H.F.	642	Maggie Tinsman Tom Vilsack
S—5296	H.F.	2049	Education

## AFTERNOON SESSION

The Senate reconvened at 3:22 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** *I am directed to inform your honorable body that the House has on March 23, 1993, passed the following bills in which the concurrence of the Senate is asked:*

**House File 121**, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree.

This bill was read first time and passed on file.

**House File 2350**, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

This bill was read first time and passed on file.

**House File 2376**, 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, and the commission of veterans affairs, and providing an effective date.

This bill was read first time and passed on file.

**ALSO:** That the House has on March 24, 1993, passed the following bills in which the concurrence of the Senate is asked:

**House File 2169**, a bill for an act relating to lawful fences, by providing for smooth high-tensile wire fences.

This bill was read first time and passed on file.

**House File 2264**, a bill for an act providing for the right of access to cemeteries.

This bill was read first time and **passed on file**.

**House File 2392**, a bill for an act to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill.

This bill was read first time and **passed on file**.

**House File 2403**, a bill for an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals.

This bill was read first time and **passed on file**.

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	121	Judiciary
H.F.	2392	Judiciary
H.F.	2403	Small Business, Economic Development, and Tourism

### BUSINESS PENDING

#### Senate File 2257

The Senate resumed consideration of Senate File 2257, a bill for an act relating to discrimination cases under the Iowa civil rights Act by providing for mandatory mediation and limitations on damages in certain disability discrimination in employment cases, providing for voluntary mediation in all discrimination cases, and repealing the section concerning the promotion and transfer of disabled individuals, previously deferred.

Senator Rosenberg withdrew amendment S—5291 filed by him from the floor to pages 1-3 and the title page of the bill.

Senator Rosenberg offered amendment S—5293 filed by him from the floor to pages 1-3 and the title page of the bill and moved its adoption.

Amendment S—5293 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2257) the vote was:

Ayes, 42:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Husak
Jensen	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Palmer
Pate	Priebe	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 8:

Giannetto	Horn	Judge	Kersten
McLaren	Murphy	Redfern	Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Husak asked and received unanimous consent that Senate File 2257 be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 14, 1994, passed the following bill in which the concurrence of the Senate is asked:

House File 2283, a bill for an act relating to reporting requirements for campaign contributions, expenditures, or indebtedness that are subject to the authority of the ethics and campaign disclosure board by conforming disclosure thresholds,

providing for reporting of certain independent expenditures, and making related technical changes.

**This bill was read first time and passed on file.**

ALSO: That the House has on March 23, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2151**, a bill for an act relating to the statewide notification center established for the purpose of transmitting information regarding excavations.

**This bill was read first time and passed on file.**

The Senate stood at ease at 3:33 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 3:43 p.m., President Boswell presiding.

#### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2169** was assigned to the committee on **Local Government**.

The Senate stood at ease at 3:45 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 3:52 p.m., President Boswell presiding.

#### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2264** was assigned to the committee on **Local Government**.

The Senate stood at ease at 3:53 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 4:00 pm., President Boswell presiding.

## APPENDIX

### REPORT OF COMMITTEE MEETING

#### STATE GOVERNMENT

Convened: March 23, 1994, 10:38 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** McLaren.

**Committee Business:** Recommended passage of House Files 2120, 2192, 2366, 455 and 2361; recommended passage of House File 2146 as amended.

Adjourned: 10:56 a.m.

### STUDY BILL RECEIVED

#### SSB 2262 Ways and Means

Relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date.

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

1993-94 New Hampton High School Boys' basketball team — For placing second in the 1994 Class 3-A Boys' State high school basketball tournament. Senator Borlaug (3-24-94).

### SUBCOMMITTEE ASSIGNMENTS

#### House File 121

JUDICIARY: Sturgeon, Chair; Maddox and Szymoniak

#### House File 183

EDUCATION: Kibbie, Chair; Redfern and Vilsack

**House File 2155**

EDUCATION: Connolly, Chair; Deluhery and Rensink

**House File 2307**

JUDICIARY: Rosenberg, Chair; Connolly and McKean

**House File 2311**

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Rittmer

**House File 2363**

AGRICULTURE: Sorensen, Chair; Hester and Judge

**House File 2367**

TRANSPORTATION: Fraise, Chair; Connolly and Drake

**House File 2375**

STATE GOVERNMENT: Gronstal, Chair; Dieleman and Drake

**House File 2387**

HUMAN RESOURCES: Sturgeon, Chair; Riordan and Rittmer

**House File 2392**

JUDICIARY: Welsh, Chair; Bisignano and Pate

**House File 2401**

LOCAL GOVERNMENT: Sorensen, Chair; Fraise and Maddox

**House File 2403**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM: Riordan,  
Chair; Vilsack and Zieman.**House File 2406**ENVIRONMENT AND ENERGY UTILITIES: Gronstal, Chair; Kersten and  
Rosenberg**House File 2409**

JUDICIARY: Giannetto, Chair; Taylor and Vilsack.

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2350	Appropriations
H.F.	2376	Appropriations

## COMMITTEE REPORTS

### COMMERCE

**Final Bill Action:** HOUSE FILE 201, a bill for an act allowing an account maintenance fee to be charged in connection with consumer line of credit accounts in state or national financial institutions.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5297.

**Final Vote:** Ayes, 11: Deluhery, Palmer, Jensen, Dvorsky, Freeman, Gettings, Gronstal, Pate, Priebe, Redfern and Welsh. Nays, 2: Lind and Sturgeon. Pass, 2: Bisignano and Kersten

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ENVIRONMENT AND ENERGY UTILITIES

**Final Bill Action:** HOUSE FILE 2118, a bill for an act relating to underground storage tank lender liability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Rosenberg, Fink, Banks, Borlaug, Gronstal, Hedge and Sorensen. Nays, none. Absent or not voting, 3: Kersten, Horn and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Final Bill Action:** HOUSE FILE 2406, a bill for an act relating to the marketability of contaminated property and providing an effective and applicability date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Rosenberg, Fink, Banks, Borlaug, Gronstal, Hedge and Sorensen. Nays, none. Absent or not voting, 3: Kersten, Horn and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 2184, a bill for an act relating to the factors considered in the placement of a child for adoption.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5299.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2261, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5300.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2354, a bill for an act relating to certification of certain medication aides.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2372, a bill for an act relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2387, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Judge.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2407, a bill for an act relating to the collection of child support, including levies against the accounts of certain child support obligors and including affecting of the professional licensure or certification status of an obligor held in contempt of court.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5301.

**Final Vote:** Ayes, 11: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Kramer, Riordan, Rittmer and Sturgeon. Nays, none. Absent or not voting, 1: Judge.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LOCAL GOVERNMENT

**Final Bill Action:** HOUSE FILE 2169, a bill for an act relating to lawful fences, by providing for smooth high-tensile wire fences.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sorensen, Buhr, Maddox, Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2311, a bill for an act relating to the rate of interest that may be charged by a governing body assessing land within a drainage district.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Sorensen, Buhr, Maddox, Fraise, Priebe, Rittmer, Szymoniak, Vilsack and Zieman. Nays, none. Absent or not voting, 1: Jensen.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2401, a bill for an act relating to the recording duties of county recorders for limited partnerships, corporations for profit, cooperative associations, and nonprofit corporations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Sorensen, Buhr, Maddox, Fraise, Priebe, Rittmer, Szymoniak and Zieman. Nays, 1: Vilsack. Absent or not voting, 1: Jensen.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Final Bill Action:** HOUSE FILE 2403, a bill for an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Riordan, Vilsack, Zieman, Bisignano, Giannetto, Kibbie, Maddox and Sorensen. Nays, none. Absent or not voting, 5: Bartz, Bennett, Borlaug, Judge and Lloyd-Jones.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**STATE GOVERNMENT**

**Final Bill Action:** HOUSE FILE 109, a bill for an act lowering the priority of the standard requiring legislative district boundaries to follow congressional district lines.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 2: McLaren and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2179, a bill for an act relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, providing for a county referendum, imposing a tax, allocating gaming revenues, providing an effective date, providing for other properly related matters, and subjecting violators to existing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Kramer, Lind, Pate, Priebe, and Welsh. Nays, 4: Dieleman, Giannetto, McKean and Sorensen. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2230, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh. Nays, 1: Dieleman. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2375, a bill for an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Drake, Fink, Giannetto, Kramer, Lind, Pate, Priebe and Welsh. Nays, 3: Dieleman, McKean and Sorensen. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2402, a bill for an act relating to demotion of supervisory employees during state government reorganizations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: Gronstal, Kibbie, Rittmer, Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh. Nays, none. Absent or not voting, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S—5297	H.F.	201	Commerce
S—5298	H.F.	2372	Elaine Szymoniak
S—5299	H.F.	2184	Human Resources
S—5300	H.F.	2261	Human Resources
S—5301	H.F.	2410	Human Resources

### ADJOURNMENT

On motion of Senator Husak, the Senate adjourned at 4:01 p.m., until 10:00 a.m., Monday, March 28, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-EIGHTH CALENDAR DAY  
 FORTY-SIXTH SESSION DAY

Senate Chamber  
 Des Moines, Iowa, Monday, March 28, 1994

The Senate met in regular session at 10:04 a.m., President Boswell presiding.

Prayer was offered by the Reverend Wallace Parmer, retired pastor of the First United Methodist Church, Marshalltown, Iowa.

The Journal of Thursday, March 24, 1994, was approved.

## BILLS ASSIGNED TO COMMITTEE

The Chair announced that the following bills were assigned to committee:

H.F.	2151	Local Government
H.F.	2283	State Government

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 44 present, 6 absent and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Riordan until he arrives and Senator Sturgeon for the day on request of Senator Horn; Senator Kersten until he arrives on request of Senator Lind.

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the

following bills on the Senate Calendar no longer eligible for consideration under Senate Rule 60 be referred to committee:

#### **AGRICULTURE**

Senate Files 2148 and 2283.

#### **APPROPRIATIONS**

Senate File 2305.

#### **BUSINESS AND LABOR RELATIONS**

Senate Files 2059, 2082 and 2099.

#### **COMMERCE**

Senate Files 344, 2018, 2274 and 2302.

#### **COMMUNICATIONS AND INFORMATION POLICY**

Senate File 2184.

#### **EDUCATION**

Senate Files 2202, 2238, 2239 and 2243.

#### **ENVIRONMENT AND ENERGY UTILITIES**

Senate Files 264, 2252 and 2301.

#### **HUMAN RESOURCES**

Senate Files 2020, 2043, 2083, 2292 and 2298.

#### **JUDICIARY**

Senate Files 382, 2040, 2143, 2166, 2248, 2255, 2270 and 2309.

#### **LOCAL GOVERNMENT**

Senate File 2054.

#### **STATE GOVERNMENT**

Senate Files 203 and 2246.

#### **TRANSPORTATION**

Senate Files 2012, 2124, 2197 and 2258.

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **House Files 2177, 2192, 201 and 2387** be referred from the Regular Calendar to the committee on **Ways and Means**.

Senator Horn asked unanimous consent that **House File 2179** be referred from the Regular Calendar to the committee on **Ways and Means** and returned to the Senate Calendar by 2:00 p.m., Tuesday, March 29, 1994.

Objection was raised to the time certain by Senator Bennett.

Senator Bennett withdrew his objection.

Senator Horn withdrew his request for unanimous consent.

Senator Horn asked and received unanimous consent that **House File 2179** be referred from the Regular Calendar to the committee on **Ways and Means** and returned to the Senate Calendar by 9:00 a.m., Wednesday, March 30, 1994.

## CONSIDERATION OF BILLS (Regular Calendar)

### House File 542

On motion of Senator Lloyd-Jones, House File 542, a bill for an act relating to programs and services under the purview of the Iowa department of public health, including programs and services relating to licensed substance abuse treatment programs, chemically exposed infants, operations of radiation equipment, state and local substitute medical decision-making boards, homemaker-home health aide transportation, tanning devices enforcement, indoor air, and lead poisoning, and providing criminal penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5233 filed by the committee on Human Resources on March 16, 1994, to pages 1-5, 7-9 and the title page of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S—5233 and **House File 542** be deferred.

## House File 2124

On motion of Senator Vilsack, House File 2124, a bill for an act relating to nonsubstantive Code corrections, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2124) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Hester	Kersten	Rife	Riordan
Sturgeon			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## House File 2156

On motion of Senator Fink, House File 2156, a bill for an act relating to size requirements for registration plates for certain trailers and providing effective and applicability dates, 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. 2156) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten                      Riordan                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2190

On motion of Senator Fink, House File 2190, a bill for an act relating to asbestos testing for training fires involving asphalt shingles, 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. 2190) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy

Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 259

On motion of Senator Bisignano, House File 259, a bill for an act relating to boards of trustees of city hospitals or health care facilities, with report of committee recommending passage, was taken up for consideration.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 259) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 2003

On motion of Senator Judge, House File 2003, a bill for an act relating to child day care building and nutrition requirements, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bartz offered amendment S—5254 filed by the committee on Human Resources on March 17, 1994, to pages 1 and the title page of the bill and moved its adoption.

Amendment S—5254 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. 2003) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 618

On motion of Senator Gettings, House File 618, a bill for an act relating to liens against employers for unpaid unemployment compensation contributions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Gettings offered amendment S—5251 filed by the committee on Business and Labor Relations on March 17, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5251 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?" (H.F. 618) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 2018

On motion of Senator Kibbie, House File 2018, a bill for an act relating to school bus transportation requirements, with report

of committee recommending passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **House File 2018** be deferred.

### House File 2037

On motion of Senator Judge, House File 2037, a bill for an act relating to the involuntary commitment of another, and providing for a summary of the procedures involved in an involuntary commitment, with report of committee recommending passage, was taken up for consideration.

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. 2037) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 2094

On motion of Senator Szymoniak, House File 2094, a bill for an act relating to the collection and disposition of fees by county

officers, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2094) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 2134

On motion of Senator Dvorsky, House File 2134, a bill for an act to permit the patient advocate to attend hospitalization hearings of persons who are alleged to be seriously mentally impaired, 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. 2134) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Fraise	Kersten	Riordan	Sturgeon
Szymoniak			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2302

On motion of Senator Dvorsky, House File 2302, a bill for an act creating a personal assistance services program for persons with disabilities and a comprehensive family support program for families of persons with disabilities to be administered by the department of human services, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent to withdraw amendment S—5280 filed by the committee on Human Resources on March 22, 1994, to pages 4 and 9 of the bill.

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. 2302) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kersten	Riordan	Sturgeon
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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 Horn asked and received unanimous consent that **House Files 2124, 2156, 2190, 259, 2003, 618, 2037, 2094, 2134 and 2302** be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:10 p.m., until 2:30 p.m.

## APPENDIX

### COMMUNICATION FROM THE GOVERNOR

The following communication was received in the office of the secretary of the senate on March 25, 1994:

March 24, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

Pursuant to Iowa Code Section 2.32(4) (1993), the appointment to the Commission on Deaf Services is being deferred because James Snyder has declined reappointment, and an appropriate candidate has not been found for this position at this time.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-two seventh grade students from Berg Middle School, Newton, accompanied by Linda Erickson. Senator Dieleman.

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

Convened: March 24, 1994, 12:02 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Taylor, Tinsman and Visack.

**Members Absent:** none.

**Committee Business:** Recommended confirmation of governor's appointees; recommended passage of House File 2049 as amended.

**Adjourned:** 12:17 p.m.

## **ENVIRONMENT AND ENERGY UTILITIES**

**Convened:** March 24, 1994, 1:45 p.m.

**Members Present:** Rosenberg, Chair; Fink, Vice Chair; Banks, Borlaug, Gronstal, Hedge and Sorensen.

**Members Absent:** Kersten, Ranking Member; Horn and Welsh.

**Committee Business:** Recommended passage of House Files 2118 and 2406.

**Adjourned:** 1:52 p.m.

## **HUMAN RESOURCES**

**Convened:** March 24, 1994, 1:06 p.m.

**Members Present:** Szymoniak, Chair; Lloyd-Jones, Vice Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer and Sturgeon.

**Members Absent:** none.

**Committee Business:** Recommended confirmation, with the exception of Lisa Green, of all governor's appointees to the en bloc confirmation calendar; placed Lisa Green on the individual confirmation calendar; recommended passage of House Files 2184, 2261, 2377 and 2410 as amended; recommended passage of House Files 2354, 2372, 2407 and 2387.

**Adjourned:** 2:50 p.m.

## **JUDICIARY**

**Convened:** March 24, 1994, 4:07 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Redfern, Szymoniak, Taylor, Vilsack and Welsh.

**Members Absent:** Drake and Pate.

**Committee Business:** Recommended passage of House Files 2133, 121, 2325 and 2392.

**Adjourned:** 4:22 p.m.

**LOCAL GOVERNMENT**

**Convened:** March 24, 1994, 2:55 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** Jensen (excused).

**Committee Business:** Assigned bills to subcommittees; recommended passage of House Files 2311 and 2401.

**Adjourned:** 3:20 p.m.

**LOCAL GOVERNMENT**

**Convened:** March 24, 1994, 3:52 p.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Jensen, Priebe, Rittmer, Szymoniak, Vilsack and Zieman.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; recommended passage of House File 2169.

**Adjourned:** 3:57 p.m.

**SMALL BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM**

**Convened:** March 24, 1994, 3:45 p.m.

**Members Present:** Riordan, Chair; Vilsack, Vice Chair; Zieman, Ranking Member; Bisignano, Giannetto, Kibbie, Maddox and Sorensen.

**Members Absent:** Bartz, Bennett, Borlaug, Judge and Lloyd-Jones (all excused).

**Committee Business:** Recommended passage of House File 2403.

**Adjourned:** 3:50 p.m.

**STATE GOVERNMENT**

**Convened:** March 24, 1994, 10:46 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Pate, Priebe, Sorensen and Welsh.

**Members Absent:** McLaren (excused).

**Committee Business:** Recommended passage of House Files 2375, 2402, 2230 and 2179; recommended confirmation of governor's appointees.

**Adjourned:** 11:42 a.m.

## STATE GOVERNMENT

**Convened:** March 24, 1994, 3:39 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, Lind, McKean, Priebe, Sorensen and Welsh.

**Members Absent:** McLaren (excused) and Pate.

**Committee Business:** Recommended passage of House File 109.

**Adjourned:** 3:45 p.m.

## TRANSPORTATION

**Convened:** March 24, 1994, 10:00 a.m.

**Members Present:** Lloyd-Jones, Chair; Fraise, Vice Chair; Drake, Ranking Member; Connolly, Dieleman, Fink, Gettings, Jensen and Pate.

**Members Absent:** Kersten (excused).

**Committee Business:** House File 2367 failed recommendation for passage.

**Adjourned:** 10:28 a.m.

## COMMITTEE REPORTS

### HUMAN RESOURCES

**Final Bill Action:** HOUSE FILE 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5305.

**Final Vote:** Ayes, 12: Szymoniak, Lloyd-Jones, Tinsman, Bartz, Bennett, Buhr, Dvorksy, Judge, Kramer, Riordan, Rittmer and Sturgeon. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## JUDICIARY

**Final Bill Action:** HOUSE FILE 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, 1: Rosenberg. Absent or not voting, 1: Drake.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2133, a bill for an act relating to public safety by allowing the computerized sharing of criminal intelligence data.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Sturgeon, Rosenberg, McKean, Giannetto, Lloyd-Jones, Maddox, Redfern, Szymoniak, Taylor, Vilsack. Nays, none. Absent or not voting, 5: Bisignano, Connolly, Drake, Pate and Welsh.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2325, a bill for an act to limit the use of presentence investigations.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Sturgeon, McKean, Bisignano, Giannetto, Maddox, Redfern, Taylor and Welsh. Nays, 5: Rosenberg, Connolly, Lloyd-Jones, Szymoniak and Vilsack. Absent or not voting, 2: Drake and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2392, a bill for an act to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Sturgeon, Rosenberg, McKean, Bisignano, Connolly, Giannetto, Lloyd-Jones, Maddox, Redfern, Szymoniak, Taylor, Vilsack and Welsh. Nays, none. Absent or not voting, 2: Drake and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 28th day of March, 1994:

Senate File 2237.

JOHN F. DWYER  
Secretary of the Senate

### SUBCOMMITTEE ASSIGNMENTS

#### House File 201

WAYS AND MEANS: Rosenberg, Chair; Deluhery and Freeman

#### House File 2177

WAYS AND MEANS: Husak, Chair; Drake and Rosenberg

#### House File 2179

WAYS AND MEANS: Dieleman, Chair; Hedge and Szymoniak

#### House File 2169

LOCAL GOVERNMENT: Priebe, Chair; Jensen and Sorensen

#### House File 2192

WAYS AND MEANS: Drake, Chair; Deluhery and Murphy

**House File 2264**

LOCAL GOVERNMENT: Vilsack, Chair; Rittmer and Sorensen

**House File 2387**

WAYS AND MEANS: Lloyd-Jones, Chair; Dielman and McLaren

**REPORT OF STANDING COMMITTEE**  
(Place nominee on En Bloc Confirmation Calendar)

**HUMAN RESOURCES**

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointment, completed its investigation on March 24, 1994, and recommended the appointee be confirmed:

Kathryn M. Burt as a member of the Commission on the Status of Women.

**AMENDMENTS FILED**

S-5302	H.F.	2410	Merlin E. Bartz
S-5303	H.F.	542	Merlin E. Bartz
S-5304	H.F.	542	Jean Lloyd-Jones
S-5305	H.F.	2377	Human Resources
S-5306	H.F.	2377	Larry Murphy

## AFTERNOON SESSION

The Senate reconvened at 3:03 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

## CONSIDERATION OF BILLS (Regular Calendar)

### House File 2313

On motion of Senator Sorensen, House File 2313, a bill for an act providing for the administration of drainage districts, and providing for assessments, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2313) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2365

On motion of Senator Gronstal, House File 2365, a bill for an act relating to rechargeable batteries, with report of committee recommending passage, 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?" (H.F. 2365) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2120

On motion of Senator Fink, House File 2120, a bill for an act relating to benefits paid under the state employees disability insurance program, and providing effective and retroactive

applicability dates, 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. 2120) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 307

On motion of Senator Palmer, House File 307, a bill for an act providing for limitations on judgments, with report of committee recommending passage, was taken up for consideration.

Senator Palmer offered amendment S—3432 filed by the committee on Commerce on April 7, 1993, to page 1 of the bill and moved its adoption.

Amendment S—3432 was adopted by a voice vote.

Senator Vilsack asked and received unanimous consent that action on **House File 307** as amended, be deferred.

## House File 2232

On motion of Senator Redfern, House File 2232, a bill for an act relating to the rights and obligations of innkeepers and guests, with report of committee recommending passage, 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?" (H.F. 2232) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## House File 2370

On motion of Senator Gronstal, House File 2370, a bill for an act relating to the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing a repeal provision, with report of committee recommending passage, 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?" (H.F. 2370) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2391

On motion of Senator Palmer, House File 2391, a bill for an act excusing reporting requirements for certain persons owning, leasing, or holding agricultural land in this state, with report of committee recommending passage, was taken up for consideration.

Senator Palmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2391) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent to take up for consideration House Files 109, 628, 2149, 2153 and 2159.

### House File 109

On motion of Senator Gronstal, House File 109, a bill for an act lowering the priority of the standard requiring legislative district boundaries to follow congressional district lines, with report of committee recommending passage, was taken up for consideration.

Senator Deluhery asked and received unanimous consent that action on **House File 109** be deferred.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Fraise until he returns on request of Senator Horn.

### CONSIDERATION OF BILLS (Regular Calendar)

### House File 2149

On motion of Senator Bisignano, House File 2149, a bill for

an act relating to HIV-related testing of convicted sexual assault offenders, with report of committee recommending passage, was taken up for consideration.

Senator Dieleman asked and received unanimous consent that action on **House File 2149** be deferred.

### House File 2153

On motion of Senator Giannetto, House File 2153, a bill for an act to prohibit eluding a law enforcement vehicle while participating in the commission of a felony and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto offered amendment S—5290 filed by him on March 24, 1994, to the title page of the bill and moved its adoption.

Amendment S—5290 was adopted by a voice vote.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, 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, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Deluhery	Fraise	Sturgeon
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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 Horn asked and received unanimous consent to take up for consideration House Files 2169, 2184, 2217, 2311 and 2354.

### House File 2169

On motion of Senator Priebe, House File 2169, a bill for an act relating to lawful fences, by providing for smooth high-tensile wire fences, with report of committee recommending passage, was taken up for consideration.

Senator Bartz offered amendment S—5312 filed by Senators Bartz and Priebe from the floor to page 1 of the bill and moved its adoption.

Amendment S—5312 was adopted by a voice vote.

Senator Priebe offered amendment S—5313 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5313 was adopted by a voice vote.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2169) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Fraise

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2184

On motion of Senator Buhr, House File 2184, a bill for an act relating to the factors considered in the placement of a child for adoption, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Buhr offered amendment S—5299 filed by the committee on Human Resources on March 24, 1994, to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5299 was adopted by a voice vote.

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2184) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Fraise                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2217

On motion of Senator Lloyd-Jones, House File 2217, a bill for an act relating to changes in terms used to describe parents, children, siblings, and their relationships to one another, with report of committee recommending passage, was taken up for consideration.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2217) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery.	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Fraise                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## House File 2311

On motion of Senator Sorensen, House File 2311, a bill for an act relating to the rate of interest that may be charged by a governing body assessing land within a drainage district, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2311) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Fraise                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## House File 2354

On motion of Senator Judge, House File 2354, a bill for an act relating to certification of certain medication aides, with report of committee recommending passage, was taken up for consideration.

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. 2354) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Dieleman	Fraise	Sturgeon
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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 14, 1994)

### House File 2362

On motion of Senator Horn, House File 2362, a bill for an act relating to hazardous liquid pipeline condemnation and providing an effective date, was taken up for further consideration (substituted for Senate File 2296 and deferred on March 14, 1994).

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. 2362) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Dieleman	Fraise	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### House File 109

The Senate resumed consideration of House File 109, a bill for an act lowering the priority of the standard requiring legislative district boundaries to follow congressional district lines, previously deferred.

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?" (H.F. 109) the vote was:

Ayes, 42:

Banks	Bennett	Bisignano	Boswell
Buhr	Connolly	Deluhery	Drake
Dvorsky	Fink	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Priebe	Redfern	Rensink

Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 5:

Bartz	Borlaug	McKean	Pate
Rife			

Absent or not voting, 3:

Dieleman	Fraise	Sturgeon
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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 BILLS (Regular Calendar)

#### House File 2055

On motion of Senator Fink, House File 2055, a bill for an act imposing a lien for city or county expenditures for closure or postclosure care of sanitary landfills, 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. 2055) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Fraise                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 181

On motion of Senator Lloyd-Jones, House File 181, a bill for an act relating to motorcycle rider education, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5234 filed by the committee on Transportation on March 16, 1994, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5234 was adopted by a voice vote.

Senator Kersten offered amendment S—5205 filed by him on March 14, 1994, to page 1 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 30, nays 8.

Amendment S—5205 was adopted.

Senator Welsh offered amendment S—5315 filed by Senators Welsh and Kersten from the floor to page 1 of the bill and moved its adoption.

Amendment S—5315 was adopted by a voice vote.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 181) the vote was:

Ayes, 32:

Bennett  
Connolly  
Fink

Bisignano  
Deluhery  
Fraise

Borlaug  
Drake  
Hester

Buhr  
Dvorsky  
Horn

Jensen	Judge	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
Murphy	Priebe	Redfern	Rensink
Riordan	Rosenberg	Sorensen	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, 17:

Banks	Bartz	Boswell	Dieleman
Freeman	Gettings	Giannetto	Gronstal
Hedge	Husak	Lind	McLaren
Palmer	Pate	Rife	Rittmer
Taylor			

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## UNFINISHED BUSINESS (Deferred March 14, 1994)

### House File 2199

On motion of Senator Fraise, House File 2199, a bill for an act relating to the number and election of sanitary district trustees, was taken up for further consideration (substituted for Senate File 2253 and deferred on March 14, 1994).

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. 2199) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind

Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Fraise asked and received unanimous consent that **Senate File 2253** be **withdrawn** from further consideration of the Senate.

### BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2291** be referred from the Unfinished Business Calendar to the committee on **Human Resources**.

### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 2310

Senator Murphy withdrew the motion to reconsider Senate File 2310, a bill for an act relating to tenants rights and landlordf and tenant law and providing or increasing civil remedies, filed by him on March 17, 1994, and found on page 740 of the Senate Journal.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2199, 2362, 2313, 2365, 2120, 2232, 2370, 2391, 109, 2153, 2169, 2184, 2217, 2311, 2354, 2055** and **181** be **immediately messaged** to the House.

**APPENDIX****STUDY BILL RECEIVED****SSB 2263 Ways and Means**

Relating to agricultural development and rural revitalization, by providing for value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs and moneys, the repeal of a section, and an effective date.

**SUBCOMMITTEE ASSIGNMENTS****House File 2350**

APPROPRIATIONS: Gronstal, Chair; Murphy and Pate

**House File 2376**

APPROPRIATIONS: Buhr, Chair; Murphy and Tinsman

**SSB 2262**

WAYS AND MEANS: Lloyd-Jones, Chair; Dieleman and Freeman

**SSB 2263**

WAYS AND MEANS: Riordan, Chair; Dieleman and Hester

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)**HUMAN RESOURCES**

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Almo J. Hawkins as Director of the Department of Human Rights.

Charles S. Johnson as a member of the Iowa Council on Human Investment.

Lorenzo Jasso as a member of the State Citizen Foster Care Review Board.

### WAYS AND MEANS

Pursuant to Senate Rule 59, the committee on Ways and Means assigned to investigate the following governor's appointments, completed its investigations on March 28, 1994, and recommended the appointees be confirmed:

Carmen E. Halverson and Catherine J. Johnson as members of the Iowa Railway Finance Authority.

### STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Donna M. Brosdahl, Thomas L. Erpelding and David A. Vaudt as members of the Accountancy Examining Board.

K. Marie Thayer as Administrator of Professional Licensing and Regulation.

Jack N. Nystrom as Administrator of the Alcoholic Beverages Division.

Susan D. Albright as a member of the Alcoholic Beverages Commission.

Peggy C. Dunshee as a member of the Board of Barber Examiners.

Dr. Elizabeth C. Kressin and Norma J. Papik as members of the Board of Chiropractic Examiners.

Reuvena M. Bruxvoort and Michael F. Kronfeldt as members of the Board of Cosmetology Arts and Sciences Examiners.

Mary K. Carlson and Charles H. Finch as members of the Board of Dietetic Examiners.

Richard T. Clark and Coral M. Jud as members of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Dr. James D. Collins, Jr. and Laura J. Stensrud as members of the Board of Medical Examiners.

Diane E. Palmer as a member of the Board of Mortuary Science Examiners.

Nancy E. Knutstrom as a member of the Board of Nursing Examiners.

Marian L. Roberts and Arlan D. Van Norman as members of the Board of Pharmacy Examiners.

Dr. Janet S. McDonough and Dr. Scott W. Shafer as members of the Board of Psychology Examiners.

Erlene Veverka as a member of the Board of Social Work Examiners.

Julia A. Bebensee and Rose G. Hayne as members of the Board of Speech Pathology and Audiology Examiners.

Jim C. Hester and Rev. Martin D. Jenkins as members of the Commission on the Status of African-Americans.

Jolee L. Belzung, Anne W. McKeown and Terry L. Martin as members of the Engineering and Land Surveying Examining Board.

Emma M. Chance as a member of the Iowa Lottery Board.

M. Susan Erickson as a member of the Landscape Architectural Examining Board.

Russell D. Nading and Evelyn M. Rank as members of the Real Estate Commission.

Steven C. Dowd, Gary A. Kirchof and Drucilla M. Straub as members of the State Board of Examiners for Nursing Home Administrators.

Nancy L. Whittenburg as a member of the State Racing and Gaming Commission.

#### WITHDRAWAL OF UNANIMOUS CONSENT REQUEST OBJECTION (March 28, 1994)

On March 23, 1994, a request for unanimous consent was made by the majority leader, to which I objected, and which was recorded in the journal for that day. I wish to have the journal record the fact that as of this date, my objection has been withdrawn and no longer stands.

BERL E. PRIEBE

#### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-three sixth grade students from Wellsburg-Steamboat Rock School, Wellsburg, accompanied by Bob Hutchcroft. Senators Jensen and Taylor.

#### AMENDMENTS FILED

S-5307

H.F.

2179

Andy McKean

S-5308	H.F.	2314	Tom Vilsack
S-5309	H.F.	2352	Andy McKean
S-5310	H.F.	2352	Andy McKean Donald B. Redfern
S-5311	H.F.	2409	Randal J. Giannetto
S-5312	H.F.	2169	Merlin E. Bartz Berl E. Priebe
S-5313	H.F.	2169	Berl E. Priebe
S-5314	H.F.	542	Merlin E. Bartz
S-5315	H.F.	181	Joe Welsh Jim Kersten
S-5316	H.F.	2384	Randal J. Giannetto

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:52 p.m., until 9:00 a.m., Tuesday, March 29, 1994.

# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FORTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 29, 1994

The Senate met in regular session at 9:03 a.m., President Boswell presiding.

Prayer was offered by Father Don Ries, pastor of the Corpus Christi Parish, Fort Dodge, Iowa.

The Journal of Monday, March 28, 1994; was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2223**, a bill for an act concerning residency requirements for school district attendance.

This bill was read first time and **passed on file**.

ALSO: That the House has on March 28, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2218**, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates (S—5317).

**Senate File 2229**, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters (S—5318).

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

President pro tempore Palmer took the chair at 9:32 a.m.

The vote revealed 46 present, 4 absent and a quorum present.

President Boswell took the chair at 9:40 a.m.

### HOUSE AMENDMENTS CONSIDERED

#### **Senate File 2016**

Senator Priebe called up for consideration Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, amended by the House in House amendment S—5270 filed March 21, 1994.

Senator Husak asked and received unanimous consent that action on House amendment S—5270 and **Senate File 2016** be deferred.

#### **Senate File 2069**

Senator Szymoniak called up for consideration Senate File 2069, a bill for an act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the health data commission, amended by the House, and moved that the Senate concur in House amendment S—5259 filed March 21, 1994.

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. 2069) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Hester

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR**

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Marvin S. Berenstein be removed from "En Bloc Confirmation Calendar" and placed on the Individual Confirmation Calendar."

JOHN P. KIBBIE

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(En Bloc Confirmation Calendar)**

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Leslie S. Miller and Gordon E. Swenson as members of the Agricultural Development Authority.

Jane Dubberke as a member of the Board of Physician Assistant Examiners.

William G. Sizer as a member of the Credit Union Review Board.

Dr. Al Ramirez as Director of the Department of Education.

Norma I. Lock as a member of the Employment Appeal Board.

Dr. Al Ramirez as a member of the First in the Nation in Education Foundation Governing Board.

Jeffrey D. Eaton, Betty J. Furgerson and John V. Hartung as members of the Higher Education Strategic Planning Council.

Austin B. Turner as a member of the Iowa Council on Human Investment.

Gerald R. Hinzman as a member of the Iowa Law Enforcement Academy Council.

George O. Barton as a member of the Small Business Advisory Council.

Sally J. Frudden as a member of the State Board of Education.

Daniel H. Wiedemeier as a member of the State Transportation Commission.

Gaylen A. Mendini as a member of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 49:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn

Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Banks

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

**BUSINESS PENDING**  
(House Amendment Considered)

**Senate File 2016**

The Senate resumed consideration of Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, amended by the House in House amendment S—5270, previously deferred.

Senator Priebe moved that the Senate concur in the House amendment.

The motion lost by a voice vote and the Senate refused to concur in the House amendment.

**CONSIDERATION OF BILLS**  
(Regular Calendar)

**House File 2099**

On motion of Senator Fink, House File 2099, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date, with report of committee recommending passage, was taken up for consideration.

(Action on House File 2099 was deferred).

## House File 2011

On motion of Senator Szymoniak, House File 2011, a bill for an act relating to victim restitution payments from moneys collected by the clerk of the district court, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5260 filed by her on March 21, 1994 to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5260 was adopted by a voice vote.

With the adoption of amendment S—5260 the Chair ruled the following amendments to page 1 and the title page of the bill out of order:

S—5226 filed by Senator Szymoniak on March 15, 1994 and S—5239 filed by the committee on Judiciary on March 16, 1994.

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. 2011) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Hester

Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### House File 2197

On motion of Senator Bisignano, House File 2197, a bill for an act relating to the investment of funds paid to the clerk of the district court, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bisignano offered amendment S—5238 filed by the committee on Judiciary on March 16, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5238 was adopted by a voice vote.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2197) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 582

On motion of Senator Szymoniak, House File 582, a bill for an act relating to the establishment of a preadmission assessment

program for frail elders considering placement or residing in a nursing facility, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5255 filed by the committee on Human Resources on March 17, 1994, to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5255 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murphy until he returns on request of Senator Welsh.

### BUSINESS PENDING

#### House File 582

The Senate resumed consideration of House File 582.

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. 582) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

#### House File 592

On motion of Senator Connolly, House File 592, a bill for an act relating to the allocation to school districts of certain federal funds received for at-risk children, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly offered amendment S—5250 filed by the committee on Education on March 17, 1994, to page 1 of the bill.

Senator Kibbie asked and received unanimous consent that action on amendment S—5250 and House File 592 be deferred.

#### House File 2309

On motion of Senator Fink, House File 2309, a bill for an act relating to the provision of contact lenses and spectacle lenses and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Fink offered amendment S—5249 filed by the committee on State Government on March 17, 1994, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5249 was adopted by a voice vote.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Priebe until he returns on request of Senator Horn.

## BUSINESS PENDING

### House File 2309

The Senate resumed consideration of House File 2309.

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. 2309) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto.	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## CONSIDERATION OF BILLS (Regular Calendar)

### House Concurrent Resolution 119

On motion of Senator Sturgeon, House Concurrent Resolution 119, a concurrent resolution condemning bigotry and hatred, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon moved the adoption of House Concurrent Resolution 119, which motion prevailed by a voice vote.

### House File 2033

On motion of Senator Fink, House File 2033, a bill for an act requiring the state board of education to define the minimum school 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. 2033) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2155

On motion of Senator Connolly, House File 2155, a bill for an act relating to public school services provided to children attending nonpublic schools, with report of committee recommending passage, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2155) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Lloyd-Jones      Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

(Deferred March 15, 1994)

### House File 2318

On motion of Senator Riordan, House File 2318, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporations and limited liability companies are eligible to receive assistance, and providing an effective date, was taken up for further consideration (substituted for Senate File 2306 as amended, and deferred on March 15, 1994).

Senator Riordan offered amendment S—5320 filed by him from the floor to pages 1, 2 and the title page of the bill and moved its adoption.

Amendment S—5320 was adopted by a voice vote.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2318) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Riordan asked and received unanimous consent that Senate File 2306 be withdrawn from further consideration of the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

#### House File 2284

On motion of Senator McKean, House File 2284, a bill for an act authorizing clerks of the district court to enter scheduling orders in probate matters, 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. 2284) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Lloyd-Jones      Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS

(Deferred March 17, 1994)

### House File 2353

On motion of Senator Riordan, House File 2353, a bill for an act providing authorization for certain epidemiological studies regarding the incidence and prevalence of the human immunodeficiency virus infection, was taken up for further consideration (substituted for Senate File 2062 as amended, and deferred on March 17, 1994).

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2353) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Priebe

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Riordan asked and received unanimous consent that **Senate File 2062** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

#### House File 2049

On motion of Senator Murphy, House File 2049, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Murphy offered amendment S-5296 filed by the committee on Education on March 24, 1994, to page 1 of the bill and moved its adoption.

Amendment S-5296 was adopted by a voice vote.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2049) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Dvorsky	Hester	Lloyd-Jones	Priebe
Vilsack			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on Senate File 2069 and that Senate File 2016 and House Files 2318, 2353, 2011, 2197, 582, 2309, 2033, 2049, 2284 and House Concurrent Resolution 119 be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:41 a.m., until 2:00 p.m.

## APPENDIX

### SUBCOMMITTEE ASSIGNMENT

Senate File 2305

APPROPRIATIONS: Rosenberg, Chair; Gronstal, Husak, Pate and Redfern

### PRESENTATION OF VISITORS

Senator Lloyd-Jones introduced members of a delegation from the Japanese Women NGO Observation Tour. The Asia Foundation is sponsoring a two week observation program to encourage female participation in democratic institutions and processes in Asia.

The group was accompanied by their interpreter, Beth Carey; Ellen Pinno, interim director of the Carrie Chapman Catt Center for Women and Politics at Iowa State University; and Michael Ensley and Jennifer Davis, ISU undergraduates and Catt associates.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty fifth grade students from Western Hills Elementary School, West Des Moines. Senator Kramer.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION

Convened: March 28, 1994, 9:05 a.m.

Members Present: Judge, Chair; Dieleman, Vice Chair; Redfern, Ranking Member; Horn and Zieman.

Members Absent: none.

Committee Business: Capitol projects.

Adjourned: 9:50 a.m.

#### WAYS AND MEANS

Convened: March 28, 1994, 1:35 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; recommended confirmation of governor's appointees; amended SSB 2218 and ordered redrafted for final approval as a committee bill.

**Adjourned:** 3:00 p.m.

**REPORTS OF STANDING COMMITTEE**  
(Place nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Gilbert C. Hoogendoorn as a member of the Mental Health and Mental Retardation Commission.

Allan L. Axeen as a member of the Commission on Community Action Agencies.

**REPORT OF STANDING COMMITTEE**  
(Place nominee on Individual Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointment, completed its investigation on March 24, 1994, and recommended the appointee be confirmed:

Lisa L. Green as a member of the Commission on the Status of Women.

**MOTION TO RECONSIDER**

**MR. PRESIDENT:** I move to reconsider the vote by which House File 2155 passed the Senate on March 29, 1994.

MARY KRAMER

**AMENDMENTS FILED**

S—5317	S.F.	2218	House amendment
S—5318	S.F.	2229	House amendment
S—5319	H.F.	2146	Joe Welsh
S—5320	H.F.	2318	James Riordan

S-5321	H.F.	2149	Tony Bisignano William W. Dieleman
S-5322	H.F.	2099	Andy McKean Brad Banks H. Kay Hedge Richard F. Drake Emil J. Husak Bill Fink
S-5323	H.F.	2372	John Kibbie Wilmer Rensink

## AFTERNOON SESSION

The Senate reconvened at 2:22 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 36 present, 14 absent and a quorum present.

### CONSIDERATION OF BILLS (Regular Calendar)

#### House File 2230

On motion of Senator Gronstal, House File 2230, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Welsh asked and received unanimous consent that action on **House File 2230** be deferred.

#### House File 2267

On motion of Senator Vilsack, House File 2267, a bill for an act eliminating the requirement that a duplicate receipt for property taken incident to an arrest be filed with the clerk of the district court, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2267) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Judge	Kersten	Kramer

Lind	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Hester	Jensen	Kibbie	Lloyd-Jones
Priebe			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2270

On motion of Senator Rosenberg, House File 2270, a bill for an act relating to revocations of parole and work release, by permitting reductions in credits against a parolee's sentence at a parole revocation hearing, and providing for the automatic revocation of parole for a parolee convicted and sentenced to incarceration for an aggravated misdemeanor, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2270) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Horn	Husak
Judge	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Fraise	Hester	Jensen	Kibbie
Lloyd-Jones	Priebe		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2321

On motion of Senator Vilsack, House File 2321, a bill for an act relating to leases, by providing for leasing agreements, and amending the uniform commercial code by establishing a new article relating to leases, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2321) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Jensen	Kibbie	Welsh
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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 2342

On motion of Senator Vilsack, House File 2342, a bill for an act relating to the time limit for an administratively dissolved corporation to file for reinstatement and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2342) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none

Absent or not voting, 3:

Fraise	Kibbie	Welsh
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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 2375

On motion of Senator Gronstal, House File 2375, a bill for an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Lind asked and received unanimous consent that action on **House File 2375** be deferred.

### House File 2401

On motion of Senator Sorensen, House File 2401, a bill for an act relating to the recording duties of county recorders for limited partnerships, corporations for profit, cooperative associations, and nonprofit corporations, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2401) the vote was:

Ayes, 46:

Banks	Bart	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, none.

Absent or not voting, 4:

Fraise	Kibbie	Murphy	Welsh
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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 Gronstal, House File 2402, a bill for an act relating to demotion of supervisory employees during state government reorganization, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2402** be deferred.

**UNFINISHED BUSINESS**  
(Deferred March 17, 1994)

**House File 2280**

On motion of Senator Vilsack, House File 2280, a bill for an act establishing limited liability partnerships and providing a fee, was taken up for further consideration (substituted for Senate File 2240 and deferred on March 17, 1994).

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2280) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Hester	Kibbie	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 Vilsack asked and received unanimous consent that **Senate File 2240** be **withdrawn** from further consideration of the Senate.

## UNFINISHED BUSINESS

(Deferred March 14, 1994)

### House File 2218

On motion of Senator Fraise, House File 2218, a bill for an act relating to civil service employment, to the probationary employment period for police dispatchers and to certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates, was taken up for further consideration (substituted for Senate File 2136 as amended, and deferred on March 14, 1994).

Senator Bisignano offered amendment S—5169 filed by him on March 14, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5169 was adopted by a voice vote.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2218) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Kibbie

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Fraise asked and received unanimous consent that Senate File 2136 be withdrawn from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House Files 2267, 2270, 2321, 2342, 2401, 2280 and 2218 be immediately messaged to the House.

The Senate stood at ease at 3:05 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:11 p.m., President Boswell presiding.

### UNFINISHED BUSINESS (Deferred March 28, 1994)

#### House File 542

The Senate resumed consideration of House File 542, a bill for an act relating to programs and services under the purview of the Iowa department of public health, including programs and services relating to licensed substance abuse treatment programs, chemically exposed infants, operations of radiation equipment, state and local substitute medical decision-making boards, homemaker-home health aide transportation, tanning devices enforcement, indoor air, and lead poisoning, and providing criminal penalties, and amendment S—5233 by the committee on Human Resources to pages 1-5, 7-9 and the title page of the bill, deferred March 28, 1994.

Senator Bartz offered amendment S—5303 filed by him on March 28, 1994, to strike everything after the enacting clause and to the title page of the bill.

Senator Bartz offered amendment S—5314 filed by him on March 28, 1994, to amendment S—5303.

Senator Szymoniak raised the point of order that amendment S—5314 to amendment S—5303, was not germane.

Senator Szymoniak withdrew her point of order.

Senator Bartz moved the adoption of amendment S—5314 to amendment S—5303, which motion prevailed by voice vote.

Senator Lloyd-Jones raised the point of order that amendment S—5303 as amended, was not germane to the bill.

The Chair ruled the point well taken and amendment S—5303 as amended, out of order.

Senator Lloyd-Jones moved the adoption of amendment S—5233 by the committee on Human Resources to pages 1-5, 7-9 and the title page of the bill, deferred March 28, 1994.

Amendment S—5233 was adopted by a voice vote.

With the adoption of amendment S—5233, the Chair ruled amendment S—3473 filed by Senator Lind on April 8, 1993, to pages 3 and 4 of the bill, out of order.

Senator Lloyd-Jones offered amendment S—5304 filed by her on March 28, 1994, to page 6 of the bill and moved its adoption.

Amendment S—5304 was adopted by a voice vote.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 542) the vote was:

Ayes, 32:

Bennett	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dvorsky
Fink	Fraise	Freeman	Giannetto
Gronstal	Horn	Judge	Kersten
Kramer	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Priebe	Redfern
Riordan	Rosenberg	Sorensen	Sturgeon
Szymoniak	Tinsman	Vilsack	Welsh

Nays, 17:

Banks	Bartz	Dieleman	Drake
Gettings	Hedge	Hester	Husak
Jensen	Lind	McLaren	Pate
Rensink	Rife	Rittmer	Taylor
Zieman			

Absent or not voting, 1:

Kibbie

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

The Senate stood at ease at 4:40 p.m. until the fall of the gavel.

The Senate resumed session at 5:00 p.m., President Boswell presiding.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2089

Senator Welsh called up for consideration Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, amended by the House in House amendment S—5144 filed March 10, 1994.

Senator Welsh offered amendment S—5332 filed by him from the floor to pages 1-13 of House amendment S—5144.

Senator McLaren asked and received unanimous consent that action on amendment S—5332 to House amendment S—5144, House amendment S—5144, and **Senate File 2089** be deferred.

The Senate stood at ease at 5:15 p.m. until the fall of the gavel.

The Senate resumed session at 6:28 p.m., President Boswell presiding.

**INTRODUCTION OF BILL**

**Senate File 2318**, by committee on Appropriations, a bill for an act relating to state budget processes.

**Read first time and placed on Appropriations Calendar.**

## APPENDIX

### COMMUNICATIONS

The following communications has been received and placed on file in the Secretary of the Senate from:

#### IOWA'S CENTER FOR AGRICULTURAL SAFETY AND HEALTH

1993 Annual Report

#### DIVISION OF DEPARTMENT OF CORRECTIONS IOWA PRISON INDUSTRIES

A copy of the calendar year financial statement of the Consolidated Farm Account, for filing with the General Assembly.

#### IOWA LOTTERY

Financial Review, Fiscal, 1993

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

A copy of the FY 93 Annual Report of the Iowa Industrial New Jobs Training Program and the Iowa Training Program.

#### IOWA DEPARTMENT OF PERSONNEL

1993 Annual Report

#### UNITED WAY OF CENTRAL IOWA

Written notification that the planning process has begun for the Substate Area 11 Title III EDWAA Substate Plan for program years 1994 and 1995.

#### JOB TRAINING PARTNERSHIP

A copy of the draft plans for the Job Training Partnership Act for Program Years 1994 and 1995.

#### IOWA DEPARTMENT OF PUBLIC HEALTH VITAL STATISTICS

Statistics for calendar year 1992-births, deaths, fetal deaths, disease, marriages, and dissolutions.

## IOWA DEPARTMENT OF PUBLIC HEALTH

A report submitted by the Board of Barber Examiners for the period of January 1, 1993 thru December 31, 1993, in accordance with the requirements of 272C.4(2) Code of Iowa.

## IOWA DEPARTMENT OF PUBLIC HEALTH

Iowa Healthy Family Program - Report on FY93 Activities

## IOWA CHAPTER, NATIONAL COMMITTEE TO PREVENT CHILD ABUSE

Healthy Families of Iowa Hopes Project Year-End Report 1993

Evaluation Report of the Iowa Healthy Family Program HOPES Project. Implemented by the Iowa Chapter, National Committee to Prevent Child Abuse 1992-1993.

## IOWA DEPARTMENT OF PUBLIC HEALTH

Medical Practice Parameters Report to the Iowa General Assembly.

## IOWA DEPARTMENT OF PUBLIC HEALTH

Iowa Advisory Council on Head Injury Annual Report and State Plan 1993.

## REGION XII COUNCIL OF GOVERNMENTS

Proposed plans identifying program activities and service levels to be provided under Title IIA, IIC, IIB Summer Youth Employment and Training Program, and Title III EDWAA.

## CENTRAL IOWA EMPLOYMENT & TRAINING CONSORTIUM

The proposed Local Training Plan for Service Delivery Area Eleven, Central Iowa Employment and Training Consortium in accordance with guidelines set forth by the Iowa Department of Economic Development, the Job Training Partnership Act State Administrative Entity.

## JOB TRAINING PARTNERSHIP ACT

Copies of the proposed 1994-1995 job training plan and dislocated worker plan as they apply to the job training partnership act in service delivery area 14.

## LABOR-MANAGEMENT COOPERATION PROGRAM

The Iowa Labor-Management Cooperation Council Annual Report to the Governor and Members of the General Assembly for State Fiscal Year 1993. July 1, 1992-July 1, 1993

**IOWA RAILWAY FINANCE AUTHORITY**

A copy of the 1993 annual report of the Iowa Railway Finance Authority, as mandated by Code Section 3271.8(6).

**IOWA CIVIL RIGHTS COMMISSION**

A copy of the Fiscal Year 1993 Annual Report for the Civil Rights Commission, pursuant to Chapter 17, Code of Iowa.

**DEPARTMENT OF EDUCATION**

The 1993 Annual Report and recommendations of the Iowa Child Development Coordinating Council as required by Section 256A.3 (8) of the Iowa Code.

**DEPARTMENT OF ELDER AFFAIRS**

The annual report of the activities and recommendations of the Long-Term Care Resident's Advocate program, including the activities of Care Review Committees, as required in Section 249D.42 of the Iowa Code.

**DEPARTMENT OF HUMAN SERVICES**

The Annual Evaluation of the Family Support Subsidy Program. Pursuant to Iowa Code, Chapter 225C, Section 42.

**IOWA DEPARTMENT OF COMMERCE  
ALCOHOLIC BEVERAGES DIVISION**

In accordance with Iowa Code chapter 123 the Annual Report of the Alcoholic Beverages Division for fiscal year ending June 30, 1994.

**DEPARTMENT OF NATURAL RESOURCES**

"Report of Urban Contamination in Iowa" as required by Section 20, Ch. 176 of the Acts of the 75th General Assembly, 1993.

**IOWA ENERGY CENTER**

Iowa Energy Center's 1993 Annual Report.

**BILL ASSIGNED TO COMMITTEE**

President Boswell announced the assignment of the following bill to committee:

H.F. 2223 Education

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)

**HUMAN RESOURCES**

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointment, completed its investigation on March 24, 1994, and recommended the appointee be confirmed:

Sharon Blair as a member of the Mental Health and Mental Retardation Commission.

**JUDICIARY**

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following governor's appointment, completed its investigation on March 24, 1994, and recommended the appointee be confirmed:

Joan L. Vanden Berg as a member of the Criminal and Juvenile Justice Planning Advisory Council.

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty high school students from Hamborg High School, Hamborg, accompanied by Cheryl Whipple. Senator McLaren.

**MOTION TO RECONSIDER**

MR. PRESIDENT: I move to reconsider the vote by which House File 542 passed the Senate on March 29, 1994.

**JIM KERSTEN**

**COMMITTEE REPORTS**

**APPROPRIATIONS**

**Final Bill Action:** SENATE FILE 2318 (SSB 2261), a bill for an act relating to state budget processes.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 20: Murphy, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kramer, Lind, Pate, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 5: Boswell, Kibbie, Palmer, Redfern and Rensink.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S-5324	H.F.	2407	Sheldon Rittmer Randal J. Giannetto
S-5325	H.F.	2407	Elaine Szymoniak
S-5326	H.F.	2149	Joe Welsh
S-5327	H.F.	2352	Andy McKean
S-5328	H.F.	2352	Andy McKean
S-5329	H.F.	2372	Merlin E. Bartz
S-5330	H.F.	2179	Berl E. Priebe
S-5331	H.F.	2179	Berl E. Priebe
S-5332	S.F.	2089	Joe Welsh
S-5333	H.F.	2179	Berl E. Priebe
S-5334	S.F.	2089	William W. Dieleman Larry Murphy
S-5335	H.F.	2149	Tony Bisignano William W. Dieleman
S-5336	S.F.	2089	Joe J. Welsh James R. Riordan
S-5337	S.F.	2089	William W. Dieleman Larry Murphy
S-5338	S.F.	2089	Joe Welsh
S-5339	S.F.	2089	William W. Dieleman Larry Murphy
S-5340	H.F.	307	Tom Vilsack

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:29 p.m., until 9:00 a.m., Wednesday, March 30, 1994.

# JOURNAL OF THE SENATE

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EIGHTIETH CALENDAR DAY  
FORTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 30, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Kenneth Rummer, pastor of the First Presbyterian Church, Corning, Iowa.

The Journal of Tuesday, March 29, 1994, was approved.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 42 present, 8 absent and a quorum present.

## PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Janice K. Laue be removed from "En Bloc Confirmation Calendar" and placed on the Individual Confirmation Calendar."

JACK RIFE

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Jack N. Nystrom as Administrator of the Alcoholic Beverages Division.

K. Marie Thayer as Administrator of Professional Licensing and Regulation.

Michael F. Kronfeldt as a member of the Board of Cosmetology Arts and Sciences Examiners.

Charles H. Finch as a member of the Board of Dietetic Examiners.

Richard T. Clark as a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

Dr. Janet S. McDonough and Dr. Scott W. Shafer as members of the Board of Psychology Examiners.

Erlene Veverka as a member of the Board of Social Work Examiners.

Rose G. Hayne as a member of the Board of Speech Pathology and Audiology Examiners.

Kathryn M. Burt as a member of the Commission on the Status of Women.

Paul H. Wieck, II as Commissioner of Public Safety.

Tom N. Sarvis as a member of the Credit Union Review Board.

Cynthia P. Eisenhauer as Director of the Department of Employment Services.

Almo J. Hawkins as Director of the Department of Human Rights.

Terry L. Martin as a member of the Engineering and Land Surveying Examining Board.

Marcia Dudden as a member of the Higher Education Strategic Planning Council.

Charles S. Johnson as a member of the Iowa Council on Human Investment.

Eugene L. Larson as a member of the Iowa Economic Development Board.

Carmen E. Halverson and Catherine J. Johnson as members of the Iowa Railway Finance Authority.

Evelyn M. Rank as a member of the Real Estate Commission.

Rita A. Venner as a member of the Renewable Fuel Advisory Committee.

Steven C. Dowd and Drucilla M. Straub as members of the State Board of Examiners for Nursing Home Administrators.

Richard L. Pellett as a member of the State Transportation Commission.

Lori A. Logli, Robert O. Paulson and Rod A. Walker as members of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Bisignano                      Dvorsky

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

### CONSIDERATION OF BILL (Ways and Means Calendar)

On motion of Senator Gronstal, House File 2179, a bill for an act relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, providing for a county referendum, imposing a tax, allocating gaming revenues, providing an effective date, providing for other properly related matters, and subjecting violators to existing penalties, with report of committee on State Government recommending passage, and report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Dieleman offered amendment S—5343 filed by the committee on Ways and Means from the floor to strike everything after the enacting clause and to the title page of the bill.

Senator Sorensen offered amendment S—5356 filed by him from the floor to amendment S—5343.

Senator Lind raised the point of order that amendment S—5356 to amendment S—5343 was out of order under Senate Rule 12, paragraph 4.

The Chair ruled the point not well taken.

Senator Sorensen moved the adoption of amendment S—5356 to amendment S—5343 and requested a roll call.

On the question "Shall amendment S—5356 to amendment S—5343 be adopted?" (H.F. 2179) the vote was:

Ayes, 18:

Banks	Bartz	Bennett	Dieleman
Giannetto	Hedge	Hester	Husak
Jensen	Judge	McKean	Rensink
Riordan	Rosenberg	Sorensen	Sturgeon
Taylor	Zieman		

Nays, 32:

Bisignano	Borlaug	Boswell	Buhr
Connolly	Deluhery	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Horn	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McLaren	Murphy	Palmer	Pate

Priebe  
Szymoniak

Redfern  
Tinsman

Rife  
Vilsack

Rittmer  
Welsh

Amendment S—5356 lost.

The Chair ruled amendment S—5344 filed by Senator Sorensen from the floor to strike everything after the enacting clause and to the title page of the bill, out of order.

Senator Dieleman asked and received unanimous consent that action on amendment S—5343 and House File 2179 be deferred.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2217**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project (S—5349).

ALSO: That the House has on March 30, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2221**, a bill for an act relating to use of water treatment operator certification and examination fees by the department of natural resources.

ALSO: That the House has on March 30, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2242**, a bill for an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled

entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly (S—5358).

**Senate File 2265**, a bill for an act relating to the offenses of harassment and stalking, and providing for penalties and other related matters (S—5357).

The Senate stood at ease at 11:30 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 11:48 a.m., President Boswell presiding.

### RECESS

On motion of Senator Horn, the Senate recessed at 11:50 a.m., until 2:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** March 29, 1994, 11:50 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Palmer (excused).

**Committee Business:** Amended Senate File 2305 and ordered redrafted as a committee bill to be sent to the calendar under Senate Rule 40; approved SSB 2261 as a committee bill.

**Adjourned:** 12:20 p.m.

#### ETHICS

**Convened:** March 29, 1994, 1:35 p.m.

**Members Present:** Gettings, Chair; Rosenberg, Vice Chair; Hedge, Ranking Member; Drake, Husak and McKean.

**Members Absent:** none.

**Committee Business:** Discussed request for advisory opinion by Representative Fallon.

**Adjourned:** 2:30 p.m.

### COMMITTEE REPORTS

#### WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 2179, a bill for an act relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, providing for a county referendum, imposing a tax, allocating gaming revenues, providing an effective date, providing for other properly related matters, and subjecting violators to existing penalties.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5343.

**Final Vote:** Ayes, 9: Dieleman, Husak, Deluhery, Drake, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 5: Bennett, Freeman, Hedge, Hester and Lloyd-Jones. Pass, 1: McLaren.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2192, a bill for an act relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### REPORTS OF STANDING COMMITTEE (Place nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Martin R. Edwards as a member of the Board of Behavioral Science Examiners.

Mary Frances Winegardner as a member of the Board of Physician Assistant Examiners.

Lois R. Kotz as a member of the Commission on Community Action Agencies.

Sonia A. Johannsen as a member of the Mental Health and Mental Retardation Commission.

#### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixth grade students from Clarinda Middle School, Clarinda, accompanied by Connie Richardson. Senator Boswell.

## CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Mr. Brent Hanna, Knoxville — For being named "Iowa Vocational Teacher of the Year". Senator Fink (3-23-94).

## BILL SIGNED BY THE GOVERNOR

Communication was received announcing that on March 30, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2237 — An act relating to attendance requirements for graduating secondary school pupils and providing an effective date.

## AMENDMENTS FILED

S—5341	H.F.	2179	Ray Taylor
S—5342	H.F.	2407	Elaine Szymoniak
S—5343	H.F.	2179	Ways and Means
S—5344	H.F.	2179	Albert Sorensen
S—5345	H.F.	2179	Brad Banks
			Al Sturgeon
S—5346	S.F.	2089	Derryl McLaren
S—5347	S.F.	2089	Jim Riordan
S—5348	S.F.	2089	Derryl McLaren
S—5349	S.F.	2217	House amendment
S—5350	S.F.	2089	Jim Lind
S—5351	S.F.	2089	Derryl McLaren
S—5352	H.F.	2179	Jim Kersten
			Berl E. Priebe
S—5353	H.F.	2179	William W. Dieleman
S—5354	H.F.	2179	William W. Dieleman
S—5355	H.F.	2383	Bill Fink
S—5356	H.F.	2179	Albert Sorensen
S—5357	S.F.	2265	House amendment
S—5358	S.F.	2242	House amendment
S—5359	H.F.	2409	Larry Murphy
S—5360	H.F.	2179	William W. Dieleman
S—5361	H.F.	2179	William W. Dieleman
S—5362	S.F.	2089	Jim Riordan

## AFTERNOON SESSION

The Senate reconvened at 2:26 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

### BUSINESS PENDING

#### House File 2179

The Senate resumed consideration of House File 2179, a bill for an act relating to gambling and the regulation of gambling at pari-mutuel racetracks and on excursion gambling boats, providing for a county referendum, imposing a tax, allocating gaming revenues, providing an effective date, providing for other properly related matters, and subjecting violators to existing penalties, and amendment S—5343 by the committee on Ways and Means to strike everything after the enacting clause and to the title page of the bill, previously deferred.

Senator Dieleman offered amendment S—5361 filed by him from the floor to amendment S—5343 and moved its adoption.

Amendment S—5361 was adopted by a voice vote.

Senator Dieleman moved the adoption of amendment S—5343 as amended and requested a record roll call.

On the question "Shall amendment S—5343 as amended be adopted?" (H.F. 2179) the vote was:

Ayes, 20:

Banks	Bennett	Connolly	Dieleman
Drake	Dvorsky	Gettings	Giannetto
Hester	Husak	Jensen	Lloyd-Jones
McKean	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Taylor	Vilsack

Nays, 30:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Deluhery	Fink	Fraise
Freeman	Gronstal	Hedge	Horn
Judge	Kersten	Kibbie	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rife	Rittmer	Szymoniak	Tinsman
Welsh	Zieman		

Amendment S—5343 lost.

Senator Dieleman offered amendment S—5353 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—5353 be adopted?" (H.F. 2179) the vote was:

Ayes, 18:

Banks	Bennett	Dieleman	Freeman
Giannetto	Hedge	Hester	Husak
Jensen	Lloyd-Jones	McKean	McLaren
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Taylor		

Nays, 32:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Drake
Dvorsky	Fink	Fraise	Gettings
Gronstal	Horn	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
Murphy	Palmer	Pate	Priebe
Redfern	Rife	Rittmer	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Amendment S—5353 lost.

Senator Dieleman offered amendment S—5354 filed by him from the floor to pages 3 and 10 of the bill and moved its adoption.

Amendment S—5354 lost by a voice vote.

Senator Taylor offered amendment S—5341 filed by him from the floor to page 5 of the bill and moved its adoption.

Amendment S—5341 lost by a voice vote.

Senator McKean offered amendment S—5363 filed by Senators McKean and Banks from the floor to pages 5 and 8 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5363 as amended be adopted?" (H.F. 2179) the vote was:

Ayes, 20:

Banks	Bartz	Bennett	Connolly
Dieleman	Freeman	Gettings	Giannetto
Hedge	Hester	Husak	Jensen
Lloyd-Jones	McKean	Rensink	Rosenberg
Sorensen	Sturgeon	Taylor	Zieman

Nays, 30:

Bisignano	Borlaug	Boswell	Buhr
Deluhery	Drake	Dvorsky	Fink
Fraise	Gronstal	Horn	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rife
Riordan	Rittmer	Szymoniak	Tinsman
Vilsack	Welsh		

Amendment S—5363 lost.

Senator Priebe withdrew amendment S—5330 filed by him on March 29, 1994, to pages 8 and 9 of the bill.

Senator Priebe offered amendment S—5333 filed by him on March 29, 1994, to page 10 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5333 as amended be adopted?" (H.F. 2179) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Banks	Bartz	Bennett	Dieleman
Freeman	Gettings	Giannetto	Hedge
Hester	Husak	Jensen	Judge
Lloyd-Jones	McKean	Priebe	Rensink

Riordan	Rosenberg	Sorensen	Sturgeon
Taylor	Vilsack	Zieman	

Nays, 27:

Bisignano	Borlaug	Boswell	Buhr
Connolly	Deluhery	Drake	Dvorsky
Fink	Fraise	Gronstal	Horn
Kersten	Kibbie	Kramer	Lind
Maddox	McLaren	Murphy	Palmer
Pate	Redfern	Rife	Rittmer
Szymoniak	Tinsman	Welsh	

Amendment S—5333 lost.

Senator Priebe offered amendment S—5331 filed by him on March 29, 1994, to page 10 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5331 be adopted?" (H.F. 2179) the vote was:

Ayes, 24:

Banks	Bartz	Bennett	Borlaug
Dieleman	Freeman	Gettings	Giannetto
Hedge	Hester	Husak	Jensen
Judge	Lloyd-Jones	McKean	Priebe
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Taylor	Vilsack	Zieman

Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Fraise	Gronstal	Horn	Kersten
Kibbie	Kramer	Lind	Maddox
McLaren	Murphy	Palmer	Pate
Redfern	Rife	Rittmer	Szymoniak
Tinsman	Welsh		

Amendment S—5331 lost.

Senator Dieleman offered amendment S—5360 filed by him from the floor to page 10 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5360 be adopted?" (H.F. 2179) the vote was:

Ayes, 13:

Banks	Bennett	Dieleman	Giannetto
Hedge	Hester	Husak	Lloyd-Jones
McKean	Rosenberg	Sorensen	Sturgeon
Taylor			

Nays, 36:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Drake
Dvorsky	Fink	Fraise	Freeman
Gettings	Gronstal	Horn	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Szymoniak	Tinsman	Welsh	Zieman

Absent or not voting, 1:

Vilsack

Amendment S—5360 lost.

Senator Rosenberg offered amendment S—5366 filed by him from the floor to page 11 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 19, nays 27.

Amendment S—5366 lost.

Senator Banks offered amendment S—5345 filed by Senators Banks and Sturgeon 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—5345 be adopted?" (H.F. 2179) the vote was:

Ayes, 22:

Banks	Bartz	Bennett	Dieleman
Freeman	Gettings	Giannetto	Hedge

Hester	Husak	Jensen	Lloyd-Jones
McKean	Pate	Priebe	Rensink
Rosenberg	Sorensen	Sturgeon	Taylor
Vilsack	Zieman		

Nays, 28:

Bisignano	Borlaug	Boswell	Buhr
Cannolly	Deluhery	Drake	Dvorsky
Fink	Fraise	Gronstal	Horn
Judge	Kersten	Kibbie	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Redfern	Rife	Riordan
Rittmer	Szymoniak	Tinsman	Welsh

Amendment S—5345 lost.

Senator Kersten offered amendment S—5352 filed by Senators Kersten and Priebe on March 30, 1994, to page 11 and the title page of the bill.

Senator Welsh raised the point of order that amendment S—5352 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5352 out of order.

Senator McKean offered amendment S—5307 filed by him on March 28, 1994, to page 11 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5307 be adopted?" (H.F. 2179) the vote was:

Ayes, 19:

Banks	Bennett	Cannolly	Dieleman
Freeman	Giannetto	Hedge	Hester
Husak	Jensen	Lloyd-Jones	McKean
Pate	Rosenberg	Sorensen	Sturgeon
Taylor	Vilsack	Zieman	

Nays, 30:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Deluhery	Drake	Dvorsky
Fink	Fraise	Gettings	Gronstal

Horn	Judge	Kersten	Kibbie
Kramer	Lind	Maddox	McLaren
Murphy	Palmer	Redfern	Rensink
Rife	Riordan	Rittmer	Szymoniak
Tinsman	Welsh		

Absent or not voting, 1:

Priebe

Amendment S—5307 lost.

Senator Rosenberg offered amendment S—5364 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—5364 be adopted?" (H.F. 2179) the vote was:

Ayes, 23:

Banks	Bennett	Connolly	Dieleman
Drake	Gettings	Giannetto	Hedge
Hester	Husak	Jensen	Judge
Lloyd-Jones	McKean	Pate	Priebe
Rensink	Riordan	Rosenberg	Sorensen
Sturgeon	Taylor	Zieman	

Nays, 27:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Deluhery	Dvorsky	Fink
Fraise	Freeman	Gronstal	Horn
Kersten	Kibbie	Kramer	Lind
Maddox	McLaren	Murphy	Palmer
Redfern	Rife	Rittmer	Szymoniak
Tinsman	Vilsack	Welsh	

Amendment S—5364 lost.

Senator Taylor offered amendment S—5370 filed by him from the floor to page 5 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5370 be adopted?" (H.F. 2179) the vote was:

## Ayes, 11:

Banks	Bartz	Bennett	Freeman
Giannetto	Hester	Jensen	Rensink
Rosenberg	Taylor	Zieman	

## Nays, 39:

Bisignano	Borlaug	Boswell	Buhr
Cannolly	Deluhery	Dieleman	Drake
Dvorsky	Fink	Fraise	Gettings
Gronstal	Hedge	Horn	Husak
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	

## Amendment S—5370 lost.

Senator Giannetto offered amendment S—5365 filed by Senators Giannetto, et al., from the floor to page 11 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5365 be adopted?" (H.F. 2179) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

## Ayes, 22:

Banks	Bartz	Bennett	Cannolly
Dieleman	Freeman	Gettings	Giannetto
Hedge	Hester	Husak	Jensen
Lloyd-Jones	McKean	Priebe	Rensink
Riordan	Rosenberg	Sorensen	Sturgeon
Taylor	Zieman		

## Nays, 28:

Bisignano	Borlaug	Boswell	Buhr
Deluhery	Drake	Dvorsky	Fink
Fraise	Gronstal	Horn	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McLaren	Murphy	Palmer
Pate	Redfern	Rife	Rittmer
Szymoniak	Tinsman	Vilsack	Welsh

## Amendment S—5365 lost.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2179) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Bisignano	Borlaug	Buhr	Deluhery
Drake	Fink	Fraise	Gronstal
Horn	Kersten	Kibbie	Kramer
Lind	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rife	Riordan	Rittmer	Szymoniak
Tinsman	Vilsack	Welsh	

Nays, 23:

Banks	Bartz	Bennett	Boswell
Connolly	Dieleman	Dvorsky	Freeman
Gettings	Giannetto	Hedge	Hester
Husak	Jensen	Judge	Lloyd-Jones
McKean	Rensink	Rosenberg	Sorensen
Sturgeon	Taylor	Zieman	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Gronstal filed the following motion to reconsider from the floor and moved its adoption.

MR. PRESIDENT: I move to reconsider the vote by which House File 2179 passed the Senate on March 30, 1994.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2179) the vote was:

Ayes, 22:

Banks	Bartz	Bennett	Connolly
Dieleman	Dvorsky	Freeman	Gettings
Giannetto	Hedge	Hester	Husak
Jensen	Judge	Lloyd-Jones	McKean

Rensink	Riordan	Sorensen	Sturgeon
Taylor	Zieman		

Nays, 27:

Bisignano	Borlaug	Boswell	Buhr
Deluhery	Drake	Fink	Fraise
Gronstal	Horn	Kersten	Kibbie
Kramer	Lind	Maddox	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rife	Rittmer	Szymaniak
Tinsman	Vilsack	Welsh	

Absent or not voting, 1:

Rosenberg

The motion lost.

The following motion to reconsider filed by Senator Pate from the floor was out of order.

MR. PRESIDENT: I move to reconsider the vote by which House File 2179 passed the Senate on March 30, 1994.

Senator Horn asked and received unanimous consent that **House File 2179** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED (Deferred March 29, 1994)

#### Senate File 2089

The Senate resumed consideration of Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, House amendment S—5144 and amendment S—5332 by Senator Welsh to pages 1-13 of House amendment S—5144, deferred March 29, 1994.

Senator McLaren offered amendment S—5346 filed by him from the floor to pages 1-15 of amendment S—5332 to House amendment S—5144, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5346 to amendment S—5332 to House amendment S—5144 be adopted?" (S.F. 2089) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Nays, 25:

Bisignano	Boswell	Buhr	Deluhery
Dieleman	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Absent or not voting, 2:

Connolly	Rosenberg
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Amendment S—5346 lost.

Senator Riordan offered amendment S—5347 filed by him from the floor to pages 2 and 15 of amendment S—5332 to House amendment S—5144.

Senator Drake asked and received unanimous consent that action on amendment S—5347 be deferred.

Senator Priebe offered amendment S—5376 filed by Senators Priebe and Welsh from the floor to page 2 of amendment S—5332 to House amendment S—5144 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5376 to amendment S—5332 to House amendment S—5144 be adopted?" (S.F. 2089) the vote was:

## Ayes, 15:

Connolly	Deluhery	Fink	Gettings
Giannetto	Gronstal	Horn	Kersten
Kibbie	Murphy	Palmer	Priebe
Riordan	Vilsack	Welsh	

## Nays, 33:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Dieleman	Drake
Dvorsky	Fraise	Freeman	Hedge
Hester	Husak	Jensen	Judge
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Zieman			

## Absent or not voting, 2:

Bisignano	Rosenberg
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Amendment S—5376 lost.

Senator Welsh offered amendment S—5369 filed by him from the floor to page 2 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5369 was adopted by a voice vote.

Senator McLaren offered amendment S—5351 filed by him from the floor to pages 3, 8, 9 and 13 of amendment S—5332 to House amendment S—5144 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5351 to amendment S—5332 to House amendment S—5144 be adopted?" (S.F. 2089) the vote was:

## Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Rosenberg

Amendment S—5351 lost.

Senator McLaren offered amendment S—5348 filed by him from the floor to page 3 of amendment S—5332 to House amendment S—5144.

President pro tempore Palmer took the chair at 7:45 p.m.

Senator McLaren moved the adoption of amendment S—5348 to amendment S—5332 to House amendment S—5144 and requested a record roll call.

On the question "Shall amendment S—5348 to amendment S—5332 to House amendment S—5144 be adopted?" (S.F. 2089) the vote was:

Ayes, 24:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kibbie	Kramer
Lind	Maddox	McKean	McLaren
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

Nays, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Sorensen	Sturgeon	Szymoniak	Vilsack
Welsh			

Absent or not voting, 1:

Rosenberg

Amendment S—5348 lost.

Senator Riordan withdrew amendment S—5362 filed by him from the floor to page 4 of amendment S—5332 to House amendment S—5144.

Senator Redfern asked and received unanimous consent that action on amendment S—5379 filed by him from the floor to page 4 of amendment S—5332 to House amendment S—5144 be deferred.

Senator Dieleman asked and received unanimous consent to withdraw amendment S—5337 filed by Senators Dieleman and Murphy on March 29, 1994, to page 5 of amendment S—5332 to House amendment S—5144.

Senator Dieleman offered amendment S—5339 filed by Senators Dieleman and Murphy on March 29, 1994, to page 5 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5339 was adopted by a voice vote.

Senator Dieleman asked and received unanimous consent to withdraw amendment S—5334 filed by Senators Dieleman and Murphy on March 29, 1994, to page 5 of amendment S—5332 to House amendment S—5144.

Senator Lind offered amendment S—5350 filed by him from the floor to page 5 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5350 was adopted by a voice vote.

Senator Welsh offered amendment S—5338 filed by him on March 29, 1994, to page 5 of amendment S—5332 to House amendment S—5144.

Senator Welsh asked and received unanimous consent that action on amendments S—5338 to amendment S—5332 to House amendment S—5144, amendment S—5332, House amendment S—5144 and **Senate File 2089** be deferred.

## INTRODUCTION OF BILLS

**Senate File 2319**, by committee on Appropriations, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

**Read first time and placed on Appropriations Calendar.**

**Senate File 2320**, by committee on Ways and Means, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

**Read first time and placed on Ways and Means Calendar.**

**Senate File 2321**, by committee on Ways and Means, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs and moneys, the repeal of a section, and an effective date.

**Read first time and placed on Ways and Means Calendar.**

**Senate File 2322**, by committee on Ways and Means, a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date.

**Read first time and placed on Ways and Means Calendar.**

## APPENDIX

### COMMUNICATION FROM THE GOVERNOR

The following communication from the governor was presented:

March 29, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

Due to the declination of appointment by Patrick Cavanaugh from the School Budget Review Committee, I am withdrawing his name for consideration by the Senate for this appointment.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### REPORTS OF STANDING COMMITTEES (Place nominees on En Bloc Confirmation Calendar)

#### HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Barbara Walters as a member of the Board of Behavioral Science Examiners.

Mignon Manelli as a member of the Commission on the Status of Women.

### REPORT OF STANDING COMMITTEE (Place nominee on Individual Confirmation Calendar)

#### COMMERCE

Pursuant to Senate Rule 59, the committee on Commerce assigned to investigate the following governor's appointment, completed its investigation on March 30, 1994, and recommended the appointee be confirmed:

Berneil Preul as a member of the Title Guaranty Division Board.

## EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 29, 1994.

Had I been present, I would have voted "aye" on House Files 582 and 2401.

LARRY MURPHY

## PRESENTATION OF VISITOR

Senator Deluhery introduced Ms. Andred Kondor from Sopron, Hungary. She is the Editor in Chief of the Soproni Hirlap, a weekly newspaper.

Ms. Kondor was a guest in the United States under the auspices of the International Visitor Program of the U.S. Information Agency and was accompanied by Ms. Eva Baer, her escort and interpreter.

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2319 (formerly Senate File 2305), a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor

vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 21: Murphy, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Boswell, Palmer, Redfern and Rensink.

**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 2319 and they were attached to the committee report.

## WAYS AND MEANS

**Final Bill Action: SENATE FILE 2320 (SSB 2218),** a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Murphy.

**Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.**

**ALSO:**

**Final Bill Action: SENATE FILE 2321 (SSB 2263),** a bill for an act relating to agricultural development and rural revitalization by providing for value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs and moneys, the repeal of a section, and an effective date.

**Recommendation: APPROVED COMMITTEE BILL.**

**Final Vote:** Ayes, 8: Dieleman, Husak, Deluhery, Lloyd-Jones, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 5: Bennett, Drake, Freeman, Hedge and McLaren. Pass, 1: Hester. Absent or not voting, 1: Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE FILE 2322 (SSB 2262), a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Rosenberg. Nays, none. Absent or not voting, 3: Deluhery, Murphy and Szymoniak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2116, a bill for an act relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing a retroactive applicability date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Lloyd-Jones, McLaren, Palmer, Riordan and Rosenberg. Nays, none. Absent or not voting, 4: Deluhery, Hester, Murphy and Szymoniak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2177, a bill for an act relating to underground storage tanks site classifications and monitoring, the underground storage tank fund board and the department of natural resources, installers, bonds, and relating to the environmental protection charge, and providing a penalty.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Dieleman, Husak, Deluhery, Hester, Lloyd-Jones, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 5: Bennett, Drake, Freeman, Hedge and McLaren. Absent or not voting, 1: Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2387, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5367.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Rosenberg. Nays, none. Absent or not voting, 3: Deluhery, Murphy and Szymoniak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S—5363	H.F.	2179	Andy McKean Brad Banks
S—5364	H.F.	2179	Ralph Rosenberg
S—5365	H.F.	2179	Randal J. Giannetto Emil J. Husak Andy McKean Ray Taylor Wayne Bennett Brad Banks Jack W. Hester William W. Dieleman Jean Lloyd-Jones Ralph Rosenberg Al Sturgeon
S—5366	H.F.	2179	Ralph Rosenberg
S—5367	H.F.	2387	Ways and Means
S—5368	H.F.	2372	Al Sturgeon
S—5369	S.F.	2089	Joe Welsh
S—5370	H.F.	2179	Ray Taylor
S—5371	H.F.	2410	Elaine Szymoniak
S—5372	S.F.	2089	Joe Welsh Tom Vilsack Eugene S. Fraise Emil J. Husak John W. Jensen Jim Kersten John P. Kibbie Wally E. Horn Robert E. Dvorsky William D. Palmer Berl E. Priebe

			Michael E. Gronstal
			Tony Bisignano
			Don Gettings
			Albert G. Sorensen
			Mike Connolly
			Jean Lloyd-Jones
			Bill Fink
			William W. Dieleman
			Leonard Boswell
			Ralph Rosenberg
			Jim Riordan
			Randal J. Giannetto
			Al Sturgeon
			Elaine Szymoniak
			Larry Murphy
			Patty Judge
			Paul D. Pate
			Florence D. Buhr
			Patrick J. Deluhery
S—5373	S. F.	2089	Larry Murphy
			Jim Kersten
S—5374	S. F.	2316	Merlin E. Bartz
S—5375	S. C. R.	108	Merlin E. Bartz
S—5376	S. F.	2089	Berl E. Priebe
			Joe J. Welsh
S—5377	S. F.	2089	Joe Welsh
S—5378	S. F.	2089	Brad Banks
S—5379	S. F.	2089	Donald B. Redfern
S—5380	S. F.	2089	Richard F. Drake
S—5381	H. F.	2410	Elaine Szymoniak
S—5382	S. F.	2089	Robert Dvorsky
S—5383	S. F.	2089	Mary E. Kramer
S—5384	S. F.	2089	Jack Rife
S—5385	S. F.	2089	Derryl McLaren

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 8:15 p.m., until 9:00 a.m., Thursday, March 31, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-FIRST CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 31, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by Father James Geodken, pastor of the Sacred Heart Church, Oelwein, Iowa.

The Journal of Wednesday, March 30, 1994, was approved.

## BILL REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that **Senate File 2286** be referred from the Regular Calendar to the committee on **Commerce** under Senate Rule 60.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Murphy until he arrives on request of Senator Horn.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Thomas L. Erpelding as a member of the Accountancy Examining Board.

Gene E. Geissinger as a member of the Agricultural Development Authority.

Susan D. Albright as a member of the Alcoholic Beverages Commission.

Peggy C. Dunshee as a member of the Board of Barber Examiners.

Dr. James D. Collins, Jr. as a member of the Board of Medical Examiners.

Marian L. Roberts as a member of the Board of Pharmacy Examiners.

Julia A. Bebensee as a member of the Board of Speech Pathology and Audiology Examiners.

Jim C. Hester as a member of the Commission on the Status of African-Americans.

Kathryn A. Murphy as a member of the Environmental Protection Commission.

Gene Gardner as a member of the Higher Education Strategic Planning Council.

M. Susan Erickson as a member of the Landscape Architectural Examining Board.

Russell D. Nading as a member of the Real Estate Commission.

James M. Doyne as a member of the Small Business Advisory Council.

Ronald J. McGauvran as a member of the State Board of Education.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 39:

Bartz  
Buhr  
Dvorsky  
Gettings

Bennett  
Connolly  
Fink  
Giannetto

Borlaug  
Deluhery  
Fraise  
Gronstal

Boswell  
Drake  
Freeman  
Hedge

Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Lind
Lloyd-Jones	McKean	McLaren	Palmer
Pate	Redfern	Rensink	Rife
Riordan	Rosenberg	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 11:

Banks	Bisignano	Dieleman	Kramer
Maddox	Murphy	Priebe	Rittner
Sorensen	Sturgeon	Taylor	

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

The Senate stood at ease at 9:18 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 10:37 a.m., President Boswell presiding.

## UNFINISHED BUSINESS (Deferred March 30, 1994)

### Senate File 2089

The Senate resumed consideration of Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, House amendment S—5144, amendment S—5332 to House amendment S—5144, and amendments S—5338, S—5347 and S—5379 to amendment S—5332 to House amendment S—5144, deferred March 30, 1994.

Senator Welsh moved the adoption of amendment S—5338 to page 5 of amendment S—5332 to House amendment S—5144, deferred March 30, 1994.

Amendment S—5338 was adopted by a voice vote.

Senator Rife withdrew amendment S—5384 filed by him on March 30, 1994, to page 8 of amendment S—5332 to House amendment S—5144.

Senator Banks offered amendment S—5378 filed by him on March 30, 1994, to pages 9-10 of amendment S—5332 to House amendment S—5144.

Senator Welsh raised the point of order that amendment S—5378 to amendment S—5332 to House amendment S—5144 was not germane.

The Chair ruled the point not well taken and amendment S—5378 in order.

Senator Banks moved the adoption of amendment S—5378 to amendment S—5332 to House amendment S—5144, which motion prevailed by a voice vote.

Senator Murphy asked and received unanimous consent to withdraw amendment S—5373 filed by Senators Murphy and Kersten on March 30, 1994, to pages 9 and 10 of amendment S—5332 to House amendment S—5144.

Senator Welsh offered amendment S—5336 filed by Senators Welsh and Riordan on March 29, 1994 to pages 12 and 13 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5336 was adopted by a voice vote.

Senator Welsh asked and received unanimous consent to withdraw amendment S—5372 filed by Senators Welsh, et al., on March 30, 1994, to page 13 of amendment S—5332 to House amendment S—5144.

Senator Welsh offered amendment S—5377 filed by him on March 30, 1994, to page 13 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5377 was adopted by a voice vote.

Senator Drake offered amendment S—5380 filed by him on March 30, 1994, to pages 1-8 and 10-15 of amendment S—5332 to House amendment S—5144 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5380 to amendment S—5332 to House amendment S—5144 be adopted?" (S.F. 2089) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Fraise

Amendment S—5380 lost.

Senator Dvorsky offered amendment S—5382 filed by him on March 30, 1994, to pages 1, 3, 5, 6, 9, 12 and 13 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5382 was adopted by a voice vote.

Senator Kramer offered amendment S—5383 filed by her on March 30, 1994, to pages 1 and 13 of amendment S—5332 to House amendment S—5144.

Senator Kramer asked and received unanimous consent that action on amendment S—5383 to amendment S—5332 to House amendment S—5144 be deferred.

The Senate resumed consideration of amendment S—5347 by Senator Riordan to pages 2 and 15 of amendment S—5332 to House amendment S—5144, deferred March 30, 1994.

Senator Riordan moved the adoption of amendment S—5347 to amendment S—5332 to House amendment S—5144, which motion prevailed by a voice vote.

The Senate resumed consideration of amendment S—5379 by Senator Redfern to page 4 of amendment S—5332 to House amendment S—5144, deferred March 30, 1994.

Senator Redfern moved the adoption of amendment S—5379 to amendment S—5332 to House amendment S—5144, which motion prevailed by a voice vote.

Senator McLaren withdrew amendment S—5385 filed by him on March 30, 1994, to page 4 of amendment S—5332 to House amendment S—5144.

Senator Murphy offered amendment S—5391 filed by Senators Murphy and Kersten from the floor to pages 9 and 10 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5391 was adopted by a voice vote.

Senator Kibbie offered amendment S—5393 filed by Senators Kibbie and Welsh from the floor to page 3 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5393 was adopted by a voice vote.

Senator Kibbie offered amendment S—5394 filed by Senators Kibbie, et al., from the floor to page 15 of amendment S—5332 to House amendment S—5144.

The Senate stood at ease at 11:37 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 12:14 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2089

The Senate resumed consideration of Senate File 2089.

Senator Kibbie asked and received unanimous consent that action on amendment S—5394 by Senators Kibbie, et al., to page 15 of amendment S—5332 to House amendment S—5144 be deferred.

Senator Kibbie withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5378 to amendment S—5332 to House amendment S—5144 was adopted by the Senate on March 31, 1994.

(Action on Senate File 2089 was deferred.)

## CONSIDERATION OF BILLS (Regular Calendar)

### House File 610

On motion of Senator Giannetto, House File 610, a bill for an act relating to the exemption for attorneys who have provided abstract services under the title guaranty program, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto asked and received unanimous consent that action on **House File 610** be deferred.

### House File 642

On motion of Senator Vilsack, House File 642, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state, 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 642** be deferred.

### House File 2177

On motion of Senator Gronstal, House File 2177, a bill for an act relating to underground storage tanks site classifications and monitoring, the underground storage tank fund board and the department of natural resources, installers, bonds, and relating to the environmental protection charge, and providing a penalty,

with report of committee on Environment and Energy Utilities recommending amendment and passage and report of committee on Ways and Means recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2177** be deferred.

### **House File 2383**

On motion of Senator Connolly, House File 2383, a bill for an act relating to safety in schools, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Connolly asked and received unanimous consent that action on **House File 2383** be deferred.

### **House File 2261**

On motion of Senator Dvorsky, House File 2261, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **House File 2261** be deferred.

### **House File 2286**

On motion of Senator Vilsack, House File 2286, a bill for an act increasing the jurisdictional amount for small claims, with report of committee recommending passage, was taken up for consideration.

Senator Vilsack asked and received unanimous consent that action on **House File 2286** be deferred.

### **House File 2325**

On motion of Senator Giannetto, House File 2325, a bill for an act to limit the use of presentence investigations, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto asked and received unanimous consent that action on **House File 2325** be deferred.

### **House File 2366**

On motion of Senator Gronstal, House File 2366, a bill for an act relating to reapportionment, redistricting, and reprecincting by certain jurisdictions, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2366** be deferred.

### **House File 2118**

On motion of Senator Gronstal, House File 2118, a bill for an act relating to underground storage tank lender liability, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **House File 2118** be deferred.

## **BILL REFERRED TO COMMITTEE**

Senator Horn asked and received unanimous consent that **Senate File 2319** be referred from the Appropriations Calendar to the committee on Education.

The Senate stood at ease at 12:30 p.m. until the fall of the gavel for the purpose of committee meetings.

The Senate resumed session at 1:30 p.m., President Boswell presiding.

## **CONSIDERATION OF BILLS (Regular Calendar)**

### **House File 545**

On motion of Senator Dieleman, House File 545, a bill for an act relating to motor carrier certificates and permits and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Drake offered amendment S—5080 filed by Senators Drake and Dieleman on March 4, 1994, to pages 1 and 2 of the bill and moved its adoption.

Amendment S—5080 was adopted by a voice vote.

With the adoption of amendment S—5080, the Chair ruled amendment S—5024 filed by Senators Dieleman and Drake on February 17, 1994, to pages 1 and 2 of the bill, out of order.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 545) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittner
Rosenberg	Rosenen	Sturgeon	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Bisignano                      Szymoniak

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2070

On motion of Senator Giannetto, House File 2070, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto asked and received unanimous consent that action on **House File 2070** be deferred.

### House File 403

On motion of Senator Dvorsky, House File 403, a bill for an act relating to the disposition of property left unclaimed at a dry cleaning establishment, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Dvorsky offered amendment S—5287 filed by the committee on Commerce on March 23, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5287 was adopted by a voice vote.

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. 403) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tinsman	Vilsack
Welsh	Zieman		

Nays, 3:

Priebe	Riordan	Taylor
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Absent or not voting, 1:

Hester

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 455

On motion of Senator Gronstal, House File 455, a bill for an act relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual, with report of committee recommending passage, was taken up for consideration.

Senator Lind withdrew amendment S—3687 filed by him on April 29, 1993, to page 2 of the bill.

Senator Bartz asked and received unanimous consent that action on House File 455 be deferred.

### BUSINESS PENDING

### Senate File 2089

The Senate resumed consideration of Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, House amendment S—5144, amendment S—5332 to House amendment S—5144, and amendments S—5383 and S—5394 to amendment S—5332 to House amendment S—5144, previously deferred.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5391 to Senate File 2089 was adopted by the Senate on March 31, 1994.

The motion prevailed by a voice vote and amendment S—5391 by Senators Murphy and Kersten to pages 9 and 10 of amendment S—5332 to House amendment S—5144, was taken up for reconsideration.

The Chair ruled amendment S—5391 to amendment S—5332 to House amendment S—5144, out of order.

Senator Welsh offered amendment S—5400 filed by Senators Welsh, et al., from the floor to page 15 of amendment S—5332 to House amendment S—5144 and moved its adoption.

Amendment S—5400 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent to withdraw amendment S—5394 by Senators Kibbie, et al., to page 15 of amendment S—5332 to House amendment S—5144, previously deferred.

Senator Kramer withdrew amendment S—5383 to pages 1 and 13 of amendment S—5332 to House amendment S—5144, previously deferred.

Senator Kramer offered amendment S—5396 filed by Senators Kramer, et al., from the floor to pages 1 and 13 of amendment S—5332 to House amendment S—5144 and called for a division: lines 4-8 and 10-24 as division S—5396A and line 9 as division S—5396B.

Senator Kramer asked and received unanimous consent to withdraw division S—5396B to amendment S—5332 to House amendment S—5144.

Senator Kramer moved the adoption of division S—5396A to page 1 of amendment S—5332 to House amendment S—5144 and requested a record roll call.

On the question “Shall division S—5396A to amendment S—5332 to House amendment S—5144 be adopted?” (S.F. 2089) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 3:

Fraise	Riordan	Sorensen
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Division S—5396A was adopted.

Senator Welsh moved the adoption of amendment S—5332 as amended to House amendment S—5144, which motion prevailed by voice vote.

Senator Welsh 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 Welsh 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. 2089) the vote was:

Ayes, 42:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rittmer	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 7:

Banks	Giannetto	Maddox	McKean
McLaren	Rife	Riordan	

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that Senate File 2089 be immediately messaged to the House.

**CONSIDERATION OF BILLS**  
(Regular Calendar)

**House File 2192**

On motion of Senator Gronstal, House File 2192, a bill for an act relating to the regulation of bingo, imposing license fees, and subjecting violators to existing penalties, with report of committee on State Government recommending passage and report of committee on Ways and Means recommending passage, 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?" (H.F. 2192) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Rife

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## House File 2146

On motion of Senator Welsh, House File 2146, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Welsh offered amendment S—5286 filed by the committee on State Government on March 23, 1994, to strike everything after the enacting clause of the bill.

Senator Welsh offered amendment S—5319 filed by him on March 29, 1994, to amendment S—5286 and moved its adoption.

Amendment S—5319 was adopted by a voice vote.

Senator Welsh moved the adoption of amendment S—5286 as amended, which motion prevailed by a voice vote.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2146) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 3:

Fink	Rife	Riordan
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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 2384

On motion of Senator Giannetto, House File 2384, a bill for an act enacting the uniform fraudulent transfer act, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto withdrew amendment S—5316 filed by him on March 28, 1994, to pages 1, 3, 10 and the title page of the bill.

Senator Giannetto offered amendment S—5395 filed by him from the floor to pages 1, 3, 10 and the title page of the bill and moved its adoption.

Amendment S—5395 was adopted by a voice vote.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2384) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## House File 2387

On motion of Senator Sturgeon, House File 2387, a bill for an act providing for licensing of athletic trainers, imposing fees, and

providing a penalty, with report of committee on Human Resources recommending passage and report of committee on Ways and Means recommending amendment and passage, was taken up for consideration.

Senator Lloyd-Jones offered amendment S—5367 filed by the committee on Ways and Means on March 30, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5367 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2387) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, 3:

Hedge	Priebe	Taylor
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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 2403

On motion of Senator Riordan, House File 2403, a bill for an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals, with report of committee recommending passage, was taken up for consideration.

Senator Riordan offered amendment S—5388 filed by him from the floor to pages 3, 4 and the title page of the bill.

Senator Hedge raised the point of order that amendment S—5388 was not germane to the bill.

Senator Hedge withdrew his point of order.

Senator Riordan called for a division of amendment S—5388: lines 3-9 and 12-15 as division S—5388A and lines 10 and 11 as division S—5388B.

Senator Riordan withdrew division S—5388A.

Senator Riordan moved the adoption of division S—5388B, which motion prevailed by a voice vote.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2403) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2407

On motion of Senator Szymoniak, House File 2407, a bill for an act relating to the collection of child support, including levies

against the accounts of certain child support obligors and including affecting of the professional licensure or certification status of an obligor held in contempt of court, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak offered amendment S—5342 filed by her on March 30, 1994, to pages 8-10 of the bill and moved its adoption.

Amendment S—5342 was adopted by a voice vote.

With the adoption of amendment S—5342, the Chair ruled the following amendments to the bill out of order:

S—5324 filed by Senators Rittmer and Giannetto on March 29, 1994, to pages 8-10.

S—5325 filed by Senator Szymoniak on March 29, 1994, to pages 9 and 10.

President pro tempore Palmer took the chair at 3:46 p.m.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2407) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Tinsman	Vilsack	Zieman	

Nays, 6:

Dieleman	Judge	Lind	Rife
Rittmer	Taylor		

Absent or not voting, 1:

Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2409

On motion of Senator Giannetto, House File 2409, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto offered amendment S—5311 filed by him on March 28, 1994, to strike everything after the enacting clause and the title page of the bill and moved its adoption.

Amendment S—5311 was adopted by a voice vote.

With the adoption of amendment S—5311, the Chair ruled amendment S—5359 filed by Senator Murphy on March 30, 1994, to page 2 of the bill, out of order.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2409) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### House File 2410

On motion of Senator Szymoniak, House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Szymoniak asked and received unanimous consent that action on **House File 2410** be deferred.

### House File 121

On motion of Senator Sturgeon, House File 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon asked and received unanimous consent that action on **House File 121** be deferred.

### House File 2133

On motion of Senator Sturgeon, House File 2133, a bill for an act relating to public safety by allowing the computerized sharing of criminal intelligence data, with report of committee recommending passage, was taken up for consideration.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2133) the vote was:

Ayes, 49:

Banks  
Borlaug

Bartz  
Boswell

Bennett  
Buhr

Bisignano  
Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Kersten

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Horn asked and received unanimous consent that the following bills on the Senate Calendar be placed on the Unfinished Business Calendar: House Files 2343, 2352, 2372, 2377, 2392 and 2406.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 403, 545, 2192, 2146, 2384, 2403, 2407, 2409 and 2133** be immediately messaged to the House.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 216**, a bill for an act relating to rates and charges for city utility and enterprise services by authorizing their collection as combined service accounts, authorizing the

discontinuance of services in the event of nonpayment, and providing uniform notice procedures prior to discontinuance of service and prior to certification of lien for nonpayment.

ALSO: That the House has on March 31, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2060**, a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy (S—5397).

**Senate File 2080**, a bill for an act relating to agricultural and other motor vehicles, by defining special mobile equipment and exempting oversized vehicles from certain regulations (S—5398).

## APPENDIX

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 2319

**EDUCATION:** Connolly, Chair; Kibbie and Kramer

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** March 30, 1994, 11:31 a.m.

**Members Present:** Deluhery, Chair; Palmer, Vice Chair; Jensen, Ranking Member; Dvorsky, Freeman, Gettings, Lind, Priebe, Sturgeon and Welsh.

**Members Absent:** Bisignano, Gronstal, Kersten, Pate and Redfern.

**Committee Business:** Recommended confirmation of governor's appointee to individual confirmation calendar.

**Adjourned:** 11:40 a.m.

#### STATE GOVERNMENT

**Convened:** March 30, 1994, 2:23 p.m.

**Members Present:** Gronstal, Chair; Bisignano, Buhr, Fink, Giannetto, Lind, McLaren, Pate, Priebe and Sorensen.

**Members Absent:** Kibbie, Vice Chair; Rittmer, Ranking Member; Dieleman, Drake, Kramer, McKean and Welsh (all excused).

**Committee Business:** Recommended confirmation of governor's appointees.

**Adjourned:** 2:25 p.m.

#### WAYS AND MEANS

**Convened:** March 30, 1994, 8:05 a.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Recommended passage of House File 2179 as amended; recommended passage of House File 2192.

**Adjourned:** 8:25 a.m.

## WAYS AND MEANS

**Convened:** March 30, 1994, 1:33 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Murphy.

**Committee Business:** Recommended passage of House Files 2116 and 2177; recommended passage of House File 2387 as amended; approved SSBs 2262, 2263 and 2218 as committee bills.

**Adjourned;** 2:20 p.m.

## MOTIONS TO RECONSIDER

**MR. PRESIDENT:** I move to reconsider the vote by which House File 542 passed the Senate on March 29, 1994.

JEAN LLOYD-JONES

**MR. PRESIDENT:** I move to reconsider the vote by which House File 2387 passed the Senate on March 31, 1994.

JIM RIORDAN

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students from Lincoln High School, Des Moines, accompanied by Carol Dickey. Senators Bisignano and McLaren.

The following visitors were present in the Senate gallery:

Twenty students, members of the Girl Scouts from Newell and Humboldt, accompanied by Kathy Eck and Laura Schaller. Senators Freeman and Priebe.

## COMMITTEE REPORT

## EDUCATION

**Final Bill Action:** SENATE FILE 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5399.

**Final Vote:** Ayes, 14: Connolly, Kibbie, Kramer, Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Taylor.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

REPORTS OF STANDING COMMITTEES  
(Place nominees on En Bloc Confirmation Calendar)

EDUCATION

Pursuant to Senate Rule 59, the committee on Education assigned to investigate the following governor's appointment, completed its investigation on March 31, 1994, and recommended the appointee be confirmed:

James Weinman as a member of the Iowa Higher Education Loan Authority.

HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Diana Leonard as Administrator of the Division of Deaf Services.

Linda S. Trudeau as a member of the Board of Behavioral Science Examiners.

Patrick R. Sell as a member of the Commission on the Deaf.

Willie J. Culpepper as a member of the Iowa Council on Human Investment.

Mary Anne Anderson and Clark A. Lane as members of the Mental Health and Mental Retardation Commission.

Dr. Alfred Healy and Melva J. Urban as members of the Prevention of Disabilities Policy Council.

Stephen A. Kuhn as a member of the State Citizen Foster Care Review Board.

JUDICIARY

Pursuant to Senate Rule 59, the committee on Judiciary assigned to investigate the following governor's appointments, completed its investigations on March 31, 1994, and recommended the appointees be confirmed:

Haywood Belle as a member of the Board of Corrections.

Walter L. Saur as a member and Chairperson of the Board of Parole.

Lorna M. Burnside, Betty Jean Clark, Gary G. Kimes, James L. Kurth, Ronald D. Stehl and Dr. R. Dean Wright as members of the Criminal and Juvenile Justice Planning Advisory Council.

Charles W. Larson as Drug Enforcement and Abuse Prevention Coordinator.

Mary Ann Brown, Michael R. Hellige and Ellengray G. Kennedy as members of the Indigent Defense Advisory Commission.

### STATE GOVERNMENT

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on March 30, 1994, and recommended the appointees be confirmed:

Jeffrey L. Goodman and Daryl K. Henze as members of the Alcoholic Beverages Commission.

Glen D. Huntington and Kevin W. Monson as members of the Architectural Examining Board.

Dennis Ruffcorn as a member of the Board of Barber Examiners.

Dr. Ramona K. Kennedy as a member of the Board of Chiropractic Examiners.

Dr. Robert B. Cochrane, Nancy S. Le Peau and Carolyn A. McNeill as members of the Board of Dental Examiners.

Elvin R. Soll as a member of the Board of Dietetic Examiners.

Dr. Donna M. Norman as a member of the Board of Medical Examiners.

Peter R. Teahen as a member of the Board of Mortuary Science Examiners.

Dr. Patricia A. Blume, Sharon M. Mahood and Dr. Richard F. Noyes as members of the Board of Optometry Examiners.

James E. Hughes and Alice B. Price as members of the Board of Physical and Occupational Therapy Examiners.

Lillian J. Madison and Dr. Brenda M. Salocker as a member of the Board of Podiatry Examiners.

Richard Matland as a member of the Board of Social Work Examiners.

Michael G. Genz as a member of the Board of Speech Pathlogy and Audiology Examiners.

Andre' Peery as a member of the Commission on the Status of African-Americans.

Dr. Dean Frey and Jane A. McCall as members of the Iowa Board of Veterinary Medicine.

Julie-Anita Ingoli as a member of the Iowa Emergency Response Commission.

Gary Hughes as a member of the Iowa Lottery Board.

Monty D. Mitchell as a member of the Landscape Architectural Examining Board.

David R. Hicks, Nancy M. Larson and Dianne L. Paca as a member of the Real Estate Appraiser Examining Board.

Nancy E. Welter as a member of the Respiratory Care Advisory Committee.

David E. Koos and Lanny J. Ward as members of the State Board of Examiners for Nursing Home Administrators.

Lorraine May as a member of the State Racing and Gaming Commission.

#### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2069, the following corrections were made:

1. Page 1, line 32, the number "144C.3" was changed to the number "144C.2".
2. Page 3, line 21, the number "144C.5" was changed to the number "144C.4".
3. Page 3, line 28, the number "144C.4" was changed to the number "144C.3".
4. Page 4, line 7, the number "144C.5" was changed to the number "144C.4".
5. Page 5, line 2, the number "144C.6" was changed to the number "144C.5".
6. Page 5, line 26, the number "144C.9" was changed to the number "144C.8".
7. Page 6, line 35, the number "144C.6" was changed to the number "144C.5".
8. Page 8, line 23, the number "144C.7" was changed to the number "144C.6".
9. Page 9, line 6, the number "144C.8" was changed to the number "144C.7".
10. Page 10, line 12, the number "144C.4" was changed to the number "144C.3".
11. Page 10, line 17, the number "144C.9" was changed to the number "144C.8".
12. Page 11, line 20, the number "144C.5" was changed to the number "144C.4".

JOHN F. DWYER  
Secretary of the Senate

**BILL ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 31st day of March, 1994:

Senate File 2069.

JOHN F. DWYER  
Secretary of the Senate

### AMENDMENTS FILED

S—5386	H.F.	642	Tom Vilsack
S—5387	H.F.	2377	Tom Vilsack
S—5388	H.F.	2403	Jim Riordan
S—5389	H.F.	642	John W. Jensen Eugene S. Fraise
S—5390	H.F.	2261	O. Gene Maddox
S—5391	S.F.	2089	Larry Murphy Jim Kersten
S—5392	H.F.	2372	Al Sturgeon
S—5393	S.F.	2089	John P. Kibbie Joe Welsh
S—5394	S.F.	2089	John P. Kibbie Eugene Fraise John W. Jensen Emil J. Husak
S—5395	H.F.	2384	Randal J. Giannetto
S—5396	S.F.	2089	Mary E. Kramer Robert E. Dvorsky Tom Vilsack John W. Jensen Ray Taylor Mary Lou Freeman Maggie Tinsman
S—5397	S.F.	2060	House amendment
S—5398	S.F.	2080	House amendment
S—5399	S.F.	2319	Education
S—5400	S.F.	2089	Joe Welsh John Kibbie Patty Judge Eugene Fraise Emil J. Husak

S—5401	H.F.	455	Merlin E. Bartz
S—5402	S.F.	2218	Tony Bisignano Al Sturgeon
S—5403	H.F.	2387	Jim Riordan
S—5404	S.F.	2218	Joe Welsh Jim Lind
S—5405	H.F.	2070	Tom Vilsack
S—5406	H.F.	2410	Jean Lloyd-Jones

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:22 p.m., until 2:00 p.m., Monday, April 4, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-FIFTH CALENDAR DAY  
FIFTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 4, 1994

The Senate met in regular session at 2:00 p.m., President Boswell presiding.

Prayer was offered by the Honorable James Riordan, member of the Senate from Dallas County, Waukee, Iowa.

The Journal of Thursday, March 31, 1994, was approved.

## SPECIAL GUESTS

Senator Hedge asked Senator Dieleman to introduce the following guests representing the Fifty-ninth Annual Tulip Time Festival:

Queen Tara Baar, who introduced the members of her court: Lisa Brass, Melanie Vernooy, Lisa Blankespoor and Sarah Rinsema.

Queen Tara invited the members of the Senate to attend the Tulip Time Festival in Pella on May 12, 13 and 14.

The Queen, her attendants and their parents distributed the famous Dutch cookies to the Senators and staff.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

## BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the

following bills be referred from the Regular Calendar to committee:

H.F.	230	Natural Resources
H.F.	628	Judiciary
H.F.	2345	Education
H.F.	2361	State Government
H.F.	2373	Human Resources

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senate File 2319

On motion of Senator Rosenberg, Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy

mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, with report of committee on Education recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 2:22 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:17 p.m., President Boswell presiding.

## BUSINESS PENDING

### Senate File 2319

The Senate resumed consideration of Senate File 2319.

Senator Vilsack offered amendment S—5399 filed by the committee on Education on March 31, 1994, to pages 13 and 14 of the bill and moved its adoption.

Amendment S—5399 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5414 filed by Senators Rosenberg and Maddox from the floor to pages 3, 4, 9-11, 16 and 17 of the bill and moved its adoption.

Amendment S—5414 was adopted by a voice vote.

Senator Bisignano offered amendment S—5413 filed by him from the floor to page 12 of the bill.

Senator Rosenberg raised the point of order that amendment S—5413 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5413 in order.

Senator Bisignano moved the adoption of amendment S—5413 and requested a record roll call.

On the question "Shall amendment S—5413 be adopted?" (S.F. 2319) the vote was:

Ayes, 23:

Bennett	Bisignano	Buhr	Connolly
Deluhery	Drake	Dvorsky	Gronstal
Hester	Horn	Jensen	Judge
Kramer	Lind	Lloyd-Jones	Murphy
Palmer	Priebe	Rensink	Riordan
Tinsman	Welsh	Zieman	

Nays, 27:

Banks	Bartz	Borlaug	Boswell
Dieleman	Fink	Fraise	Freeman
Gettings	Giannetto	Hedge	Husak
Kersten	Kibbie	Maddox	McKean
McLaren	Pate	Redfern	Rife
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Vilsack	

Amendment S—5413 lost.

Senator Pate offered amendment S—5410 filed by him from the floor to page 15 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5410 be adopted?" (S.F. 2319) the vote was:

Ayes, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

Nays, 28:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal

Horn	Husak	Judge	Kibbie
Lloyd-Jones	Maddox	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Amendment S—5410 lost.

Senator Borlaug offered amendment S—5419 filed by Senators Borlaug, Tinsman and Kibbie 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—5419 be adopted?" (S.F. 2319) the vote was:

Ayes, 33:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Dieleman
Drake	Freeman	Giannetto	Hedge
Hester	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	McKean
McLaren	Murphy	Pate	Priebe
Redfern	Rensink	Rife	Rittmer
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, 16:

Connolly	Deluhery	Dvorsky	Fink
Fraise	Gettings	Gronstal	Horn
Husak	Judge	Maddox	Palmer
Riordan	Rosenberg	Sorensen	Sturgeon

Absent or not voting, 1:

Welsh

Amendment S—5419 was adopted.

Senator Tinsman offered amendment S—5418 filed by Senators Tinsman, Rittmer and McLaren from the floor to page 2 of the bill.

Senator Sturgeon raised the point of order that amendment S—5418 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5418 in order.

Senator Gronstal asked and received unanimous consent that action on amendment S—5418 be deferred.

Senator Bisignano offered amendment S—5415 filed by him from the floor to pages 11, 13, 14 and the title page of the bill.

Senator Rosenberg raised the point of order that amendment S—5415 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5415 out of order.

Senator Borlaug offered amendment S—5422 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—5422 lost by a voice vote.

Senator Giannetto offered amendment S—5425 filed by him from the floor to page 12 of the bill and moved its adoption.

Amendment S—5425 was adopted by a voice vote.

Senator Rosenberg offered amendment S—5424 filed by Senators Rosenberg and Maddox from the floor to page 14 of the bill and moved its adoption.

Amendment S—5424 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5418 by Senators Tinsman, Rittmer and McLaren to page 2 of the bill, previously deferred.

Senator Gronstal offered amendment S—5426 filed by him from the floor to amendment S—5418 and moved its adoption.

Amendment S—5426 was adopted by a voice vote.

Senator Rosenberg asked and received unanimous consent that action on amendment S—5418 as amended be deferred.

Senator Borlaug asked and received unanimous consent that action on Senate File 2319 be deferred.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2229

Senator Judge called up for consideration Senate File 2229, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, amended by the House, and moved that the Senate concur in House amendment S—5318 filed March 29, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Judge 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. 2229) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

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 2218

Senator Vilsack called up for consideration Senate File 2218, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, amended by the House in House amendment S—5317 filed March 29, 1994.

Senator Bisignano asked and received unanimous consent to withdraw amendment S—5402 filed by Senators Bisignano and Sturgeon on March 31, 1994, to House amendment S—5317.

Senator Welsh offered amendment S—5404 filed by Senators Welsh and Lind on March 31, 1994, to House amendment S—5317.

Senator Vilsack raised the point of order that amendment S—5404 to House amendment S—5317 was not germane.

The Chair ruled the point well taken and amendment S—5404 out of order.

Senator Lind asked and received unanimous consent that action on House amendment S—5317 and Senate File 2218 be deferred.

### UNFINISHED BUSINESS (Deferred March 29, 1994)

#### House File 2099

The Senate resumed consideration of House File 2099, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date, deferred March 30, 1994.

Senator McKean offered amendment S—5322 filed by Senators McKean, et al., on March 29, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5322 was adopted by a voice vote.

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. 2099) the vote was:

Ayes, 34:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Freeman	Gettings	Giannetto
Horn	Husak	Judge	Kersten
Kibbie	Lind	McKean	Murphy
Palmer	Redfern	Rensink	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Zieman		

Nays, 16:

Fraise	Gronstal	Hedge	Hester
Jensen	Kramer	Lloyd-Jones	Maddox
McLaren	Pate	Priebe	Rife
Taylor	Tinsman	Vilsack	Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### UNFINISHED BUSINESS (Deferred March 28, 1994)

#### House File 2018

The Senate resumed consideration of House File 2018, a bill for an act relating to school bus transportation requirements, deferred March 28, 1994.

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. 2018) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe

Redfern  
Rittmer  
Szymoniak  
Welsh

Rensink  
Rosenberg  
Taylor  
Zieman

Rife  
Sorensen  
Tinsman

Riordan  
Sturgeon  
Vilsack

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### Senate File 2218

The Senate resumed consideration of Senate File 2218, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, and House amendment S—5317, previously deferred.

Senator Vilsack 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 Vilsack moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2218) the vote was:

Ayes, 50:

Banks  
Borlaug  
Deluhery  
Fink  
Giannetto  
Horn  
Kersten  
Lloyd-Jones  
Murphy  
Redfern  
Rittmer

Bartz  
Boswell  
Dieleman  
Fraise  
Gronstal  
Husak  
Kibbie  
Maddox  
Palmer  
Rensink  
Rosenberg

Bennett  
Buhr  
Drake  
Freeman  
Hedge  
Jensen  
Kramer  
McKean  
Pate  
Rife  
Sorensen

Bisignano  
Connolly  
Dvorsky  
Gettings  
Hester  
Judge  
Lind  
McLaren  
Priebe  
Riordan  
Sturgeon

Szymoniak  
Welsh

Taylor  
Zieman

Tinsman

Vilsack

Nays, 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 31, 1994)

#### House File 2410

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, deferred March 31, 1994.

Senator Szymoniak offered amendment S—5301 filed by the committee on Human Resources on March 24, 1994, to pages 37-39 and 41 of the bill.

Senator Szymoniak offered amendment S—5381 filed by her on March 30, 1994, to amendment S—5301.

Senator Giannetto asked and received unanimous consent that action on amendment S—5381 to amendment S—5301 and amendment S—5301 be deferred.

Senator Szymoniak offered amendment S—5371 filed by her on March 30, 1994, to page 10 of the bill.

Senator Szymoniak offered amendment S—5407 filed by her from the floor to amendment S—5371 and moved its adoption.

Amendment S—5407 was adopted by a voice vote.

Senator Szymoniak moved the adoption of amendment S—5371 as amended, which motion prevailed by a voice vote.

Senator Bartz offered amendment S—5302 filed by him on March 28, 1994, to page 39 of the bill and moved its adoption.

Amendment S—5302 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5427 filed by her from the floor to pages 41, 44 and 45 of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S—5427 be deferred.

Senator Lloyd-Jones offered amendment S—5406 filed by her on March 31, 1994, to page 45 and the title page of the bill.

Senator Lloyd-Jones asked and received unanimous consent that action on amendment S—5406 be deferred.

The Senate resumed consideration of amendment S—5427 by Senator Szymoniak to pages 41, 44 and 45 of the bill, previously deferred.

Senator Bartz offered amendment S—5432 filed by him from the floor to amendment S—5427, moved its adoption and requested a non record roll call.

The ayes were 28, nays 19.

Amendment S—5432 was adopted.

Senator Szymoniak moved the adoption of amendment S—5427 as amended, which motion prevailed by a voice vote.

The Senate resumed consideration of amendment S—5301 by the committee on Human Resources to pages 37, 39 and 41 of the bill, and amendment S—5381 by Senator Szymoniak to amendment S—5301, previously deferred.

Senator Szymoniak moved the adoption of amendment S—5381 to amendment S—5301, which motion prevailed by a voice vote.

Senator Szymoniak moved the adoption of amendment S—5301 as amended, which motion prevailed by a voice vote.

(Action on House File 2410 was deferred.)

## BUSINESS PENDING

### Senate File 2319

The Senate resumed consideration of Senate File 2319, a bill for an act relating to juvenile justice by providing in-service

training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, and amendment S—5418 as amended by Senators Tinsman, Rittmer and McLaren to page 2 of the bill, previously deferred.

Senator Banks offered amendment S—5430 filed by him from the floor to page 15 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 26, nays 24.

Amendment S—5430 was adopted.

Senator Sturgeon asked and received unanimous consent to withdraw amendment S—5431 filed by Senators Sturgeon and Bisignano from the floor to pages 2 and 9 of the bill.

Senator Welsh withdrew amendment S—5434 filed by him from the floor to page 12 of the bill.

The Senate resumed consideration of amendment S—5418 by Senators Tinsman, Rittmer and McLaren to page 2 of the bill, previously deferred.

Senator Tinsman offered amendment S—5435 filed by Senators Tinsman, Maddox and Rosenberg from the floor to amendment S—5418 and moved its adoption.

Amendment S—5435 was adopted by a voice vote.

Senator Tinsman moved the adoption of amendment S—5418 as amended.

A record roll call was requested.

On the question "Shall amendment S—5418 as amended be adopted?" (S.F. 2319) the vote was:

Ayes, 34:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Connolly	Deluhery
Dieleman	Drake	Fink	Freeman
Gettings	Hedge	Hester	Husak
Jensen	Judge	Kersten	Kramer
Lind	Maddox	McKean	McLaren
Pate	Priebe	McFern	Rensink
Rife	Rittmer	Rosenberg	Taylor
Tinsman	Zieman		

Nays, 16:

Boswell	Dvorsky	Fraise	Giannetto
Gronstal	Horn	Kibbie	Lloyd-Jones
Murphy	Palmer	Riordan	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Amendment S—5418 as amended was adopted.

Senator Sturgeon offered amendment S—5437 filed by Senators Sturgeon and Bisignano from the floor to pages 2 and 9 of the bill.

Senator Taylor called for a division of amendment S—5437: lines 2-17 as division S—5437A and lines 18-42 as division S—5437B.

Senator Connolly asked unanimous consent that action on divisions S—5437A and S—5437B and Senate File 2319 be deferred.

Senator Connolly withdrew his request to defer.

President pro tempore Palmer took the chair at 7:06 p.m.

Senator Sturgeon asked and received unanimous consent that action on divisions S—5437A and S—5437B be deferred.

Senator Sturgeon offered amendment S—5436 filed by him from the floor to pages 7 and 17 of the bill.

Senator Taylor raised the point of order that amendment S—5436 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5436 in order.

Senator Sturgeon moved the adoption of amendment S—5436.

A record roll call was requested.

On the question "Shall amendment S—5436 be adopted?" (S.F. 2319) the vote was:

Ayes, 7:

Bisignano	Gronstal	Lloyd-Jones	Palmer
Riordan	Sturgeon	Welsh	

Nays, 42:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Maddox	McKean

Murphy  
Rensink  
Sorensen  
Vilsack

Pate  
Rife  
Szymoniak  
Zieman

Priebe  
Rittmer  
Taylor

Redfern  
Rosenberg  
Tinsman

Absent or not voting, 1:

McLaren

Amendment S—5436 lost.

Senator Borlaug offered amendment S—5439 filed by Senators Borlaug, et al., from the floor to page 14 of the bill.

Senator Rosenberg raised the point of order that amendment S—5439 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5439 out of order.

Senator Priebe filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5430 to Senate File 2319 was adopted by the Senate on April 4, 1994.

A non record roll call was requested.

The ayes were 26, nays 12.

The motion prevailed and amendment S—5430 by Senator Banks to page 15 of the bill, was taken up for reconsideration.

Senator Banks moved the adoption of amendment S—5430, which motion lost by a voice vote.

The following motion to reconsider filed by Senator Maddox from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5430 to Senate File 2319 was adopted by the Senate on April 4, 1994.

The Senate resumed consideration of divisions S—5437A and S—5437B by Senators Sturgeon and Bisignano to pages 2 and 9 of the bill, previously deferred.

Senator Taylor withdrew his previous division of amendment S—5437.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McLaren until he returns on request of Senator Rife.

## BUSINESS PENDING

### Senate File 2319

The Senate resumed consideration of Senate File 2319 and amendment S—5437.

Senator Sturgeon offered amendment S—5442 filed by Senators Sturgeon and Taylor from the floor to amendment S—5437 and moved its adoption.

Amendment S—5442 was adopted by a voice vote.

Senator Sturgeon moved the adoption of amendment S—5437 as amended.

On the question "Shall amendment S—5437 as amended be adopted?" (S.F. 2319) the vote was:

Ayes, 18:

Bartz	Bisignano	Buhr	Kersten
Kramer	Lind	Lloyd-Jones	McKean
Pate	Priebe	Rife	Riordan
Rittmer	Sturgeon	Szymoniak	Taylor
Vilsack	Zieman		

Nays, 31:

Banks	Bennett	Borlaug	Boswell
Connolly	Deluhery	Dieleman	Drake
Dvorsky	Fink	Fraise	Freeman
Gettings	Giannetto	Gronstal	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Maddox	Murphy
Palmer	Redfern	Rensink	Rosenberg
Sorensen	Tinsman	Welsh	

Absent or not voting, 1:

McLaren

Amendment S—5437 as amended lost.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2319) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
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 Horn asked and received unanimous consent that Senate Files 2319, 2229 and House Files 2099 and 2018 be immediately messaged to the House.

### MOTION TO RECONSIDER ADOPTED

Senator Drake filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2218 passed the Senate on April 4, 1994.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2218) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
McKean	Murphy	Palmer	Pate
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, 1:

Taylor

Absent or not voting, 4:

Buhr	Maddox	McLaren	Priebe
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The motion prevailed.

Senator Vilsack moved to reconsider the vote by which Senate File 2218 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2218

On motion of Senator Vilsack, Senate File 2218, a bill for an act relating to and making appropriations to state departments, agencies, funds, and certain other entities, and providing for other properly related matters, was taken up for reconsideration.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S-5317 to Senate File 2218 on April 4, 1994.

The motion prevailed by a voice vote and House amendment S-5317 was taken up for reconsideration.

Senator Bisignano offered amendment S—5443 filed by Senators Bisignano, Sturgeon and Drake from the floor to House amendment S—5317 and moved its adoption.

Amendment S—5443 was adopted by a voice vote.

Senator Vilsack 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 Vilsack 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. 2218) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Redfern	Rensink	Rife
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 2:

Gronstal	Riordan
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Absent or not voting, 3:

McLaren	Priebe	Sturgeon
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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 Horn asked and received unanimous consent that Senate File 2218 be immediately messaged to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on March 31, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2411**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

This bill was read first time and passed on file.

**ALSO:** That the House has on April 4, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2224**, bill for an act relating to the disbursement of funds to the foreign trade offices of the department of economic development.

**ALSO:** That the House has on April 4, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2231**, a bill for an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor (S-5412).

**ALSO:** That the House has on April 4, 1994, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2153**, a bill for an act relating to eluding a law enforcement vehicle by prohibiting eluding while participating in the commission of a felony, making changes in the provisions applicable to unintentional death or serious injury caused as a result of eluding, and providing penalties.

**ALSO:** That the House has on April 4, 1994, 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 2218**, a bill for an act relating to civil service employment, to the probationary employment period for police dispatchers and to certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates (S—5411).

### BILL ASSIGNED TO COMMITTEE

The Chair announced that **House File 2411** was assigned to the committee on **Appropriations**.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 106**, by Husak, Giannetto, Pate, Dieleman, Jensen, Kibbie, Boswell, Fraise, Gettings, Fink, Hester, and Vilsack, a Senate resolution urging additional federal action to diagnose and treat a mysterious illness of veterans of the Persian Gulf hostilities.

Read first time and **passed on file**.

**APPENDIX****PETITIONS**

The following petitions were presented and placed on file by:

Senator Hedge from 87 residents of Iowa opposing legislation eliminating special license plates identifying ham radio operators in the state of Iowa.

Senator Kibbie from 17 residents of Emmet County favoring legislation transferring birth, death and marriage records from the county clerk's office to the county recorder's office.

Senator Mary Kramer from 37 residents of Polk County favoring adequate school funding and supporting a minimum of a three percent increase in state aid.

Senator Rensink from 19 residents of Sioux County opposing legislation that could change snowmobiling in Iowa (S.F. 2258).

Senator Rittmer from 42 residents of Scott County favoring legislation requiring mandatory vehicle insurance.

Senator Rittmer from 66 residents of Clinton County favoring legislation to save the rainforests.

**STUDY BILL RECEIVED****SSB 2264 Appropriations**

A concurrent resolution relating to the state board of regents five-year building program and providing for the financing of fire safety and deferred maintenance and certain building and remodeling projects.

**SUBCOMMITTEE ASSIGNMENT****SSB 2264**

APPROPRIATIONS: Kibbie, Chair; Dvorksy and Redfern

## REPORTS OF COMMITTEE MEETINGS

## EDUCATION

**Convened:** March 31, 1994, 12:36 p.m.

**Members Present:** Connolly, Chair; Kibbie, Vice Chair; Kramer, Ranking Member; Deluhery, Dieleman, Dvorsky, Fink, Lind, Murphy, Redfern, Rensink, Szymoniak, Tinsman and Visack.

**Members Absent:** Taylor (excused).

**Committee Business:** Recommended passage of Senate File 2319 as amended; recommended confirmation of governor's appointee.

**Adjourned:** 12:59 p.m.

## JUDICIARY

**Convened:** March 31, 1994, 1:15 p.m.

**Members Present:** Sturgeon, Chair; Rosenberg, Vice Chair; McKean, Ranking Member; Connolly, Drake, Giannetto, Lloyd-Jones, Maddox, Pate, Redfern, Szymoniak, Taylor and Vilsack.

**Members Absent:** Bisignano and Welsh.

**Committee Business:** Recommended confirmation of governor's appointees.

**Adjourned:** 1:30 p.m.

REPORTS OF STANDING COMMITTEES  
(Place nominees on En Bloc Confirmation Calendar)

## HUMAN RESOURCES

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on March 24, 1994, and recommended the appointees be confirmed:

Robert T. Buckley as a member of the Board of Behavioral Science Examiners.

Robert A. Witt as a member of the Board of Physician Assistant Examiners.

Robert J. Martin as a member of the Commission for the Blind.

Bette L. Crumrine as a member of the Commission on Community Action Agencies.

Tom Morain as a member of the Commission on the Status of Women.

Georganna Hinrichsen as a member of the Prevention of Disabilities Policy Council.

## BILL SIGNED BY THE GOVERNOR

Communication was received announcing that on April 4, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 2069 — An act relating to the development and implementation of a community health management information system, providing a civil penalty, and extending the repeal of the Health Data Commission.

### MOTIONS TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5301 to House File 2410 was adopted by the Senate on April 4, 1994.

BERL E. PRIEBE

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5381 to amendment S—5301 to House File 2410 was adopted by the Senate on April 4, 1994.

BERL E. PRIEBE

### AMENDMENTS FILED

S—5407	H.F.	2410	Elaine Szymoniak
S—5408	H.F.	2149	Joe Welsh
S—5409	S.F.	2217	John W. Jensen
S—5410	S.F.	2319	Paul D. Pate
S—5411	H.F.	2218	House amendment
S—5412	S.F.	2231	House amendment
S—5413	S.F.	2319	Tony Bisignano
S—5414	S.F.	2319	Ralph Rosenberg
			O. Gene Maddox
S—5415	S.F.	2319	Tony Bisignano
S—5416	H.F.	2350	Merlin E. Bartz

S—5417	H.F.	2411	O. Gene Maddox
S—5418	S.F.	2319	Maggie Tinsman Sheldon Rittmer Derryl McLaren
S—5419	S.F.	2319	Allen Borlaug Maggie Tinsman John P. Kibbie
S—5420	S.F.	2217	Eugene Fraise
S—5421	H.F.	2325	Randal J. Giannetto
S—5422	S.F.	2319	Allen Borlaug
S—5423	H.F.	2230	Joe Welsh Tony Bisignano Berl E. Priebe
S—5424	S.F.	2319	Ralph Rosenberg O. Gene Maddox
S—5425	S.F.	2319	Randal Giannetto
S—5426	S.F.	2319	Michael E. Gronstal
S—5427	H.F.	2410	Elaine Szymoniak
S—5428	S.F.	2217	Eugene Fraise
S—5429	S.F.	2217	Eugene Fraise
S—5430	S.F.	2319	Brad Banks
S—5431	S.F.	2319	Al Sturgeon Tony Bisignano
S—5432	H.F.	2410	Merlin E. Bartz
S—5433	H.F.	2410	Jean Lloyd-Jones
S—5434	S.F.	2319	Joe Welsh
S—5435	S.F.	2319	Maggie Tinsman O. Gene Maddox Ralph Rosenberg
S—5436	S.F.	2319	Al Sturgeon
S—5437	S.F.	2319	Al Sturgeon Tony Bisignano
S—5438	H.F.	2410	Jean Lloyd-Jones
S—5439	S.F.	2319	Allen Borlaug John W. Jensen Berl E. Priebe H. Kay Hedge
S—5440	S.F.	2316	Merlin E. Bartz Berl E. Priebe William D. Palmer Derryl McLaren

S—5441	H.F.	121	Merlin E. Bartz
S—5442	S.F.	2319	Al Sturgeon Ray Taylor
S—5443	S.F.	2218	Tony Bisignano Al Sturgeon Richard F. Drake

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 9:06 p.m., until 9:00 a.m., Tuesday, April 5, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-SIXTH CALENDAR DAY  
FIFTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 5, 1994

The Senate met in regular session at 9:04 a.m., President Boswell presiding.

Prayer was offered by the Reverend Leonhardt Gebhardt, pastor of St. John's Lutheran Church, Charter Oak, Iowa.

The Journal of Monday, April 4, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 4, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2337**, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates.

This bill was read first time and **passed on file**.

**House File 2418**, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

This bill was read first time and **passed on file**.

## QUORUM CALL

Senator Fraise requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Jeffrey L. Goodman and Daryl K. Henze as members of the Alcoholic Beverages Commission.

Glen D. Huntington and Kevin W. Monson as members of the Architectural Examining Board.

Dennis Ruffcorn as a member of the Board of Barber Examiners.

Linda S. Trudeau and Barbara Walters as members of the Board of Behavioral Science Examiners.

Dr. Ramona K. Kennedy as a member of the Board of Chiropractic Examiners.

Haywood Belle as a member of the Board of Corrections.

Nancy S. Le Peau and Carolyn A. McNeill as members of the Board of Dental Examiners.

Elvin R. Soll as a member of the Board of Dietetic Examiners.

Dr. Donna M. Norman and Laura J. Stensrud as members of the Board of Medical Examiners.

Diane E. Palmer as a member of the Board of Mortuary Science Examiners.

Dr. Patricia A. Blume and Dr. Richard F. Noyes as members of the Board of Optometry Examiners.

Arlan D. Van Norman as a member of the Board of Pharmacy Examiners.

Alice B. Price as a member of the Board of Physical and Occupational Therapy Examiners.

Richard Matland as a member of the Board of Social Work Examiners.

Mignon Manelli as a member of the Commission on the Status of Women.

Betty Jean Clark, Gary G. Kimes, Ronald D. Stehl and Dr. R. Dean Wright as members of the Criminal and Juvenile Justice Planning Advisory Council.

Charles W. Larson as the Drug Enforcement and Abuse Prevention Coordinator.

Mary Ann Brown as a member of the Indigent Defense Advisory Commission.

Willie J. Culpepper as a member of the Iowa Council on Human Investment.

Mary Anne Anderson, Sonia A. Johannsen and Clark A. Lane as members of the Mental Health and Mental Retardation Commission.

Dr. Alfred Healy and Melva J. Urban as members of the Prevention of Disabilities Policy Council.

Richard R. Ramsey as a member of the Public Employment Relations Board.

David R. Hicks, Nancy M. Larson and Dianne L. Paca as members of the Real Estate Appraiser Examining Board.

Ann R. Schuster as a member of the Renewable Fuel Advisory Committee.

Christine R. Junker as a member of the Small Business Advisory Council.

Wayne T. Newton as a member of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 48:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Bennett                      Szymoniak

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2217

Senator Fraise called up for consideration Senate File 2217, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project, amended by the House in House amendment S—5349 filed March 30, 1994.

Senator Fraise withdrew amendment S—5420 filed by him on April 4, 1994, to pages 1-16 of House amendment S—5349.

Senator Fraise offered amendment S—5429 filed by him on April 4, 1994, to page 1 of House amendment S—5349 and moved its adoption.

Amendment S—5429 was adopted by a voice vote.

Senator Fraise offered amendment S—5428 filed by him on April 4, 1994, to pages 1-16 of House amendment S—5349 and moved its adoption.

Amendment S—5428 was adopted by a voice vote.

With the adoption of amendment S—5428 to House amendment S—5349, the Chair ruled amendment S—5409 filed by Senator Jensen on April 4, 1994, to pages 15 and 16 of House amendment S—5349, out of order.

Senator Welsh asked and received unanimous consent to withdraw amendment S—5445 filed by Senators Welsh, Lind and Bisignano from the floor to page 1 of House amendment S—5349.

Senator Fraise 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 Fraise 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. 2217) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Dvorsky                      Szymoniak

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

**UNFINISHED BUSINESS**  
(Deferred March 14, 1994)

**House File 2145**

On motion of Senator Buhr, House File 2145, a bill for an act relating to public health issues regarding persons with brain injury, substance abuse treatment programs, the health data commission, vital records services, and immunizations, was taken up for further consideration (substituted for Senate File 2115 and deferred on March 14, 1994).

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2145) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Dvorsky                      Szymoniak

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**UNFINISHED BUSINESS**  
(Deferred March 9, 1994)

**Senate File 2273**

The Senate resumed consideration of Senate File 2273, a bill for an act relating to the investment authority of state banks, deferred March 9, 1994.

Senator Deluhery offered amendment S—5256 filed by him on March 17, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5256 was adopted by a voice vote.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2273) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Dvorsky                      Rittmer

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### MOTION TO RECONSIDER ADOPTED

Senator Riordan called up the motion to reconsider House File 2387 filed by him on March 31, 1994, found on page 972 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2387) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Hedge

Absent or not voting, 2:

Dvorsky                      Rittmer

The motion prevailed.

Senator Sturgeon moved to reconsider the vote by which House File 2387 went to its last reading, which motion prevailed by a voice vote.

### House File 2387

On motion of Senator Sturgeon, House File 2387, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty, was taken up for reconsideration.

Senator Riordan offered amendment S—5403 filed by him on March 31, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5403 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2387) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Hedge

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.

## UNFINISHED BUSINESS (Deferred April 4, 1994)

### House File 2410

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions,

and amendment S—5406 by Senator Lloyd-Jones to page 45 and the title page, deferred April 4, 1994.

Senator Lloyd-Jones offered amendment S—5446 filed by Senators Lloyd-Jones and Szymoniak from the floor to amendment S—5406 and moved its adoption.

Amendment S—5446 was adopted by a voice vote.

Senator Lloyd-Jones withdrew amendment S—5433 filed by her on April 4, 1994, to amendment S—5406.

Senator Lloyd-Jones offered amendment S—5438 filed by her on April 4, 1994, to amendment S—5406 and moved its adoption.

Amendment S—5438 was adopted by a voice vote.

Senator Rife raised the point of order that amendment S—5406 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5406 as amended out of order.

Senator Welsh withdrew amendment S—5450 filed by him from the floor to page 12 of the bill.

Senator Bartz withdrew amendment S—5451 filed by him from the floor to page 41 of the bill.

Senator Szymoniak asked and received unanimous consent that action on **House File 2410** be deferred.

#### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2217 and 2273** and **House Files 2145 and 2387** be immediately messaged to the House.

#### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2153**, a bill for an act providing for the distribution of earnings by cooperative associations operating on a pooling basis.

ALSO: That the House has on April 5, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2244**, a bill for an act providing for the confidentiality of certain information provided in workers' compensation mediation (S—5448).

### RECESS

On motion of Senator Horn, the Senate recessed at 11:05 a.m., until 1:30 p.m.

## APPENDIX

### SUBCOMMITTEE ASSIGNMENT

#### House File 2411

APPROPRIATIONS: Kibbie, Chair; Lind and Murphy

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5407 to amendment S—5371 to House File 2410 was adopted by the Senate on April 4, 1994.

JOE WELSH

### BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

S. R.        106        Rules and Administration

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-three Young Leaders in Action, Black Hawk County, accompanied by Amy Iverson and Cyd McHone. Senator Lind.

### AMENDMENTS FILED

S—5444	S.F.	2318	Larry Murphy
S—5445	S.F.	2217	Joe Welsh
			Jim Lind
			Tony Bisignano
S—5446	H.F.	2410	Jean Lloyd-Jones
			Elaine Szymoniak
S—5447	H.F.	2261	Mary Kramer
			Robert E. Dvorsky
S—5448	S.F.	2244	House amendment
S—5449	S.F.	2318	Brad Banks

S-5450	H.F.	2410	Joe Welsh
S-5451	H.F.	2410	Merlin E. Bartz
S-5452	S.F.	2215	Al Sorensen
S-5453	H.F.	2410	Merlin E. Bartz

## AFTERNOON SESSION

The Senate reconvened at 2:35 p.m., Senator Lloyd-Jones presiding.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 5, 1994, passed the following bills in which the concurrence of the House was asked:

**Senate File 2044**, a bill for an act relating to technical differences between an asbestos license and an asbestos permit.

**Senate File 2261**, a bill for an act relating to employment services by eliminating certain unemployment benefit charges, requiring participation in reemployment services for certain individuals receiving unemployment benefits, making the voluntary shared work program permanent, and making changes to the workers' compensation laws.

**ALSO:** That the House has on April 5, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2038**, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated (S—5455).

**Senate File 2092**, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund (S—5456).

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2218

Senator Fraise called up for consideration House File 2218, a bill for an act relating to civil service employment, to the probationary employment period for police dispatchers and to

certain fire fighters, to civil service lists for certain cities, and providing retroactive applicability and effective dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5411 to Senate amendment H—5798 filed April 4, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Fraise moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2218) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Sturgeon	Szymoniak	Taylor	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Maddox	Murphy	Rosenberg	Tinsman
Welsh			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2265

Senator Sturgeon called up for consideration Senate File 2265,

a bill for an act relating to the offenses of harassment and stalking, and providing for penalties and other related matters, amended by the House, and moved that the Senate concur in House amendment S—5357 filed March 30, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Sturgeon moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2265) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Tinsman

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

Senator Bartz called up for consideration Senate File 2080, a bill for an act relating to agricultural and other motor vehicles, by defining special mobile equipment and exempting oversized vehicles from certain regulations, amended by the House, and

moved that the Senate concur in House amendment S—5398 filed March 31, 1994.

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. 2080) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### Senate File 2231

Senator Kibbie called up for consideration Senate File 2231, a bill for an act relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor, amended by the House, and moved that the Senate concur in House amendment S—5412 filed April 4, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Kibbie moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2231) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### Senate File 2242

Senator Rosenberg called up for consideration Senate File 2242, a bill for an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing

that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly, amended by the House in House amendment S—5358 filed March 30, 1994.

Senator Rosenberg offered amendment S—5457 filed by Senators Rosenberg, Drake and Gettings from the floor to House amendment S—5358 and moved its adoption.

Amendment S—5457 was adopted by a voice vote.

Senator Rosenberg 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 Rosenberg 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. 2242) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 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 14, 1994)

### House File 2241

On motion of Senator Giannetto, House File 2241, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center, was taken up for further consideration (substituted for Senate File 2209 and deferred on March 14, 1994).

President Boswell took the chair at 3:13 p.m.

Senator Giannetto offered amendment S—5232 filed by Senators Giannetto and Rosenberg on March 16, 1994, to page 1 and the title page of the bill and moved its adoption.

Amendment S—5232 was adopted by a voice vote.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2241) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Giannetto asked and received unanimous consent that **Senate File 2209** be **withdrawn** from further consideration of the Senate.

**UNFINISHED BUSINESS**  
(Deferred March 14, 1994)

**House File 2314**

On motion of Senator Gronstal, House File 2314, a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce, was taken up for further consideration (substituted for Senate File 2275 as amended and deferred on March 14, 1994).

Senator Vilsack offered amendment S—5308 filed by him on March 28, 1994, to pages 1-3 of the bill and moved its adoption.

Amendment S—5308 was adopted by a voice vote.

Senator Gronstal offered amendment S—5258 filed by him on March 17, 1994, to page 3 of the bill and moved its adoption.

Amendment S—5258 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?" (H.F. 2314) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Gronstal asked and received unanimous consent that **Senate File 2275** be **withdrawn** from further consideration of the Senate.

## CONSIDERATION OF BILLS (Ways and Means Calendar)

### Senate File 2315

On motion of Senator Freeman, Senate File 2315, a bill for an act relating to the ability to appeal a local board of review determination of a protest of the application of an equalization order, was taken up for consideration.

Senator Horn asked unanimous consent that action on Senate File 2315 be deferred.

Senator Horn withdrew his request to defer.

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. 2315) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2116

On motion of Senator Rordan, House File 2116, a bill for an act relating to the establishment of city emergency medical services districts, and the levying of a property tax, and providing a retroactive applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Riordan moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2116) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Vilsack	Welsh	Zieman

Nays, 1:

Tinsman

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**Senate File 2322**

On motion of Senator Lloyd-Jones, Senate File 2322, a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date, was taken up for consideration.

Senator Lloyd-Jones moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2322) the vote was:

Ayes, 37:

Banks	Bennett	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Redfern
Rensink	Riordan	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, 11:

Bartz	Bisignano	Borlaug	Boswell
Giannetto	Kersten	Lind	McLaren
Priebe	Rife	Rittmer	

Absent or not voting, 2:

Rosenberg	Welsh
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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**  
(Appropriations Calendar)

**Senate File 2318**

On motion of Senator Murphy, Senate File 2318, a bill for an act relating to state budget processes, was taken up for consideration.

Sentor Murphy offered amendment S—5444 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5444 was adopted by a voice vote.

Senator Banks offered amendment S—5449 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—5449 be adopted?" (S.F. 2318) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Rosenberg

Amendment S—5449 lost.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky

Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### SIMILAR BILL RECEIVED

On April 5, 1994, House File 2418 was received and attached to similar Senate File 2251 on the Senate Calendar.

### UNFINISHED BUSINESS (Deferred March 22, 1994)

#### Senate File 2251

The Senate resumed consideration of Senate File 2251, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for federal and state tax purposes, making appropriations, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, deferred March 22, 1994.

Senator Kibbie offered amendment S—5459 filed by him from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5459 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that House File 2418 be substituted for Senate File 2251 as amended.

Senator Kibbie asked and received unanimous consent that action on **House File 2418** be deferred.

Senator Kibbie asked and received unanimous consent that **Senate File 2251** be withdrawn from further consideration of the Senate.

## BUSINESS PENDING

### House File 2410

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, previously deferred.

Senator Priebe asked and received unanimous consent that action on **House File 2410** be deferred.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2245**, a bill for an act relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

ALSO: That the House has on April 5, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2419**, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 5, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2250**, a bill for an act relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator (S—5462).

### INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 112**, by committee on Appropriations, a concurrent resolution relating to college education financing through bonds issued by the state board of regents, and to the state board of regents five-year building program and providing for the financing of fire safety and deferred maintenance and certain building and remodeling projects.

Read first time and **placed on Appropriations Calendar**.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2322, 2265, 2080, 2231, 2242, 2315 and 2318** and **House Files 2218, 2241, 2314 and 2116** be **immediately messaged** to the House.

### BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred from the Unfinished Business Calendar to committee:

H.F.	2312	Commerce
H.F.	2216	Natural Resources

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 5, 1994, 11:16 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Recommended passage of House Files 2376 and 2411 as amended; amended and approved SSB 2264 as a committee bill.

**Adjourned:** 2:16 p.m.

#### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5371 to House File 2410 was adopted by the Senate on April 4, 1994.

JOE WELSH

#### COMMITTEE REPORTS

#### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2376, 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, and the commission of veterans affairs, and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5463.

**Final Vote:** Ayes, 22: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 3: Bisignano, Palmer and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2411, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S-5474.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Lind, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Kersten, Kramer, Palmer and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 112 (SSB 2264), a concurrent resolution relating to the state board of regents five-year building program and providing for the financing of fire safety and deferred maintenance and certain building and remodeling projects.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, 2: Banks and Bisignano. Absent or not voting, 2: Palmer and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## PRESENTATION OF GUEST

Senator Szymoniak introduced Gregory Allen Williams, a former Iowan who has been recognized nationally for his heroic efforts during the 1992 Los Angeles riots.

Mr. Williams is the author of "The Gathering of Heroes" and was in Des Moines visiting his mother. The Senate rose to welcome him.

## AMENDMENTS FILED

S-5454	H.F.	121	Al Sturgeon
S-5455	S.F.	2038	House amendment

S—5456	S. F.	2092	House amendment
S—5457	S. F.	2242	Ralph Rosenberg Richard F. Drake Don Gettings
S—5458	H. F.	2149	Joe Welsh
S—5459	S. F.	2251	John P. Kibbie
S—5460	H. F.	2256	Andy McKean Eugene Fraise Richard F. Drake
S—5461	H. F.	642	John W. Jensen
S—5462	S. F.	2250	House amendment
S—5463	H. F.	2376	Appropriations
S—5464	H. F.	2410	Elaine Szymoniak Merlin E. Bartz John P. Kibbie Wayne Bennett
S—5465	S. F.	2065	Michael E. Gronstal John W. Jensen Jim Kersten Mary Kramer Joe J. Welsh Patrick J. Deluhery
S—5466	H. F.	642	Ray Taylor
S—5467	H. F.	2406	Jim Kersten
S—5468	H. F.	642	Maggie Tinsman O. Gene Maddox Lyle Zieman
S—5469	H. F.	642	O. Gene Maddox Lyle E. Zieman
S—5470	H. F.	642	Sheldon Rittmer Maggie Tinsman O. Gene Maddox
S—5471	H. F.	642	O. Gene Maddox John W. Jensen Maggie Tinsman
S—5472	H. F.	2070	Randal J. Giannetto
S—5473	H. F.	642	O. Gene Maddox Maggie Tinsman Lyle E. Zieman
S—5474	H. F.	2411	Appropriations

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 5:12 p.m., until 9:00 a.m., Wednesday, April 6, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-SEVENTH CALENDAR DAY  
FIFTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 6, 1994

The Senate met in regular session at 9:04 a.m., President Boswell presiding.

Prayer was offered by Sister Catherine Dunn, President of Clarke College, Dubuque, Iowa.

The Journal of Tuesday, April 5, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1994, 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 2218**, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

ALSO: That the House has on April 5, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2358**, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 5, 1994, concurred in the Senate amendment to the House amendment, and passed the following bills in which the concurrence of the House was asked:

**House File 2003**, a bill for an act relating to child day care provisions involving age and school status of the children receiving care and building and nutrition requirements.

**House File 2169**, a bill for an act relating to lawful fences, by providing for smooth high-tensile wire fences.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

David A. Vaudt as a member of the Accountancy Examining Board.

Dr. Elizabeth C. Kressin as a member of the Board of Chiropractic Examiners.

Reuvena M. Bruxvoort as a member of the Board of Cosmetology Arts and Sciences Examiners.

Mary Frances Winegardner and Robert A. Witt as members of the Board of Physician Assistant Examiners.

Michael G. Genz as a member of the Board of Speech Pathology and Audiology Examiners.

Robert J. Martin as a member of the Commission for the Blind.

Bette L. Crumrine as a member of the Commission on Community Action Agencies.

Jolee L. Belzung and Anne W. McKeown as members of the Engineering and Land Surveying Examining Board.

Jane A. McCall as a member of the Iowa Board of Veterinary Medicine.

Sharon Blair and Robert J. DeSmidt as members of the Mental Health and Mental Retardation Commission.

Georganna Hinrichsen as a member of the Prevention of Disabilities Policy Council.

Stephen A. Kuhn and Lorenzo Jasso as members of the State Citizen Foster Care Review Board.

Nancy L. Whittenburg as a member of the State Racing and Gaming Commission.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Buhr	Gronstal	Kersten	Priebe
Rosenberg	Sturgeon		

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kersten until he arrives on request of Senator Tinsman.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2060

Senator Riordan called up for consideration Senate File 2060, a bill for an act relating to county hospital provisions involving the pecuniary interest of a county hospital trustee and establishing procedures for a memorial hospital or county hospital supported by revenue to become a county hospital supported by a tax levy, amended by the House, and moved that the Senate concur in House amendment S—5397 filed March 31, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Riordan 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. 2060) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Buhr	Priebe	Rosenberg	Sturgeon
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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 2250

Senator Szymoniak called up for consideration Senate File 2250, a bill for an act relating to the department of human services by establishing overpayment debt liens and reporting of assets and income of a medical assistance recipient by a conservator, amended by the House, and moved that the Senate concur in House amendment S—5462 filed April 5, 1994.

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. 2250) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Buhr	Kramer	Rosenberg	Sturgeon
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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.

## UNFINISHED BUSINESS (Deferred April 5, 1994)

### House File 2410

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, deferred April 5, 1994.

Senator Bartz offered amendment S—5453 filed by him on April 5, 1994, to page 41 of the bill and moved its adoption.

Amendment S—5453 was adopted by a voice vote.

Senator Priebe withdrew the motion to reconsider the vote by which amendment S—5301 to House File 2410 was adopted by the Senate on April 4, 1994, filed by him on April 4, 1994, and found on page 1003 of the Senate Journal.

The motion to reconsider the vote by which amendment S—5381 to amendment S—5301 was adopted by the Senate on April 4, 1994, filed by Senator Priebe on April 4, 1994, and found on page 1003 of the Senate Journal, was out of order.

Senator Bartz filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5301 to House File 2410 was adopted by the Senate on April 4, 1994.

Senator Priebe raised the point of order that under Senate Rule 24, the motion to reconsider filed by Senator Bartz was out of order because it was not filed on the same or next legislative day after the adoption of amendment S—5301.

The Chair ruled the point not well taken because Senate Rule 24 applies to the main bill and does not have a limit on amendments as long as the bill is in the possession of the Senate.

Senator Bartz moved the adoption of the motion to reconsider amendment S—5301 which motion prevailed by a voice vote and amendment S—5301 by the committee on Human Resources to pages 37-41 of the bill, was taken up for reconsideration.

Senator Bartz filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5381 to amendment S—5301 to House File 2410 was adopted by the Senate on April 4, 1994.

The motion prevailed by a voice vote and amendment S—5381 by Senator Szymoniak to amendment S—5301 was taken up for reconsideration.

Senator Priebe asked and received unanimous consent that action on amendment S—5381 to amendment S—5301, amendment S—5301 and **House File 2410** be deferred.

### UNFINISHED BUSINESS (Deferred March 28, 1994)

#### House File 307

The Senate resumed consideration of House File 307, a bill for an act providing for limitations and judgements, deferred March 28, 1994.

Senator Vilsack offered amendment S—5340 filed by him on March 29, 1994, to page 1 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5340 be adopted?" (H.F. 307) the vote was:

Ayes, 30:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Horn	Husak
Judge	Kibbie	Lloyd-Jones	Murphy
Palmer	Pate	Priebe	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Nays, 19:

Banks	Bartz	Bennett	Borlaug
Drake	Hester	Jensen	Kersten

Kramer	Lind	Maddox	McKean
McLaren	Redfern	Rensink	Rittmer
Taylor	Tinsman	Zieman	

Absent or not voting, 1:

Rife

Amendment S—5340 was adopted.

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. 307) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

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 24, 1994)

#### Senate File 2063

The Senate resumed consideration of Senate File 2063, a bill for an act relating to a city's power to allow eligible electors of

the city to propose or request reconsideration of a city ordinance, deferred March 24, 1994.

Senator Rittmer offered amendment S—5063 filed by the committee on Local Government on March 1, 1994, to page 1 and the title page of the bill.

Senator Dvorsky offered amendment S—5282 filed by him on March 23, 1994, to amendment S—5063.

Senator Bartz raised the point of order that amendment S—5282 to amendment S—5063 was out of order under Senate Rule 12 because it would negate the effect of the main amendment and leave the bill unchanged.

The Chair ruled the point not well taken and the amendment in order.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5282 to amendment S—5063, amendment S—5063 and **Senate File 2063** be deferred.

### UNFINISHED BUSINESS (Deferred March 29, 1994)

#### House File 592

The Senate resumed consideration of House File 592, a bill for an act relating to the allocation to school districts of certain federal funds received for at-risk children, and amendment S—5250 by the committee on Education to page 1 of the bill, deferred March 29, 1994.

Senator Connolly moved the adoption of amendment S—5250 and requested a record roll call.

On the question “Shall amendment S—5250 be adopted?” (H.F. 592) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 25:

Bisignano	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Gettings
Giannetto	Gronstal	Horn	Kersten
Kramer	Lind	Lloyd-Jones	Palmer
Pate	Redfern	Riordan	Rittmer
Rosenberg	Sturgeon	Taylor	Tinsman
Welsh			

Nays, 24:

Banks	Bartz	Bennett	Borlaug
Boswell	Dieleman	Fraise	Freeman
Hedge	Hester	Husak	Jensen
Judge	Kibbie	Maddox	McKean
McLaren	Murphy	Priebe	Rensink
Rife	Sorensen	Vilsack	Zieman

Absent or not voting, 1:

Szymoniak

Amendment S—5250 was adopted.

With the adoption of amendment S—5250 the Chair ruled amendment S—3412 filed by Senator Szymoniak on April 6, 1993, to page 1 of the bill, out of order.

Senator Connolly asked and received unanimous consent that action on **House File 592** be deferred.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2376.

#### House File 2376

On motion of Senator Buhr, House File 2376, 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, and the commission of veterans affairs, and providing an effective date, with report of committee

recommending amendment and passage, was taken up for consideration.

Senator Buhr offered amendment S—5463 filed by the committee on Appropriations on April 5, 1994, to strike everything after the enacting clause of the bill.

Senator Buhr asked and received unanimous consent to withdraw amendment S—5484 filed by Senators Buhr and Murphy from the floor to pages 5 and 6 of amendment S—5463.

(Action on amendment S—5463 was deferred).

Senator Buhr offered amendment S—5479 filed by her from the floor to the title page of the bill and moved its adoption.

Amendment S—5479 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5463, previously deferred.

Senator Dieleman offered amendment S—5490 filed by Senators Dieleman, et al., from the floor to page 21 of amendment S—5463.

Senator Buhr raised the point of order that amendment S—5490 to amendment S—5463 was not germane.

The Chair ruled the point well taken and amendment S—5490 out of order.

Senator Buhr moved the adoption of amendment S—5463.

A record roll call was requested.

On the question "Shall amendment S—5463 be adopted?" (H.F. 2376) the vote was:

Ayes, 29:

Bartz	Bisignano	Borlaug	Boswell
Buhr	Connolly	Drake	Dvorsky
Fink	Fraise	Freeman	Giannetto
Gronstal	Hedge	Horn	Husak
Kersten	Kibbie	Lind	McLaren
Murphy	Palmer	Priebe	Rife

Rittmer	Rosenberg	Sorensen	Szymoniak
Vilsack			

Nays, 21:

Banks	Bennett	Deluhery	Dieleman
Gettings	Hester	Jensen	Judge
Kramer	Lloyd-Jones	Maddox	McKean
Pate	Redfern	Rensink	Riordan
Sturgeon	Taylor	Tinsman	Welsh
Zieman			

Amendment S—5463 was adopted.

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2376) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Tinsman	Vilsack	Welsh
Zieman			

Nays, 1:

Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Horn asked and received unanimous consent that House File 2376 be immediately messaged to the House.

## BUSINESS PENDING

### House File 592

The Senate resumed consideration of House File 592, a bill for an act relating to the allocation to school districts of certain federal funds received for at-risk children, previously deferred.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 592) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

#### Ayes, 26:

Bisignano	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Gettings
Giannetto	Gronstal	Horn	Kersten
Kramer	Lind	Lloyd-Jones	Maddox
Palmer	Pate	Redfern	Riordan
Rittmer	Rosenberg	Sturgeon	Szymoniak
Tinsman	Welsh		

#### Nays, 24:

Banks	Bartz	Bennett	Borlaug
Boswell	Dieleman	Fraise	Freeman
Hedge	Hester	Husak	Jensen
Judge	Kibbie	McKean	McLaren
Murphy	Priebe	Rensink	Rife
Sorensen	Taylor	Vilsack	Zieman

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate Files 2060 and 2250.**

Senator Horn asked and received unanimous consent that **House Files 307 and 592** be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 5, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 413**, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue (S—5482).

**ALSO:** That the House has on April 6, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2199**, a bill for an act relating to college education financing through a provision for the state board of regents to issue bonds.

**ALSO:** That the House has on April 6, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2098**, a bill for an act relating to income tax refund checkoffs, including the olympics and state fair income tax refund checkoffs, creating and appropriating moneys to a special olympics fund, and providing retroactive and effective dates.

This bill was read first time and **passed on file**.

**House File 2323**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

This bill was read first time and **passed on file**.

## RECESS

On motion of Senator Horn, the Senate recessed at 12:20 p.m., until 2:00 p.m.

## APPENDIX

## COMMUNICATIONS FROM THE GOVERNOR

The following communications from the governor were presented:

John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

It is my pleasure to submit to the Senate for their consideration the following governor's appointees as members of state boards, committees and commissions pursuant to Iowa Code sections:

Dr. Yasyn Lee, Dubuque, Dubuque County, for appointment as a member of the Board of Medical Examiners pursuant to Section 147.14(2) for a term beginning April 6, 1994, and ending April 30, 1995.

Jay J. Cayner, Iowa City, Johnson County, for appointment as a member of the Board of Pharmacy Examiners pursuant to Section 147.14(5) for a term beginning April 6, 1994, and ending April 30, 1995.

Gary N. Boeke, Cresco, Howard County, for appointment as a member of the Board of Speech Pathology and Audiology Examiners pursuant to Section 147.14(9) for a term beginning April 6, 1994, and ending April 30, 1997.

Loren M. Wakefield, Waterloo, Black Hawk County, for appointment as a member of the Commission on Community Action Agencies pursuant to Section 216A.92A for a term beginning May 1, 1994, and ending April 30, 1997.

Christine M. Van Meter, Des Moines, Polk County, for appointment as a member of the County Finance Committee pursuant to Section 333A.2 for a term beginning March 29, 1994, and ending April 30, 1995.

Robert E. Petersen, Walcott, Scott County, for reappointment as a member of the Mental Health and Mental Retardation Commission pursuant to Section 225C.5 for a term beginning May 1, 1994, and ending April 30, 1997.

Dr. Edward G. Nassif, Ames, Story County, for appointment as a member of the Respiratory Care Advisory Committee pursuant to Section 152B.13 for a term beginning May 1, 1994, and ending April 30, 1997.

Communications were referred to the committee on **Rules and Administration**.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-seven fifth grade students from Westridge Elementary School, West Des Moines, accompanied by Virginia Lake. Senator Kramer.

Thirty-four fifth grade students from Charter Oak-Ute Elementary School, Ute, accompanied by Mary Keating. Senator Bennett.

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5191 to Senate File 2065 was adopted by the Senate on March 14, 1994.

MICHAEL E. GRONSTAL

### AMENDMENTS FILED

S—5475	H.F.	2377	Larry Murphy
S—5476	H.F.	2377	Larry Murphy
S—5477	H.F.	2377	Larry Murphy
S—5478	H.F.	2377	Larry Murphy
S—5479	H.F.	2376	Florence Buhr
S—5480	H.F.	2411	O. Gene Maddox
S—5481	H.F.	2410	Berl Priebe
S—5482	S.F.	413	House amendment
S—5483	H.F.	2411	Robert E. Dvorsky
			Jim Lind
			Jim Kersten
S—5484	H.F.	2376	Florence Buhr
			Larry Murphy
S—5485	H.F.	2377	Merlin E. Bartz

S—5486	H.F.	121	Tony Bisignano
S—5487	H.F.	2411	Larry Murphy
S—5488	S.F.	2320	William D. Palmer
S—5489	H.F.	2419	William D. Palmer
S—5490	H.F.	2376	William W. Dieleman Ray Taylor John P. Kibbie Berl E. Priebe
S—5491	S.F.	2038	William D. Palmer Mary Lou Freeman
S—5492	S.F.	2312	Tony Bisignano
S—5493	H.F.	2411	O. Gene Maddox
S—5494	S.C.R.	112	John P. Kibbie
S—5495	H.F.	2411	John P. Kibbie

## AFTERNOON SESSION

The Senate reconvened at 2:06 p.m., Senator Giannetto presiding.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

President Boswell took the chair at 2:20 p.m.

The vote revealed 44 present, 6 absent and a quorum present.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Sturgeon until he returns on request of Senator Horn and Senator Kersten until he returns on request of Senator Lind.

## BUSINESS PENDING

### House File 2410

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, amendment S—5301 by the committee on Human Resources to pages 37-41 of the bill, and amendment S—5381 by Senator Szymoniak to amendment S—5301, previously deferred.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5381 to amendment S—5301 be deferred.

Senator Priebe asked and received unanimous consent that action on amendment S—5481 filed by him from the floor to amendment S—5301 be deferred.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5464 filed by Senators Szymoniak, et al., on April 5, 1994, to amendment S—5301 be deferred.

Senator Szymoniak asked and received unanimous consent that action on amendment S—5301 as amended be deferred.

Senator Priebe offered amendment S—5498 filed by Senators Priebe, et al., from the floor to pages 37-41 and 45 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, previously deferred, out of order:

S—5381 by Senator Szymoniak to amendment S—5301.

S—5464 by Senators Szymoniak, et al., to amendment S—5301.

S—5481 by Senator Priebe to amendment S—5301.

S—5301 by the committee on Human Resources to pages 37-41 of the bill.

Senator Horn asked and received unanimous consent to withdraw the following motions to reconsider filed by Senator Welsh:

The motion to reconsider the vote by which amendment S—5371 to House File 2410 was adopted by the Senate on April 4, 1994, filed by Senator Welsh on April 5, 1994, and found on page 1034 of the Senate Journal.

The motion to reconsider the vote by which amendment S—5407 to amendment S—5371 to House File 2410 was adopted by the Senate on April 4, 1994, filed by Senator Welsh on April 5, 1994, and found on page 1017 of the Senate Journal.

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. 2410) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings

Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Rosenberg	Sturgeon	Welsh
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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 31, 1994)

### House File 2118

The Senate resumed consideration of House File 2118, a bill for an act relating to underground storage tank lender liability, deferred March 31, 1994.

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?" (H.F. 2118) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Rosenberg

Sturgeon

Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### SIMILAR BILL RECEIVED

On April 5, 1994, **House File 2337** was received and attached to similar **Senate File 2294** on the Senate Calendar.

### COMPANION BILL RECEIVED

On April 5, 1994, **House File 2419** was received and attached to companion **Senate File 2320** on the Senate Calendar.

### CONSIDERATION OF BILL (Ways and Means Calendar)

#### **Senate File 2320**

On motion of Senator Palmer, **Senate File 2320**, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions, was taken up for consideration.

Senator Palmer offered amendment S—5488 filed by him from the floor to pages 7 and 17 of the bill and moved its adoption.

Amendment S—5488 was adopted by a voice vote.

Senator Palmer asked and received unanimous consent that **House File 2419** be substituted for **Senate File 2320** as amended.

Senator Palmer asked and received unanimous consent that action on **House File 2419** be deferred.

### CONSIDERATION OF BILLS (Appropriations Calendar)

#### **Senate File 2312**

On motion of Senator Bisignano, Senate File 2312, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, was taken up for consideration.

Senator Bisignano offered amendment S—5492 filed by him from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5492 was adopted by a voice vote.

Senator Bisignano asked and received unanimous consent that **House File 2415 be substituted for Senate File 2312 as amended.**

Senator Bisignano asked and received unanimous consent that **action on House File 2415 be deferred.**

Senator Horn asked and received unanimous consent to take up for consideration House File 2411.

### **House File 2411**

On motion of Senator Kibbie, House File 2411, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kibbie offered amendment S—5474 filed by the committee on Appropriations on April 5, 1994, to strike everything after the enacting clause of the bill.

Senator Murphy offered amendment S—5487 filed by him from the floor to page 2 of amendment S—5474 and moved its adoption.

Amendment S—5487 was adopted by a voice vote.

Senator Dvorsky offered amendment S—5483 filed by Senators Dvorsky, Lind and Kersten from the floor to page 11 of amendment S—5474 and moved its adoption.

Amendment S—5483 was adopted by a voice vote.

Senator Maddox withdrew amendment S—5480 filed by him from the floor to page 17 of amendment S—5474.

Senator Maddox offered amendment S—5493 filed by him from the floor to page 17 of amendment S—5474.

Senator Connolly raised the point of order that amendment S—5493 to amendment S—5474 was not germane.

The Chair ruled the point well taken and amendment S—5493 to amendment S—5474 out of order.

Senator Kibbie offered amendment S—5495 filed by him from the floor to page 17 of amendment S—5474 and moved its adoption.

Amendment S—5495 was adopted by a voice vote.

Senator Riordan offered amendment S—5503 filed by him from the floor to page 11 of amendment S—5474 and moved its adoption.

Amendment S—5503 was adopted by a voice vote.

Senator Lind offered amendment S—5502 filed by him from the floor to page 16 of amendment S—5474 and moved its adoption.

Amendment S—5502 was adopted by a voice vote.

Senator Szymoniak offered amendment S—5505 filed by her from the floor to page 18 of amendment S—5474.

Senator Lind raised the point of order that amendment S—5505 to amendment S—5474 was not germane.

The Chair ruled the point well taken and amendment S—5505 to amendment S—5474 out of order.

Senator Murphy offered amendment S—5504 filed by him from the floor to page 6 of amendment S—5474 and moved its adoption.

Amendment S—5504 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—5474 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5474 as amended, the Chair ruled amendment S—5417 filed by Senator Maddox on April 4, 1994, to page 21 of the bill, out of order.

Senator Kibbie moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2411) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Tinsman	Vilsack

Nays, 4:

Hester	McKean	Taylor	Zieman
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Absent or not voting, 2:

Sturgeon	Welsh
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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 Horn asked and received unanimous consent that **House Files 2410, 2118 and 2411** be immediately messaged to the House.

### UNFINISHED BUSINESS (Deferred March 31, 1994)

#### House File 2261

The Senate resumed consideration of House File 2261, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and

correction of child abuse information, and providing an effective date, deferred March 31, 1994.

Senator Dvorsky offered amendment S—5300 filed by the committee on Human Resources on March 24, 1994, to page 4 of the bill and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5300 be adopted?" (H.F. 2261) the vote was:

Ayes, 8:

Dvorsky	Husak	Lind	Lloyd-Jones
Rife	Riordan	Rosenberg	Tinsman

Nays, 39:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Jensen	Judge	Kramer	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Vilsack	Zieman	

Absent or not voting, 3:

Kersten	Kibbie	Welsh
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Amendment S—5300 lost.

Senator Maddox offered amendment S—5390 filed by him on March 31, 1994, to page 5 of the bill.

Senator Tinsman asked and received unanimous consent that action on amendment S—5390 and House File 2261 be deferred.

**UNFINISHED BUSINESS**  
(Deferred March 31, 1994)

**House File 2325**

The Senate resumed consideration of House File 2325, a bill

for an act to limit the use of presentence investigations, deferred March 31, 1994.

Senator Giannetto offered amendment S—5421 filed by him on April 4, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5421 was adopted by a voice vote.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2325) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Sorensen                      Welsh

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, 1994)

#### House File 2070

The Senate resumed consideration of House File 2070, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal, deferred March 31, 1994.

Senator Vilsack withdrew amendment S—5405 filed by him on March 31, 1994, to pages 1 and 4 of the bill.

Senator Giannetto offered amendment S—5472 filed by him on April 5, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5472 was adopted by a voice vote.

Senator Giannetto offered amendment S—5103 filed by Senators Giannetto, et al., on March 7, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5103 was adopted by a voice vote.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2070) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Welsh

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, 1994)

**House File 121**

The Senate resumed consideration of House File 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree, deferred March 31, 1994.

Senator Giannetto took the chair at 4:02 p.m.

Senator Bisignano offered amendment S—5486 filed by him from the floor to page 1 of the bill.

Senator Sturgeon raised the point of order that amendment S—5486 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5486 out of order.

Senator Sturgeon offered amendment S—5454 filed by him on April 5, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5454 was adopted by a voice vote.

Senator Bartz offered amendment S—5441 filed by him on April 4, 1994, to page 1 of the bill, moved its adoption and requested a non-record roll call.

The ayes were 20, nays 27.

Amendment S—5441 lost.

Senator Bisignano asked and received unanimous consent that action on **House File 121** be **deferred**.

UNFINISHED BUSINESS CALENDAR

**House File 2372**

On motion of Senator Sturgeon, House File 2372, a bill for an act relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings,

and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability, with report of committee recommending passage, placed on the Unfinished Business Calendar on March 31, 1994, was taken up for consideration.

Senator Szymoniak offered amendment S—5298 filed by her on March 24, 1994, to pages 2-4 of the bill.

Senator Sturgeon offered amendment S—5392 filed by him on March 31, 1994, to amendment S—5298 and moved its adoption.

Amendment S—5392 was adopted by a voice vote.

With the adoption of amendment S—5392 to amendment S—5298, the Chair ruled amendment S—5368 filed by Senator Sturgeon on March 30, 1994, to amendment S—5298, out of order.

Senator Szymoniak moved the adoption of amendment S—5298 as amended, which motion prevailed by voice vote.

Senator Bartz offered amendment S—5329 filed by him on March 29, 1994, to page 7 of the bill and moved its adoption.

Amendment S—5329 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent to withdraw amendment S—5323 filed by Senators Kibbie and Rensink on March 29, 1994, to page 9 and the title page of the bill.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2372) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren

Palmer  
Rensink  
Rosenberg  
Taylor  
Zieman

Pate  
Rife  
Sorensen  
Tinsman

Priebe  
Riordan  
Sturgeon  
Vilsack

Redfern  
Rittmer  
Szymoniak  
Welsh

Nays, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2325, 2070 and 2372** be **immediately messaged** to the House.

## APPENDIX

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following governor's appointments and reappointment to state boards, committees and commissions to standing committees as indicated for investigation on April 6, 1994:

#### HUMAN RESOURCES

Loren M. Wakefield — Commission on Community Action Agencies.

Robert E. Petersen — Mental Health and Mental Retardation Commission.

#### LOCAL GOVERNMENT

Christine M. Van Meter — County Finance Committee

#### STATE GOVERNMENT

Dr. Yasyn Lee — Board of Medical Examiners.

Jay J. Cayner — Board of Pharmacy Examiners.

Gary N. Boeke — Board of Speech Pathology and Audiology Examiners.

Dr. Edward G. Nassif — Respiratory Care Advisory Committee.

WALLY E. HORN, Chair

### STUDY BILL RECEIVED

#### SSB 2265 Ways and Means

Relating to income tax imposed on the unitary income of corporations and providing an effective and retroactive applicability date provision.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate Resolution 106

RULES AND ADMINISTRATION: Gettings, Chair; Husak and Kramer

## SSB 2265

WAYS AND MEANS: Riordan, Chair; Freeman and Palmer

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2098	Ways and Means
H.F.	2323	Appropriations
H.F.	2358	Appropriations

## COMMITTEE REPORTS

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 106, a senate resolution urging additional federal action to diagnose and treat a mysterious illness of veterans of the Persian Gulf hostilities.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Kramer, Lind and Palmer. Nays, none. Absent or not voting, 1: Husak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 103, a concurrent resolution honoring Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on their fifteenth anniversary.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Kramer, Lind and Palmer. Nays, none. Absent or not voting, 1: Husak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2323 (formerly Senate File 2227), a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Deluhery, Freeman, Hedge, Hester, Lloyd-Jones, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 3: Drake, McLaren and Murphy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2323 and they were attached to the committee report.

### PRESENTATION OF VISITORS

The Chair welcomed the Honorable Edgar H. Holden, former member of the House and Senate from Scott County.

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty eighth grade students from Mar-Mac Middle School, McGregor, accompanied by James Elliott, Julie Mullarkey, Mrs. Smith, Mrs. Halberg, Mr. Schlake and Mrs. Marovets. Senator Zieman.

### INTRODUCTION OF BILL

**Senate File 2323**, by committee on Ways and Means, a bill for an act authorizing cities to assess and collect fees for connection to a sewer or water utility.

Read first time under rule 28 and **placed on Ways and Means Calendar.**

### AMENDMENTS FILED

S—5496	H.F.	2377	Tom Vilsack Al Sturgeon Mary Kramer Elaine Szymoniak Sheldon Rittmer Florence Buhr Patty Judge Merlin E. Bartz
S—5497	H.F.	2377	Ray Taylor

S—5498	H.F.	2410	Berl E. Priebe Joe J. Welsh Emil J. Husak Derryl McLaren H. Kay Hedge John P. Kibbie Tony Bisignano Randal J. Giannetto John W. Jensen Richard Drake Sheldon Rittmer
S—5499	S.F.	2038	Larry Murphy
S—5500	S.F.	2038	Larry Murphy
S—5501	H.F.	2350	Andy McKean Al Sturgeon Donald B. Redfern Tom Vilsack Michael E. Gronstal
S—5502	H.F.	2411	Jim Lind
S—5503	H.F.	2411	Jim Riordan
S—5504	H.F.	2411	Larry Murphy
S—5505	H.F.	2411	Elaine Szymoniak
S—5506	S.F.	2038	Merlin E. Bartz Mary Lou Freeman Randal J. Giannetto William D. Palmer
S—5507	S.F.	2038	Richard F. Drake
S—5508	S.F.	2092	John P. Kibbie
S—5509	H.F.	2352	Tom Vilsack Andy McKean
S—5510	H.F.	2377	Tom Vilsack Al Sturgeon Mary Kramer Elaine Szymoniak Sheldon Rittmer Florence Buhr Patty Judge Merlin E. Bartz

## ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:43 p.m., until 9:00 a.m., Thursday, April 7, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-EIGHTH CALENDAR DAY  
FIFTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 7, 1994

The Senate met in regular session at 9:06 a.m., President Boswell presiding.

Prayer was offered by the Reverend Robert W. Gates, pastor of the First Christian Church, Fairfield, Iowa.

The Journal of Wednesday, April 6, 1994, was approved.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 1994, 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 2217**, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

ALSO: That the House has on April 6, 1994, 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 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 for effective and applicability dates (S—5511).

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 49 present, 1 absent and a quorum present.

## SPECIAL RECOGNITION

Senator Jensen recognized Svend A. Christensen, Senate Doorkeeper, for his part in helping the Jews in Denmark during the holocaust.

The Senate expressed their appreciation with a standing ovation.

## UNFINISHED BUSINESS

### House File 2377

On motion of Senator Buhr, House File 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision, with report of committee recommending amendment and passage, and placed on the Unfinished Business Calendar on March 31, 1994, was taken up for consideration.

Senator Buhr asked and received unanimous consent that action on amendment S—5305 filed by the committee on Human Resources on March 28, 1994, to pages 1-4, 9-15 and the title page of the bill be deferred.

Senator Vilsack asked and received unanimous consent that action on amendment S—5496 filed by Senators Vilsack, et al., to pages 1-15 and the title page of the bill be deferred.

Senator Vilsack offered amendment S—5510 filed by Senators Vilsack, et al., on April 6, 1994, to pages 1-15 and the title page of the bill.

Senator Borlaug asked and received unanimous consent that action on amendment S—5510 be deferred.

Senator Murphy offered amendment S—5306 filed by him on March 28, 1994, to pages 5, 7, 8, 10 and 12 of the bill.

Senator Murphy offered amendment S—5478 filed by him on April 6, 1994, to amendment S—5306 and moved its adoption.

Amendment S—5478 was adopted by a voice vote.

Senator Murphy asked and received unanimous consent that action on amendment S—5306 as amended be deferred.

Senator Murphy asked and received unanimous consent that action on amendment S—5477 filed by him on April 6, 1994, to page 5 of the bill be deferred.

Senator Murphy withdrew amendment S—5476 filed by him on April 6, 1994, to page 8 of the bill.

The Chair ruled the following amendments to amendment S—5476 out of order:

S—5485 filed by Senator Bartz on April 6, 1994.

S—5497 filed by Senator Taylor on April 6, 1994.

Senator Murphy offered amendment S—5512 filed by him from the floor to page 8 of the bill.

Senator Bartz offered amendment S—5515 filed by him from the floor to amendment S—5512 and moved its adoption.

Amendment S—5515 was adopted by a voice vote.

Senator Taylor offered amendment S—5517 filed by him from the floor to amendment S—5512 and moved its adoption.

Amendment S—5517 lost by a voice vote.

Senator Murphy moved the adoption of amendment S—5512 as amended, which motion prevailed by voice vote.

Senator Vilsack offered amendment S—5387 filed by him on March 31, 1994, to page 10 of the bill and moved its adoption.

Amendment S—5387 was adopted by a voice vote.

Senator Murphy withdrew amendment S—5475 filed by him on April 6, 1994, to pages 12 and 14 of the bill.

Senator Vilsack asked and received unanimous consent to withdraw amendment S—5496 by Senators Vilsack, et al., to pages 1-15 and the title page of the bill, previously deferred.

### SPECIAL GUEST

Senator Horn introduced Bob Connor, state Senator from Delaware and President of the National Conference of State Legislatures.

Senator Connor spoke about the bipartisan NCSL organization and its strong lobbying efforts in Washington on behalf of the states, including unfunded mandates.

He introduced Shelley Smith, Iowa's contact staff person at the NCSL.

### BUSINESS PENDING

#### House File 2377

The Senate resumed consideration of amendment S—5510 to House File 2377 by Senators Vilsack, et al., to pages 1-15 and the title page of the bill, previously deferred.

Senator Deluhery called for a division of amendment S—5510:

Division S—5510A: Page 1, lines 3-50; pages 2 and 3; page 4, lines 1-18 and 24-50; page 5, lines 1-19 and 23-30.

Division S—5510B: Page 4, lines 19-23 and page 5, lines 20-22.

Senator Vilsack offered amendment S—5518 filed by Senators Vilsack and Murphy from the floor to division S—5510A.

Senator Bartz called for a division of amendment S—5518 to division S—5510A: page 1, lines 4-20 as division S—5518A; page 1, lines 21-50 and page 2, lines 1-13 as division S—5518B.

Senator Vilsack moved the adoption of division S—5518A to division S—5510A, which motion prevailed by a voice vote.

Senator Vilsack moved the adoption of division S—5518B to division S—5510A.

A record roll call was requested.

On the question "Shall division S—5518B to division S—5510A be adopted?" (H.F. 2377) the vote was:

Ayes, 27:

Bisignano	Boswell	Connolly	Deluhery
Dieleman	Dvorsky	Fink	Fraise
Gettings	Giannetto	Gronstal	Horn
Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Redfern
Rife	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	

Nays, 23:

Banks	Bartz	Bennett	Borlaug
Buhr	Drake	Freeman	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Maddox	McKean	McLaren
Pate	Rensink	Rittmer	Taylor
Tinsman	Welsh	Zieman	

Division S—5518B was adopted.

Senator Kramer asked and received unanimous consent that action on amendment S—5519 filed by her from the floor to division S—5510A be deferred.

Senator Welsh offered amendment S—5521 filed by Senators Welsh, et al., from the floor to division S—5510A and moved its adoption.

Amendment S—5521 was adopted by a voice vote.

The Senate resumed consideration of amendment S—5519 by Senator Kramer to division S—5510A, previously deferred.

Senator Kramer moved the adoption of amendment S—5519 to division S—5510A, which motion prevailed by a voice vote.

Senator Welsh asked and received unanimous consent that action on division S—5510A as amended be deferred.

Senator Vilsack moved the adoption of division S—5510B, which motion prevailed by a voice vote.

The Senate resumed consideration of division S—5510A by Senators Vilsack, et al., to pages 1-15 and the title page of the bill, previously deferred.

Senator Welsh offered amendment S—5523 filed by him from the floor to division S—5510A and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 25, nays 24.

Amendment S—5523 was adopted.

Senator Kramer withdrew the following motion to reconsider filed by her from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5521 to division S—5510A to House File 2377 was adopted by the Senate on April 7, 1994.

Senator Rosenberg asked and received unanimous consent that action on division S—5510A as amended be deferred.

The Senate resumed consideration of amendment S—5306 as amended by Senator Murphy to pages 5, 7, 8, 10 and 12 of the bill, previously deferred.

Senator Riordan withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5478 to amendment S—5306 to House File 2377 was adopted by the Senate on April 7, 1994.

Senator Murphy called for a division of amendment S—5306 as amended: page 1, lines 3-50, page 2, lines 1-35 and page 3, lines 6-28 as division S—5306A; page 2, lines 36-50 and page 3, lines 1-5 as division S—5306B.

Senator Murphy withdrew division S—5306A.

Senator Murphy filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5478 to division S—5306 to House File 2377 was adopted by the Senate on April 7, 1994.

The motion to reconsider prevailed by a voice vote and amendment S—5478 by Senator Murphy to division S—5306B, was taken up for reconsideration.

Senator Murphy withdrew amendment S—5478 to division S—5306B.

Senator Vilsack raised the point of order that division S—5306B was not germane to the bill.

The Chair ruled the point well taken and division S—5306B out of order.

Senator Husak asked and received unanimous consent that action on **House File 2377** be deferred (amendments S—5305, S—5477 and division S—5510A pending).

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2169**, a bill for an act relating to teacher licensure terms and endorsements.

ALSO: That the House has on April 7, 1994, 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 2242**, a bill for an act relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state

employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

ALSO: That the House has on April 7, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2087**, a bill for an act relating to employment under school district whole grade sharing agreements (S—5524).

ALSO: That the House has on April 7, 1994, 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 2089**, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

ALSO: That the House has on April 7, 1994, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 403**, a bill for an act relating to the disposition of property left unclaimed at a dry cleaning establishment.

## RECESS

On motion of Senator Husak, the Senate recessed at 12:15 p.m., until 2:00 p.m.

**APPENDIX**

**SUBCOMMITTEE ASSIGNMENTS FOR  
APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on April 6, 1994, to investigate the appointment of the following Governor's appointees:

**LOCAL GOVERNMENT**

As a member of the County Finance Committee:

CHRISTINE M. VAN METER: Sorensen, Chair; Fraise and Rittmer

**STATE GOVERNMENT**

As a member of the Board of Medical Examiners:

DR. YASYN LEE: Welsh, Chair; Rittmer and Kibbie

As a member of the Board of Pharmacy Examiners:

JAY J. CAYNER: Kramer, Chair; Sorensen and Gronstal

As a member of the Board of Speech Pathology and Audiology Examiners:

GARY N. BOEKE: Drake, Chair; Bisignano and Buhr

As a member of the Respiratory Care Advisory Committee:

DR. EDWARD G. NASSIF: McLaren, Chair; Fink and Giannetto

**REPORTS OF COMMITTEE MEETINGS**

**RULES AND ADMINISTRATION**

Convened: April 6, 1994, 2:10 p.m.

Members Present: Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Kramer, Lind and Palmer.

Members Absent: Husak.

**Committee Business:** Excused the following governor's appointees from introduction before the Senate: Edward J. Engstrom, Emma M. Chance, Lois H. Eichacker, Peter R. Teahen and H. Idris Thomas; assigned governor's appointees to standing committees; recommended passage of Senate Resolution 106 and House Concurrent Resolution 103.

**Adjourned:** 2:19 p.m.

## WAYS AND MEANS

**Convened:** April 5, 1994, 1:40 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Freeman, Hedge, Hester, Lloyd-Jones, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Drake, McLaren and Murphy.

**Committee Business:** Assigned bill to subcommittee; amended Senate File 2227 and ordered redrafted as a committee bill.

**Adjourned:** 1:50 p.m.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2323

**APPROPRIATIONS:** Buhr, Chair; Bisignano, Borlaug, Deluhery and Kramer

### House File 2358

**APPROPRIATIONS:** Fraise, Chair; Buhr and Kersten

## PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Members of Troop 321 Cub Scouts, Winfield, accompanied by Ken Madden. Senator Vilsack.

Twenty-nine eleventh grade students from Clarksville Community School, Clarksville, accompanied by Dave Waskow. Senator Jensen.

## AMENDMENTS FILED

S—5511	S.F.	2313	House amendment
S—5512	H.F.	2377	Larry Murphy
S—5513	H.F.	2418	John P. Kibbie Sheldon Rittmer Richard F. Drake Michael E. Gronstal William W. Dieleman
S—5514	H.F.	2418	John P. Kibbie Michael E. Gronstal Sheldon Rittmer Richard F. Drake William W. Dieleman
S—5515	H.F.	2377	Merlin E. Bartz
S—5516	H.F.	2286	Tom Vilsack
S—5517	H.F.	2377	Ray Taylor
S—5518	H.F.	2377	Tom Vilsack Larry Murphy
S—5519	H.F.	2377	Mary Kramer
S—5520	H.F.	2375	Merlin E. Bartz Bill Fink
S—5521	H.F.	2377	Joe Welsh Allen Borlaug William W. Dieleman Mary E. Kramer Ray Taylor John W. Jensen
S—5522	H.F.	2418	Jim Kersten
S—5523	H.F.	2377	Joe Welsh
S—5524	S.F.	2087	House amendment
S—5525	H.F.	2377	Ralph Rosenberg

## AFTERNOON SESSION

The Senate reconvened at 2:18 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 7, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2236**, a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school (S—5526).

**ALSO:** That the House has on April 7, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2326**, a bill for an act relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date.

This bill was read first time and **passed on file.**

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Edward J. Engstrom as a member of the Agricultural Development Authority.

Norma J. Papik as a member of the Board of Chiropractic Examiners.

Peter R. Teahen as a member of the Board of Mortuary Science Examiners.

Nancy E. Knutstrom as a member of the Board of Nursing Examiners.

Dr. Brenda M. Salocker as a member of the Board of Podiatry Examiners.

Patrick R. Sell as a member of the Commission on the Deaf.

Tom Morain as a member of the Commission on the Status of Women.

H. Idris Thomas as a member of the Credit Union Review Board.

Joan L. Vanden Berg as a member of the Criminal and Juvenile Justice Planning Advisory Council.

Ellengray G. Kennedy as a member of the Indigent Defense Advisory Commission.

Lois H. Eichacker as a member of the Iowa Council on Human Investment.

Emma M. Chance as a member of the Iowa Lottery Board.

Gilbert C. Hoogendoorn as a member of the Mental Health and Mental Retardation Commission.

Lanny J. Ward as a member of the State Board of Examiners for Nursing Home Administrators.

Marlys D. Johnson as a member of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 46:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox

McKean	McLaren	Murphy	Palmer
Pate	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Bennett	Kersten	Priebe	Sorensen
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## BUSINESS PENDING

### House File 2377

The Senate resumed consideration of House File 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision, and amendments S—5305, S—5477 and division S—5510A, previously deferred.

Senator Murphy withdrew amendment S—5477 to page 5 of the bill, previously deferred.

Senator Vilsack filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5512 as amended to House File 2377 was adopted by the Senate on April 7, 1994.

The motion prevailed by a voice vote and amendment S—5512 as amended by Senator Murphy to page 8 of the bill, was taken up for reconsideration.

Senator Vilsack filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5515 to amendment S—5512 to House File 2377 was adopted by the Senate on April 7, 1994.

The motion prevailed by a voice vote and amendment S—5515 by Senator Bartz to amendment S—5512 was taken up for reconsideration.

Senator Bartz withdrew amendment S—5515 to amendment S—5512.

Senator Bartz asked and received unanimous consent that action on amendment S—5512 be deferred.

The Senate resumed consideration of division S—5510A as amended by Senator Vilsack, previously deferred.

Senator Rosenberg offered amendment S—5525 filed by him from the floor to division S—5510A and called for a division:

Division S—5525A: Page 1, lines 4-9 and page 3, lines 5-14.

Division S—5525B: Page 1, lines 44-50 and page 2, lines 1-29.

Division S—5525C: Page 1, lines 10-43; page 2, lines 30-50 and page 3, lines 1-4 and 15-29.

With the adoption of amendment S—5519 to division S—5510A, the Chair ruled division S—5525B to division S—5510A, out of order.

Senator Rosenberg moved the adoption of division S—5525A to division S—5510A, which motion prevailed by a voice vote.

Senator Rosenberg moved the adoption of division S—5525C to division S—5510A, which motion lost by a voice vote.

Senator Vilsack moved the adoption of division S—5510A as amended, which motion prevailed by a voice vote.

The Senate resumed consideration of amendment S—5512 by Senator Murphy to page 8 of the bill, previously deferred.

Senator Bartz offered amendment S—5529 filed by him from the floor to amendment S—5512 and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 14.

Amendment S—5529 was adopted.

Senator Murphy moved the adoption of amendment S—5512 as amended.

A non record roll call was requested.

The ayes were 11, nays 27.

Amendment S—5512 as amended lost.

With the adoption of divisions S—5510A and S—5510B, the Chair ruled amendment S—5305 by the committee on Human Resources to pages 1-4, 9-15 and the title page of the bill, previously deferred, out of order.

Senator Lloyd-Jones took the chair at 3:37 p.m.

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2377) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Horn asked and received unanimous consent that **House File 2377** be immediately messaged to the House.

**BILL REFERRED TO COMMITTEE**

Senator Horn asked and received unanimous consent that **Senate File 2323** be referred from the Ways and Means Calendar to the committee on **Ways and Means**.

**UNFINISHED BUSINESS**  
(Deferred April 5, 1994)**House File 2418**

The Senate resumed consideration of House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, (substituted for Senate File 2251 as amended and deferred April 5, 1994).

Senator Kersten offered amendment S—5522 filed by him from the floor to pages 1, 36-38, 48 and the title page of the bill.

Senator Palmer raised the point of order that amendment S—5522 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5522 out of order.

Senator Kibbie offered amendment S—5514 filed by Senators Kibbie, et al., from the floor to pages 9, 10, 47, 48 and 62 of the bill and moved its adoption.

Amendment S—5514 was adopted by a voice vote.

Senator Boswell offered amendment S—5527 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—5527 be adopted?" (H.F. 2418) the vote was:

Ayes, 31:

Banks  
Boswell

Bartz  
Buhr

Bisignano  
Connolly

Borlaug  
Dvorsky

Fink	Freeman	Gettings	Giannetto
Jensen	Judge	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	

Nays, 19:

Bennett	Deluhery	Dieleman	Drake
Fraise	Gronstal	Hedge	Hester
Horn	Husak	Kersten	Kibbie
McLaren	Murphy	Palmer	Rosenberg
Sorensen	Welsh	Zieman	

Amendment S—5527 was adopted.

Senator Kibbie offered amendment S—5513 filed by Senators Kibbie, et al., from the floor to pages 21, 22, 55, 59, 60 and the title page of the bill and moved its adoption.

Amendment S—5513 was adopted by a voice vote.

Senator Fink offered amendment S—5533 filed by him from the floor to page 37 of the bill.

Senator Drake raised the point of order that amendment S—5533 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5533 out of order.

Senator Kibbie offered amendment S—5530 filed by Senators Kibbie, et al., from the floor to page 14 of the bill.

Senator Connolly offered amendment S—5534 filed by him from the floor to amendment S—5530 and moved its adoption.

Amendment S—5534 was adopted by a voice vote.

Senator Kibbie moved the adoption of amendment S—5530 as amended, which motion prevailed by a voice vote.

Senator Connolly filed the following motion to reconsider from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5527 to House File 2418 was adopted by the Senate on April 7, 1994.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kramer for the remainder of the day on request of Senator Rife.

## BUSINESS PENDING

### House File 2418

The Senate resumed consideration of House File 2418.

Senator Connolly moved the adoption of the motion to reconsider amendment S—5527.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 23, nays 23.

The motion lost.

The following motion to reconsider filed by Senator Boswell from the floor was out of order:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5527 to House File 2418 was adopted by the Senate on April 7, 1994.

Senator Kersten offered amendment S—5536 filed by Senators Kersten and Palmer from the floor to pages 1, 36-38 and 48 of the bill.

Senator Kibbie raised the point of order that amendment S—5536 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5536 in order.

Senator Kersten moved the adoption of amendment S—5536, which motion prevailed by a voice vote.

Senator Welsh offered amendment S—5537 filed by him from the floor to pages 2, 39 and 59 of the bill and moved its adoption.

Amendment S—5537 lost by a voice vote.

Senator Welsh withdrew amendment S—5535 filed by him from the floor to pages 18, 57 and 58 of the bill.

President Boswell took the chair at 6:07 p.m.

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. 2418) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Horn asked and received unanimous consent that **House File 2418** be immediately messaged to the House.

## 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 April 7, 1994, to investigate the appointment of the following Governor's appointees:

#### HUMAN RESOURCES

As a member of the Commission on Community Action Agencies:

LOREN M. WAKEFIELD: Judge, Chair; Dvorsky and Rittmer

As a member of the Mental Health and Mental Retardation Commission:

ROBERT E. PETERSEN: Bennett, Chair; Judge and Tinsman

#### STUDY BILL RECEIVED

##### SSB 2266 Ways and Means

Relating to the taxation of financial institutions and providing an effective and applicability date provision.

#### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Six foreign exchange students attending Carlisle High School, Carlisle, accompanied by Mr. Ron Sears. Senator Fink.

Sixty-six fifth grade students from Cody Elementary School, Pleasant Valley, accompanied by Sonia Vogel, Kitty Miller, Dave Langtimm, Deb West, Mary Heskett and Robert Sandoval. Senator Rittmer.

Twenty-six sixth grade students from Cedar Valley Christian School, Cedar Rapids. Senators Dvorsky, Pate and Horn.

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5532.

**Final Vote:** Ayes, 22: Murphy, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 3: Boswell, Kersten and Palmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2358, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal.

**Recommendation:** AMEND AND DO PASS AS PROVIDED IN AMENDMENT S—5531.

**Final Vote:** Ayes, 21: Murphy, McLaren, Banks, Bisignano, Borlaug, Buhr, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Boswell, Connolly, Kersten and Palmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## AMENDMENTS FILED

S—5526	S. F.	2236	House amendment
S—5527	H. F.	2418	Leonard L. Boswell
S—5528	S. F.	2038	Richard F. Drake Berl E. Priebe
S—5529	H. F.	2377	Merlin E. Bartz
S—5530	H. F.	2418	John P. Kibbie Richard F. Drake Michael E. Gronstal

			Sheldon Rittmer
			William W. Dieleman
S—5531	H.F.	2358	Appropriations
S—5532	H.F.	2323	Appropriations
S—5533	H.F.	2418	Bill Fink
S—5534	H.F.	2418	Mike Connolly
S—5535	H.F.	2418	Joe Welsh
S—5536	H.F.	2418	Jim Kersten
			William D. Palmer
S—5537	H.F.	2418	Joe J. Welsh
S—5538	H.F.	2261	Robert E. Dvorsky
			Elaine Szymoniak
			Maggie Tinsman

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 6:10 p.m., until 9:00 a.m., Friday, April 8, 1994.

# JOURNAL OF THE SENATE

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EIGHTY-NINTH CALENDAR DAY  
FIFTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 8, 1994

The Senate met in regular session at 9:07 a.m., President Boswell presiding.

Prayer was offered by the Reverend Debra P. Hankins, pastor of the First and Vernon Lutheran Churches, Dows, Iowa.

The Journal of Thursday, April 7, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Murphy until he arrives on request of Senator Horn and Senator Kramer when she is absent from the chamber on request of Senator Lind.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Martin R. Edwards as a member of the Board of Behavioral Science Examiners.

Haleen E. Pellett as a member of the Board of Chiropractic Examiners.

Mary K. Carlson as a member of the Board of Dietetic Examiners.

Walter L. Saur as a member and Chairperson of the Board of Parole.

Lorna M. Burnside and James L. Kurth as members of the Criminal and Juvenile Justice Planning Advisory Council.

Michael R. Hellige as a member of the Indigent Defense Advisory Commission.

Lorraine May as a member of the State Racing and Gaming Commission.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kramer	Murphy	Pate
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

### ADOPTION OF RESOLUTIONS (Regular Calendar)

#### Senate Concurrent Resolution 108

On motion of Senator Lloyd-Jones, Senate Concurrent Resolution 108, a concurrent resolution relating to state and federal fuel tax collections, was taken up for consideration.

Senator Bartz withdrew amendment S—5375 filed by him on March 30, 1994, to pages 1-2 of the resolution.

Senator Lloyd-Jones moved the adoption of Senate Concurrent Resolution 108, which motion prevailed by a voice vote.

### **Senate Resolution 106**

On motion of Senator Gettings, Senate Resolution 106, a Senate resolution urging additional federal action to diagnose and treat a mysterious illness of veterans of the Persian Gulf hostilities, with report of committee recommending passage, was taken up for consideration.

Senator Gettings moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

### **House Concurrent Resolution 103**

On motion of Senator Szymoniak, House Concurrent Resolution 103, a concurrent resolution honoring Iowa Woman Magazine and Iowa Woman Endeavors, Inc., on their fifteenth anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Szymoniak moved the adoption of House Concurrent Resolution 103, which motion prevailed by a voice vote.

## **HOUSE AMENDMENTS CONSIDERED**

### **Senate File 2087**

Senator Kibbie called up for consideration Senate File 2087, a bill for an act relating to employment under school district whole grade sharing agreements, amended by the House, and moved that the Senate concur in House amendment S—5524 filed April 7, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Kibbie moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2087) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kramer	Murphy	Taylor
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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 2244

Senator Buhr called up for consideration Senate File 2244, a bill for an act providing for the confidentiality of certain information provided in workers' compensation mediation, amended by the House, and moved that the Senate concur in House amendment S—5448 filed April 5, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Buhr 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. 2244) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Kramer	Murphy	Taylor
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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 413

Senator Rosenberg called up for consideration Senate File 413, a bill for an act relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue, amended by the House, and moved that the Senate concur in House amendment S—5482 filed April 6, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Rosenberg moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 413) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer

Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer - Murphy

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 Horn asked and received unanimous consent to take up for consideration House File 2323.

#### House File 2323

On motion of Senator Buhr, House File 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Buhr offered amendment S—5532 filed by the committee on Appropriations on April 7, 1994, to pages 8 and 17-25 of the bill.

Senator Lind asked and received unanimous consent that action on amendment S—5532 and **House File 2323** be deferred.

### UNFINISHED BUSINESS CALENDAR

#### House File 2343

On motion of Senator Palmer, House File 2343, a bill for an

act authorizing cities to assess and collect fees for connection to a sewer or water utility, with report of committee recommending passage, and placed on the Unfinished Business Calendar on March 31, 1994, 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. 2343) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Murphy

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 Horn asked and received unanimous consent to take up for consideration House File 2358.

#### House File 2358

On motion of Senator Fraise, House File 2358, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal, with report of committee

recommending amendment and passage, was taken up for consideration.

Senator Fraise offered amendment S—5531 filed by the committee on Appropriations on April 7, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5531 was adopted by a voice vote.

Senator Welsh asked and received unanimous consent that action on **House File 2358** be deferred.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2236

Senator Deluhery called up for consideration Senate File 2236, a bill for an act relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescriptions provided to students residing in the Iowa braille and sight saving school, amended by the House, and moved that the Senate concur in House amendment S—5526 filed April 7, 1994.

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. 2236) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink

Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## SENATE INSISTS

### Senate File 2089

Senator Welsh called up for consideration Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2089** on the part of the Senate: Senators Welsh, Chair; Deluhery, Husak, McLaren and Redfern.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2313

Senator Deluhery called up for consideration Senate File 2313, 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 for effective and

applicability dates, amended by the House, and moved that the Senate concur in House amendment S—5511 filed April 7, 1994.

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. 2313) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on Senate Files 413, 2087, 2236, 2244 and 2313.

Senator Horn asked and received unanimous consent that Senate Concurrent Resolution 108, House Concurrent Resolution 103 and House File 2343 be immediately messaged to the House.

**UNFINISHED BUSINESS**  
(Deferred March 31, 1994)

**House File 2286**

The Senate resumed consideration of House File 2286, a bill for an act increasing the jurisdictional amount for small claims, deferred March 31, 1994.

Senator Vilsack offered amendment S—5516 filed by him on April 7, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5516 was adopted by a voice vote.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2286) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**UNFINISHED BUSINESS**  
(Deferred April 6, 1994)

**House File 2419**

On motion of Senator Palmer, House File 2419, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions, was taken up for further consideration (substituted for Senate File 2320 as amended and deferred on April 6, 1994).

Senator Palmer offered amendment S—5489 filed by him on April 6, 1994, to pages 7 and 17 of the bill and moved its adoption.

Amendment S—5489 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?" (H.F. 2419) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Rife                      Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Palmer asked and received unanimous consent that **Senate File 2320** be **withdrawn** from further consideration of the Senate.

## BUSINESS PENDING

### House File 2323

The Senate resumed consideration of House File 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, and amendment S—5532 by the committee on Appropriations to pages 8 and 17-25 of the bill, previously deferred.

Senator Lind offered amendment S—5540 filed by him from the floor to page 3 of amendment S—5532.

Amendment S—5540 was adopted by a voice vote.

Senator Buhr moved the adoption of amendment S—5532 as amended, which motion prevailed by a voice vote.

Senator Buhr moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2323) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rife

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2286, 2419 and 2323** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred April 6, 1994)

#### House File 2261

The Senate resumed consideration of House File 2261, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date, and amendment S—5390 by Senator Maddox to page 5 of the bill, deferred April 6, 1994.

Senator Maddox moved the adoption of amendment S—5390, which motion prevailed by a voice vote.

Senator Kramer offered amendment S—5447 filed by Senators Kramer and Dvorsky on April 5, 1994, to page 5 of the bill and moved its adoption.

Amendment S—5447 was adopted by a voice vote.

Senator Dvorsky offered amendment S—5538 filed by Senators Dvorsky, Szymoniak and Tinsman on April 7, 1994, to page 5 of the bill and moved its adoption.

Amendment S—5538 was adopted by a voice vote.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the remainder of the day on request of Senator Horn.

## BUSINESS PENDING

### House File 2261

The Senate resumed consideration of House File 2261.

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. 2261) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 11:20 a.m. until the fall of the gavel for the purpose of committee meetings.

The Senate resumed session at 11:35 a.m., President Boswell presiding.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2261** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred March 17, 1994)

#### Senate File 2294

The Senate resumed consideration of Senate File 2294, a bill for an act relating to value-added products, including renewable fuel and coproducts derived from renewable fuel processing facilities, providing for programs, the appropriation of moneys, the repeal of a section, and an effective date, deferred March 17, 1994.

Senator Judge offered amendment S—5542 filed by her from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5542 was adopted by a voice vote.

With the adoption of amendment S—5542, the Chair ruled the following amendments out of order:

S—5204 filed by Senator Judge on March 14, 1994, to page 15 of the bill; S—5231 filed by Senator Judge on March 16, 1994, to pages 14-16 of the bill and S—5277 filed by Senators Judge and Riordan on March 22, 1994, to page 16 and the title page of the bill.

Senator Judge asked and received unanimous consent that **House File 2337** be substituted for **Senate File 2294** as amended.

Senator Judge asked and received unanimous consent that **Senate File 2294** be **withdrawn** from further consideration of the Senate.

Senator Judge asked and received unanimous consent that action on **House File 2337** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2038

Senator Szymoniak called up for consideration Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, amended by the House in House amendment S—5455 filed April 5, 1994.

Senator Szymoniak offered amendment S—5544 filed by her from the floor to amendment S—5455 and moved its adoption.

Amendment S—5544 was adopted by a voice vote.

With the adoption of amendment S—5544 to House amendment S—5455, the Chair ruled the following amendments to House amendment S—5455, out of order:

S—5491 filed by Senators Palmer and Freeman on April 6, 1994.

S—5499 filed by Senator Murphy on April 6, 1994.

S—5500 filed by Senator Murphy on April 6, 1994.

S—5506 filed by Senators Bartz, et al., on April 6, 1994.

S—5507 filed by Senator Drake on April 6, 1994.

S—5528 filed by Senators Drake and Priebe on April 7, 1994.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Jensen for the remainder of the day on request of Senator Bennett.

## BUSINESS PENDING

### Senate File 2038

The Senate resumed consideration of Senate File 2038.

Senator Szymoniak moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Szymoniak moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2038) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Priebe

Absent or not voting, 2:

Jensen                      Sturgeon

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 2358

The Senate resumed consideration of House File 2358, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal, previously deferred.

Senator Welsh filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5531 to House File 2358 was adopted by the Senate on April 8, 1994.

The motion prevailed by a voice vote and amendment S—5531 by the committee on Appropriations to page 1 of the bill, was taken up for reconsideration.

Senator Welsh offered amendment S—5546 filed by Senators Welsh and Drake from the floor to page 1 of amendment S—5531 and moved its adoption.

Amendment S—5546 was adopted by a voice vote.

Senator Fraise moved the adoption of amendment S—5531 as amended, which motion prevailed by a voice vote.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2358) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Jensen	Sturgeon
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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 Horn asked and received unanimous consent that **Senate File 2038** and **House File 2358** be immediately messaged to the House.

## UNFINISHED BUSINESS (Deferred March 29, 1994)

### House File 2230

The Senate resumed consideration of House File 2230, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date, deferred March 29, 1994.

Senator Welsh offered amendment S—5423 filed by Senators Welsh, Bisignano and Priebe on April 4, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5423 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?" (H.F. 2230) the vote was:

Ayes, 43:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hester	Horn	Husak	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Tinsman
Vilsack	Welsh	Zieman	

Nays, 5:

Banks	Dieleman	Hedge	Rensink
Taylor			

Absent or not voting, 2:

Jensen

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2092

Senator Kibbie called up for consideration Senate File 2092, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund, amended by the House in House amendment S—5456 filed April 5, 1994.

Senator Kibbie asked and received unanimous consent that action on amendment S—5508 filed by him on April 6, 1994, to House amendment S—5456 be deferred.

Senator Connolly offered amendment S—5547 filed by him from the floor to House amendment S—5456 and moved its adoption.

Amendment S—5547 was adopted by a voice vote.

With the adoption of amendment S—5547 to House amendment S—5456, the Chair ruled amendment S—5508 by Senator Kibbie to House amendment S—5456, previously deferred, out of order.

Senator Kibbie moved the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Kibbie moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2092) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Gronstal	Jensen	Rosenberg	Sturgeon
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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 Horn asked and received unanimous consent that **House File 2230** and **Senate File 2092** be immediately messaged to the House.

The Senate stood at ease at 12:15 p.m. until the fall of the gavel.

The Senate resumed session at 12:40 p.m., Senator Giannetto presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lloyd-Jones for the remainder of the day on request of Senator Horn.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent and a quorum present.

**UNFINISHED BUSINESS**  
(Deferred April 6, 1994)

**House File 2415**

On motion of Senator Bisignano, House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, was taken up for further consideration (substituted for Senate File 2312 as amended and deferred April 6, 1994).

Senator Bisignano offered amendment S—5548 filed by him from the floor to strike everything after the enacting clause and to the title page of the bill.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McKean for the remainder of the day on request of Senator Lind.

**BUSINESS PENDING**

**House File 2415**

The Senate resumed consideration of House File 2415 and amendment S—5548.

Senator Priebe asked and received unanimous consent to withdraw amendment S—5545 filed by Senators Priebe and Bartz from the floor to page 7 of the bill.

Senator Priebe offered amendment S—5549 filed by Senators Priebe, Bartz and Bisignano from the floor to pages 2 and 6 of amendment S—5548 and called for a division: lines 6-10 as division S—5549A and lines 4 and 5 as division S—5549B.

Senator Priebe asked and received unanimous consent to withdraw division S—5549B to amendment S—5548.

Senator Priebe moved the adoption of amendment S—5549A to amendment S—5548, which motion prevailed by a voice vote.

Senator Murphy asked and received unanimous consent that action on amendment S—5550 filed by Senators Murphy and Bisignano from the floor to page 2 of amendment S—5548 be deferred.

Senator Gronstal offered amendment S—5551 filed by Senators Gronstal and Bisignano from the floor to pages 2 and 6 of amendment S—5548 and called for a division: lines 4 and 5 as division S—5551A and lines 6-8 as division S—5551B.

Senator Gronstal asked and received unanimous consent to withdraw division S—5551A to amendment S—5548.

Senator Gronstal moved the adoption of division S—5551B to amendment S—5548, which motion prevailed by a voice vote.

Senator Bisignano offered amendment S—5552 filed by Senators Bisignano and Murphy from the floor to pages 7 and 9 of amendment S—5548 and moved its adoption.

Amendment S—5552 was adopted by a voice vote.

Senator Bisignano offered amendment S—5553 filed by Senators Bisignano, et al., from the floor to page 10 of amendment S—5548 and moved its adoption.

Amendment S—5553 was adopted by a voice vote.

Senator Murphy offered amendment S—5554 filed by Senators Murphy and Bisignano from the floor to page 2 of amendment S—5548 and moved its adoption.

Amendment S—5554 was adopted by a voice vote.

With the adoption of amendment S—5554 to amendment S—5548, the Chair ruled amendment S—5550 by Senators Murphy and Bisignano to page 2 of amendment S—5548, previously deferred, out of order.

Senator Bisignano moved the adoption of amendment S—5548 as amended, which motion prevailed by a voice vote.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2415) the vote was:

Ayes, 40:

Banks	Bartz	Bennett	Bisignano
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Judge	Kersten	Kibbie
Lind	Murphy	Palmer	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh

Nays, 5:

Borlaug	Maddox	McLaren	Pate
Zieman			

Absent or not voting, 5:

Jensen	Kramer	Lloyd-Jones	McKean
Sturgeon			

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Bisignano asked and received unanimous consent that **Senate File 2312** be **withdrawn** from further consideration of the Senate.

Senator Horn asked and received unanimous consent that **House File 2415** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the members of the **Conference Committee**, appointed April 8, 1994, on **Senate File 2089**, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date on the part of the House are: The Representative from Linn, Mr. Corbett, Chair; the Representative from Benton, Mr. Brand; the Representative from Winneshiek, Mr. Gipp; the Representative from Dallas, Mr. McKinney; the Representative from Scott, Mr. Millage.

**ALSO:** That the House has on April 8, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 582**, a bill for an act relating to the establishment of a preadmission assessment program for frail elders considering placement or residing in a nursing facility.

**House File 2197**, a bill for an act relating to the investment of funds paid to the clerk of the district court.

**House File 2314**, a bill for an act relating to insurance fraud and establishing an insurance fraud bureau within the insurance division of the department of commerce.

## APPENDIX

### STUDY BILL RECEIVED

#### SSB 2267 Ways and Means

Relating to the state sales, services, and use taxes imposed on modular home sales and purchases.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

H.F. 2326 Ways and Means

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

Convened: April 7, 1994, 1:45 p.m.

**Members Present:** Murphy, Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Boswell, Vice Chair; Kersten and Palmer (all excused).

**Committee Business:** Recommended passage of House Files 2323 and 2358 as amended.

Adjourned: 2:03 p.m.

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty fourth grade students from Northwest Elementary School, Ankeny, accompanied by Jan Hochstetler. Senator Palmer.

Fifty-five fourth and fifth grade students from Harris-Lake Park Elementary School, Harris, accompanied by faculty members Kari Ringgenberg, Debra Morrow, Art Schumacher and Judy Brueggeman. Senators Kibbie and Rensink.

Twenty-nine fifth grade students from McCallsburg Elementary School, McCallsburg, accompanied by Kathy Bendixen. Senator Giannetto.

Thirty-five fifth grade students from Martensdale-St. Marys Elementary School, accompanied by Mark Peterson. Senator Fink.

Fifty-seven fifth grade students from Grant Elementary School, Oskaloosa, accompanied by Margaret Mattix. Senator Hedge.

Nine seventh and eighth grade students from St. Alphonsus School, Davenport, accompanied by Mary Morrison. Senators Deluhery and Tinsman.

**REPORTS OF STANDING COMMITTEES**  
(Place nominees on En Bloc Confirmation Calendar)

**HUMAN RESOURCES**

Pursuant to Senate Rule 59, the committee on Human Resources assigned to investigate the following governor's appointments, completed its investigations on April 8, 1994, and recommended the appointees be confirmed:

Loren M. Wakefield as a member of the Commission on Community Action Agencies.

Robert E. Petersen as a member of the Mental Health and Mental Retardation Commission.

**LOCAL GOVERNMENT**

Pursuant to Senate Rule 59, the committee on Local Government assigned to investigate the following governor's appointment, completed its investigation on April 8, 1994, and recommended the appointee be confirmed:

Christine M. Van Meter as a member of the County Finance Committee.

**AMENDMENTS FILED**

S—5539	H.F.	2177	H. Kay Hedge Berl E. Priebe
S—5540	H.F.	2323	Jim Lind
S—5541	H.F.	642	Brad Banks
S—5542	S.F.	2294	Patty Judge
S—5543	H.F.	2155	Mary Kramer

S—5544	S.F.	2038	Elaine Szymoniak
S—5545	H.F.	2415	Berl E. Priebe Merlin E. Bartz
S—5546	H.F.	2358	Joe Welsh Richard F. Drake
S—5547	S.F.	2092	Mike Connolly
S—5548	H.F.	2415	Tony Bisignano
S—5549	H.F.	2415	Berl E. Priebe Merlin E. Bartz Tony Bisignano
S—5550	H.F.	2415	Larry Murphy Tony Bisignano
S—5551	H.F.	2415	Michael E. Gronstal Tony Bisignano
S—5552	H.F.	2415	Tony Bisignano Larry Murphy
S—5553	H.F.	2415	Tony Bisignano Jim Lind Larry Murphy Allen Borlaug Derryl McLaren
S—5554	H.F.	2415	Larry Murphy Tony Bisignano

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 1:25 p.m., until 10:00 a.m., Monday, April 11, 1994.

# JOURNAL OF THE SENATE

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NINETY-SECOND CALENDAR DAY  
FIFTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 11, 1994

The Senate met in regular session at 10:17 a.m., President Boswell presiding.

Prayer was offered by the Honorable Wilmer Rensink, member of the Senate from Sioux County, Sioux Center, Iowa.

The Journal of Friday, April 8, 1994, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2234**, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education (S—5561).

ALSO: That the House has on April 8, 1994, passed the following bills in which the concurrence of the House was asked:

**Senate File 2053**, a bill for an act relating to the regulation of prescribing of drugs by certain registered nurses, and making penalties applicable.

**Senate File 2066**, a bill for an act providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers.

**Senate File 2109**, a bill for an act relating to temporary licensure of nurses.

**Senate File 2186**, a bill for an act relating to water districts by authorizing a city to grant a franchise to a rural water district to qualify for federal funding, by authorizing a franchise for sewer services, and by providing for membership in a federated association.

**Senate File 2196**, a bill for an act relating to medical assistance provisions involving the medical assistance advisory council and services to persons with disabilities.

**Senate File 2230**, a bill for an act relating to the numbers of and facilities for officers of the judicial department; permitting an increase in the number of district associate judges in certain counties; and permitting the use of available funds for offices for judges on the court of appeals.

**Senate File 2297**, a bill for an act relating to a home and community-based waiver for persons with brain injury.

ALSO: That the House has on April 8, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2086**, 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 (S—5556).

**Senate File 2108**, a bill for an act relating to vital statistics information relating to births based upon the marital status of the parents of a child (S—5555).

**Senate File 2172**, a bill for an act relating to vocational rehabilitation (S—5558).

**Senate File 2219**, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws (S—5560).

**Senate File 2287**, a bill for an act establishing requirements for disclosure of psychological test material (S—5559).

**Senate File 2288**, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date (S—5557).

ALSO: That the House has on April 8, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 307**, a bill for an act providing for limitations on judgments.

**House File 2070**, a bill for an act relating to administrative activities by the department of public safety concerning the state fire marshal.

**House File 2241**, a bill for an act to permit placement of persons for whom criminal proceedings are suspended by reason of lack of mental capacity in the Iowa medical and classification center.

**House File 2309**, a bill for an act relating to the provision of contact lenses and spectacle lenses and providing penalties.

**House File 2325**, a bill for an act to limit the use of presentence investigations.

**House File 2376**, 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, and the commission of veterans affairs.

**House File 2384**, a bill for an act relating to commercial transactions, by enacting the uniform fraudulent transfer Act, and providing an effective and applicability date.

**House File 2387**, a bill for an act providing for licensing of athletic trainers, imposing fees, and providing a penalty.

**House File 2403**, a bill for an act relating to direct purchasing from vendors for the purpose of attaining targeted small business procurement goals.

ALSO: That the House has on April 8, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2413**, a bill for an act relating to the filing of a disclaimer of the homestead credit and the filing of a belated claim for the homestead credit.

This bill was read first time and **passed on file**.

**House File 2422**, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation.

This bill was read first time and assigned to the committee on **Appropriations**.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 47 present, 3 absent and a quorum present.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Gary Hughes as a member of the Iowa Lottery Board.

Eugene W. Pierce, III as a member of the Small Business Advisory Council.

Russell W. Teig and Dr. Nancy J. Tomes as members of the Wallace Technology Transfer Foundation of Iowa.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Deluhery	Gettings	Murphy	Rittmer
Sturgeon			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Deluhery until he arrives on request of Senator Horn.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Rensink called up the appointment of Marvin S. Berenstein as a member of the Higher Education Strategic Planning Council, placed on the Individual Confirmation Calendar on February 17, 1994, and found on page 326 of the Senate Journal for appointment, and placed on the Individual Confirmation Calendar on March 29, 1994, and found on page 883 of the Senate Journal for reappointment.

Senator Rensink moved that the foregoing appointee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 1:

Riordan

Absent or not voting, 3:

Deluhery	Murphy	Sturgeon
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## RECESS

On motion of Senator Horn, the Senate recessed at 11:28 a.m., until 2:00 p.m.

## APPENDIX

### COMMUNICATION FROM THE GOVERNOR

The following communication from the governor was received:

April 8, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
LOCAL

Dear Mr. Dwyer:

The appointment of Dr. Yasyn Lee for the Board of Medical Examiners is hereby withdrawn.

Pursuant to Iowa Code Section 2.32(4), the appointment for this position on the Board of Medical Examiners is being deferred. At this time, appropriate candidates are still under consideration.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### REPORTS OF COMMITTEE MEETINGS

#### HUMAN RESOURCES

Convened: April 8, 1994, 11:24 a.m.

**Members Present:** Szymoniak, Chair; Tinsman, Ranking Member; Bartz, Bennett, Buhr, Dvorsky, Judge, Kramer, Riordan, Rittmer.

**Members Absent:** Lloyd-Jones, Vice Chair and Sturgeon

**Committee Business:** Recommended confirmation of governor's appointees.

Adjourned: 11:27 a.m.

#### LOCAL GOVERNMENT

Convened: April 8, 1994, 11:24 a.m.

**Members Present:** Sorensen, Chair; Buhr, Vice Chair; Maddox, Ranking Member; Fraise, Priebe, Rittmer, Vilsack.

**Members Absent:** Jensen, Szymoniak and Zieman.

**Committee Business:** Recommended confirmation of governor's appointee.

**Adjourned:** 11:25 a.m.

## PRESENTATION OF VISITORS

Senator Priebe introduced the Honorable Earl Bass, former member of the Senate from Mills County, who was present in the Senate chamber. Senator Bass is also the grandfather of Adam Obrecht, 1994 Senate Page from Malvern.

The Chair welcomed the following visitors who were present in the Senate gallery:

Twenty-four seventh grade students from Corwith-Wesley-LuVerne Middle School, LuVerne, accompanied by Dennis Holmes. Senator Priebe.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2098

WAYS AND MEANS: Lloyd-Jones, Chair; Freeman and Szymoniak

### House File 2326

WAYS AND MEANS: Palmer, Chair; Drake and Szymoniak

### House File 2422

APPROPRIATIONS: Judge, Chair; Buhr and Kramer

### SSB 2266

WAYS AND MEANS: Husak, Chair; Bennett, Deluhery, Drake and Palmer

### SSB 2267

WAYS AND MEANS: Husak, Chair; Bennett, Deluhery, Drake and Palmer

## AMENDMENTS FILED

S—5555	S. F.	2108	House amendment
S—5556	S. F.	2086	House amendment

S—5557	S.F.	2288	House amendment
S—5558	S.F.	2172	House amendment
S—5559	S.F.	2287	House amendment
S—5560	S.F.	2219	House amendment
S—5561	S.F.	2234	House amendment
S—5562	H.F.	2366	Michael E. Gronstal
S—5563	H.F.	2383	Mike Connolly

## AFTERNOON SESSION

The Senate reconvened at 2:23 p.m., Senator Dvorsky presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 11, 1994, passed the following bills in which the concurrence of the House was asked:

**Senate File 2009**, a bill for an act relating to child abuse investigations by requiring communication between the department of human services and a physician who conducts an examination of a child who is alleged to be abused.

**Senate File 2051**, a bill for an act relating to access to founded child abuse information by child day care resource and referral agencies.

**Senate File 2232**, a bill for an act relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

**Senate File 2273**, a bill for an act relating to the investment authority of state banks.

ALSO: That the House has on April 11, 1994, **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 2038**, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

ALSO: That the House has on April 11, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 618**, a bill for an act relating to liens against employers for unpaid unemployment compensation contributions.

**House File 2230**, a bill for an act relating to the raffle of real property by a qualified organization and providing an effective date.

**House File 2318**, a bill for an act relating to assistance provided to beginning farmers by the agricultural development authority, by providing that corporations and limited liability companies are eligible to receive assistance, and providing an effective date.

**House File 2358**, a bill for an act relating to funding for the governor's traffic safety bureau and providing for a repeal.

**House File 2407**, a bill for an act relating to the collection of child support, including levies against the accounts of certain child support obligors and including affecting of the professional licensure or certification status of an obligor held in contempt of court.

**House File 2419**, a bill for an act relating to state tax procedures, practices, and penalties and providing effective and applicability date provisions.

ALSO: That the House has on April 11, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2421**, a bill for an act relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption.

This bill was read first time and **passed on file**.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

The Senate stood at ease at 2:35 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 3:20 p.m., President Boswell presiding.

UNFINISHED BUSINESS  
(Deferred March 31, 1994)

**House File 2383**

The Senate resumed consideration of House File 2383, a bill for an act relating to safety in school, deferred March 31, 1994.

Senator Connolly offered amendment S—5289 filed by the committee on Education on March 23, 1994, to page 1-11 of the bill.

Senator Connolly offered amendment S—5563 filed by him from the floor to amendment S—5289.

Senator Sturgeon asked and received unanimous consent that action on amendment S—5563 to amendment S—5289, amendment S—5289 and **House File 2383** be deferred.

UNFINISHED BUSINESS  
(Deferred March 29, 1994)

**House File 2375**

The Senate resumed consideration of House File 2375, a bill for an act relating to the regulation of pari-mutuel racetracks and gaming on excursion gambling boats, and providing an effective date, deferred March 29, 1994.

Senator Bartz offered amendment S—5520 filed by Senators Bartz and Fink on April 7, 1994, to pages 1 and 2 of the bill.

Senator Gronstal raised the point of order that amendment S—5520 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5520 out of order.

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?" (H.F. 2375) the vote was:

Ayes, 35:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Drake
Dvorsky	Fink	Fraise	Gettings
Giannetto	Gronstal	Horn	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Pate	Priebe	Redfern	Rife
Riordan	Rittmer	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	

Nays, 13:

Banks	Dieleman	Freeman	Hedge
Hester	Husak	Jensen	McKean
Rensink	Rosenberg	Sorensen	Taylor
Zieman			

Absent or not voting, 2:

Deluhery	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.

### UNFINISHED BUSINESS (Deferred March 16, 1994)

#### Senate File 2260

The Senate resumed consideration of Senate File 2260, a bill for an act relating to the regulation of amusement devices and gambling games, and subjecting violators to an existing penalty, deferred March 16, 1994.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2260) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn

Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Deluhery                      Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS CALENDAR

### House File 2392

On motion of Senator Welsh, House File 2392, a bill for an act to establish a study regarding appropriate training for peace officers relating to persons who are mentally ill, with report of committee recommending passage and placed on the Unfinished Business Calendar on March 31, 1994, was taken up for consideration.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2392) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak

Taylor  
Zieman

Tinsman

Vilsack

Welsh

Nays, none.

Absent or not voting, 1:

Deluhery

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 4:04 p.m. until the fall of the gavel.

The Senate resumed session at 4:15 p.m., President Boswell presiding.

## BUSINESS PENDING

### House File 2383

The Senate resumed consideration of House File 2383, a bill for an act relating to safety in schools, amendment S—5289 by the committee on Education to pages 1-11 of the bill and amendment S—5563 by Senator Connolly to amendment S—5289, previously deferred.

Senator Connolly moved the adoption of amendment S—5563 to amendment S—5289, which motion prevailed by voice vote.

Senator Sturgeon offered amendment S—5568 filed by him from the floor to amendment S—5289 and moved its adoption.

Amendment S—5568 was adopted by a voice vote.

Senator Connolly moved the adoption of amendment S—5289 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5289 as amended, the Chair ruled amendment S—5355 filed by Senator Fink on March 30, 1994, to page 2 of the bill, out of order.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2383) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Deluhery                      Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2375, 2383 and 2392** be immediately messaged to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 11, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2107**, a bill for an act relating to the jurisdiction of district associate judges (S—5565).

**ALSO:** That the House has on April 11, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 545**, a bill for an act relating to motor carrier certificates and permits and providing penalties.

**House File 2372**, a bill for an act relating to medical assistance including medical assistance trusts, transfers of assets related to medical assistance and special education services provided through medical assistance fundings, and psychiatric medical institution for children services funded under medical assistance and providing an effective date and for retroactive applicability.

## APPENDIX

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 11th day of April, 1994:

Senate Files 2221, 216, 2224, 2229, 2153, 2218, 2244, 2261, 2245 and 2044.

JOHN F. DWYER  
Secretary of the Senate

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

H.F.	2413	Ways and Means
H.F.	2421	Ways and Means

### PETITIONS

The following petitions were presented and placed on file by:

Senator Rittmer from 54 residents of Clinton County and 56 residents of Scott County favoring legislation requiring mandatory vehicle insurance.

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2260 passed the Senate on April 11, 1994.

JOE WELSH

## COMMITTEE REPORTS

## APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Bisignano and Deluhery.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2422, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Bisignano and Deluhery.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 2324 (formerly Senate File 2164), a bill for an act relating to the receipt of certain state and federal housing funds for municipal housing projects and the allocation of affordable housing.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 22: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 3: Bisignano, Deluhery 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 Appropriations Committee on Senate File 2324 and they were attached to the committee report.

### INTRODUCTION OF BILL

**Senate File 2324**, by committee on Appropriations, a bill for an act relating to the receipt of certain state and federal housing funds for municipal housing projects and the allocation of affordable housing.

Read first time under Rule 28 and placed on Appropriations Calendar.

### AMENDMENTS FILED

S—5564	H.F.	2177	Jim Kersten Brad Banks Allen Borlaug Richard F. Drake William D. Palmer Eugene S. Fraise Tony Bisignano H. Kay Hedge Randal J. Giannetto John P. Kibbie
S—5565	S.F.	2107	House amendment
S—5566	H.F.	610	Eugene Fraise
S—5567	H.F.	2337	Wayne Bennett
S—5568	H.F.	2383	Al Sturgeon

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 4:26 p.m., until 9:00 a.m., Tuesday, April 12, 1994.

# JOURNAL OF THE SENATE

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NINETY-THIRD CALENDAR DAY  
FIFTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 12, 1994

The Senate met in regular session at 9:10 a.m., Senator Dieleman presiding.

Prayer was offered by the Reverend Victor Johnson, pastor of the Faith Lutheran Church, Odebolt, Iowa.

The Journal of Monday, April 11, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Sorensen and Lloyd-Jones until they arrive on request of Senator Horn.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Diana Leonard as Administrator of the Division of Deaf Services.

Lois L. Kotz as a member of the Commission on Community Action Agencies.

Andre' Peery as a member of the Commission on the Status of African-Americans.

Dr. Dean Frey as a member of the Iowa Board of Veterinary Medicine.

Nancy E. Welter as a member of the Respiratory Care Advisory Committee.

Gregory D. McClain as a member of the State Board of Education.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sturgeon	Taylor	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Lloyd-Jones	Priebe	Sorensen	Szymoniak
Welsh			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

President pro tempore Palmer took the chair at 9:28 a.m.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2086

Senator Vilsack called up for consideration Senate File 2086, 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, amended by the House, and moved that

the Senate concur in House amendment S—5556 filed April 11, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Vilsack 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. 2086) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Priebe	Sorensen	Welsh
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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 2107

Senator Vilsack called up for consideration Senate File 2107, a bill for an act relating to the jurisdiction of district associate judges, amended by the House, and moved that the Senate concur in House amendment S—5565 filed April 11, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Vilsack 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. 2107) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 1:

Giannetto

Absent or not voting, 2:

Sorensen                      Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President Boswell took the chair at 9:37 a.m.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2422.

#### House File 2422

On motion of Senator Judge, House File 2422, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and

providing an appropriation, with report of committee recommending passage, was taken up for consideration.

President pro tempore Palmer took the chair at 9:39 a.m.

Senator McKean asked and received unanimous consent that action on **House File 2422** be deferred.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2172

Senator Deluhery called up for consideration Senate File 2172, a bill for an act relating to vocational rehabilitation, amended by the House and moved that the Senate concur in House amendment S—5558 filed April 11, 1994.

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. 2172) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sorensen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### Senate File 2234

Senator Connolly called up for consideration Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, amended by the House in House amendment S—5561 filed April 11, 1994.

Senator Maddox offered amendment S—5569 filed by him from the floor to House amendment S—5561 and moved its adoption.

Amendment S—5569 lost by a voice vote.

Senator Kramer asked and received unanimous consent that action on House amendment S—5561 and **Senate File 2234** be deferred.

### Senate File 2287

Senator Lloyd-Jones called up for consideration Senate File 2287, a bill for an act establishing requirements for disclosure of psychological test material, amended by the House, and moved that the Senate concur in House amendment S—5559 filed April 11, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Lloyd-Jones moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2287) the vote was:

Ayes, 49:

Banks  
Borlaug  
Deluhery

Bartz  
Boswell  
Dieleman

Bennett  
Buhr  
Drake

Bisignano  
Connolly  
Dvorsky

Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sorensen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Vilsack called up the appointment of Janice K. Laue as a member of the Wallace Technology Transfer Foundation of Iowa, placed on the Individual Confirmation Calendar on March 30, 1994, and found on page 916 of the Senate Journal.

Senator Vilsack moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy                      Sorensen

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2288

Senator Szymoniak called up for consideration Senate File 2288, a bill for an act amending statutory provisions involving the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5557 filed April 11, 1994.

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. 2288) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Sorensen

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an **immediate message** to the House on **Senate Files 2086, 2172, 2287 and 2288.**

The Senate stood at ease at 10:20 a.m. until the fall of the gavel.

The Senate resumed session at 11:50 a.m., Senator Fink presiding.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 12, 1994, passed the following bills in which the concurrence of the House was asked:

**Senate File 2133**, a bill for an act relating to rent reimbursement claims for low-income persons and providing an effective and applicability date provision.

**Senate File 2205**, a bill for an act relating to regulated toxics in packaging.

**ALSO:** That the House has on April 12, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2091**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds (S—5577).

**Senate File 2216**, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions (S—5578).

ALSO: That the House has on April 12, 1994, 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 2092**, a bill for an act relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

ALSO: That the House on April 12, 1994, **insisted on** its amendment to **Senate File 2016**, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, and that the members of the **Conference Committee** on part of the House are: The Representative from Winnebago, Mr. Branstad, Chair; the Representative from Guthrie, Mr. Dinkla; the Representative from Mitchell, Mr. Koenigs; the Representative from Worth, Mr. May; the Representative from Harris, Mr. Vande Hoef.

## RECESS

On motion of Senator Horn, the Senate recessed at 11:55 a.m., until 1:30 p.m.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following foreign exchange students who were present in the Senate chamber:

Molly Tse from Hong Kong, attending Ackley-Geneva High School; Yvonne Chow Yau Mei, Hong Kong, attending Hampton High School; and Simone Gilau and Verena Buxel, Germany, attending Wellsburg-Steamboat Rock High School.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 11, 1994, 4:35 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Deluhery (excused).

**Committee Business:** Recommended passage of House Files 2422 and 2350; amended Senate File 2164 and ordered redrafted as a committee bill.

**Adjourned:** 4:55 p.m.

#### WAYS AND MEANS

**Convened:** April 11, 1994, 1:35 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** Deluhery (excused).

**Committee Business:** Assigned bills to subcommittees; discussed SSB 2267.

**Adjourned:** 2:24 p.m.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2413**

WAYS AND MEANS: Freeman, Chair; Lloyd-Jones and Rosenberg

**House File 2421**

WAYS AND MEANS: Drake, Chair; Deluhery and Hester

## COMMITTEE REPORTS

## WAYS AND MEANS

**Final Bill Action:** HOUSE FILE 2326, a bill for an act relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Szymoniak. Nays, none. Absent or not voting, 2: Murphy and Rosenberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2413, a bill for an act relating to the filing of a disclaimer of the homestead credit.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Szymoniak. Nays, none. Absent or not voting, 2: Murphy and Rosenberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2421, a bill for an act relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Szymoniak. Nays, none. Absent or not voting, 2: Murphy and Rosenberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### AMENDMENTS FILED

S-5569	S.F.	2234	O. Gene Maddox
S-5570	H.F.	2350	Andy McKean
S-5571	H.F.	2350	Eugene S. Fraise Robert E. Dvorsky Tom Vilsack Don Gettings
S-5572	H.F.	2177	Michael E. Gronstal
S-5573	H.F.	2422	Jim Riordan Merlin E. Bartz Patty Judge
S-5574	H.F.	2422	Jim Riordan Merlin E. Bartz Patty Judge
S-5575	H.F.	2350	John P. Kibbie Berl E. Priebe
S-5576	H.F.	2177	Berl E. Priebe
S-5577	S.F.	2091	House amendment
S-5578	S.F.	2216	House amendment
S-5579	S.F.	2313	House amendment

## AFTERNOON SESSION

The Senate reconvened at 1:35 p.m., President pro tempore Palmer presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Judge called up the appointment of Lisa L. Green as a member of the Commission on the Status of Women, placed on the Individual Confirmation Calendar on March 29, 1994, and found on page 898 of the Senate Journal.

Senator Judge moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Palmer	Pate
Priebe	Redfern	Rensink	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Bisignano	Kersten	Murphy	Rife
Szymoniak			

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

### MOTION TO RECONSIDER ADOPTED

Senator Deluhery asked and received unanimous consent to take up the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2313 passed the Senate on April 8, 1994.

Senator Deluhery moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (S.F. 2313) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Maddox	McKean
McLaren	Palmer	Pate	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Bisignano	Kersten	Lloyd-Jones	Murphy
Priebe			

Senator Deluhery moved to reconsider the vote by which Senate File 2313 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2313

On motion of Senator Deluhery, Senate File 2313, 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 for effective and applicability dates, was taken up for reconsideration.

Senator Deluhery filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which the Senate concurred in House amendment S—5511 to Senate File 2313 on April 8, 1994.

The motion prevailed by a voice vote and House amendment S—5511 was taken up for reconsideration.

Senator Deluhery asked and received unanimous consent to withdraw House amendment S—5511.

Senator Deluhery moved that the Senate concur in House amendment S—5579 to Senate File 2313 filed April 12, 1994.

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. 2313) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittner
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **Senate File 2313** be immediately messaged to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Welsh called up the appointment of Jack P. Ketterer as Administrator of the Iowa Racing and Gaming Division of the Department of Inspection and Appeals, placed on the Individual Confirmation Calendar with recommendation for confirmation on February 21, 1994, and found on page 344 of the Senate Journal.

Senator Welsh moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Murphy

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## BUSINESS PENDING

### House File 2422

The Senate resumed consideration of House File 2422, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation, previously deferred.

Senator Riordan offered amendment S—5573 filed by Senators Riordan, Bartz and Judge from the floor to page 2 of the bill and moved its adoption.

Amendment S—5573 was adopted by a voice vote.

Senator Riordan offered amendment S—5574 filed by Senators Riordan, Bartz and Judge from the floor to page 7 of the bill and moved its adoption.

Amendment S—5574 was adopted by a voice vote.

Senator McKean offered amendment S—5580 filed by Senators McKean and Judge from the floor to pages 8 and 9 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 29, nays 15.

Amendment S—5580 was adopted.

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. 2422) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF BILL (Ways and Means Calendar)

#### Senate File 2183

On motion of Senator Dieleman, Senate File 2183, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental levy imposed by a county, and providing an effective date, was taken up for consideration.

Senator Dieleman asked and received unanimous consent that action on **Senate File 2183** be deferred.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

#### Senate Joint Resolution 2005

On motion of Senator Bartz, Senate Joint Resolution 2005, a joint resolution to nullify portions of an administrative rule relating to open burning of certain agricultural and other wastes and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Bisignano took the chair at 3:26 p.m.

Senator Rosenberg asked and received unanimous consent that action on **Senate Joint Resolution 2005** be deferred.

## UNFINISHED BUSINESS CALENDAR

### House File 2352

On motion of Senator Rosenberg, House File 2352, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department, with report of committee recommending passage and placed on the Unfinished Business Calendar on March 31, 1994, was taken up for consideration.

Senator McKean offered amendment S—5309 filed by him on March 28, 1994, to page 4 of the bill.

Senator McKean offered amendment S—5328 filed by him on March 29, 1994, to amendment S—5309.

Senator Vilsack raised the point of order that amendment S—5328 to amendment S—5309 was not germane.

Senator Vilsack withdrew his point of order.

Senator McKean moved the adoption of amendment S—5328 to amendment S—5309, which motion prevailed by voice vote.

Senator Vilsack raised the point of order that amendment S—5309 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5309 as amended out of order.

Senator McKean offered amendment S—5310 filed by Senators McKean and Redfern on March 28, 1994, to page 4 of the bill.

Senator McKean offered amendment S—5327 filed by him on March 29, 1994, to amendment S—5310.

Senator Rosenberg raised the point of order that amendment S—5327 to amendment S—5310 was not germane.

Senator Rosenberg withdrew his point of order.

Senator McKean moved the adoption of amendment S—5327 to amendment S—5310, which motion prevailed by voice vote.

Senator Rosenberg raised the point of order that amendment S—5310 as amended was not germane to the bill.

The Chair ruled the point well taken and amendment S—5310 as amended out of order.

Senator Vilsack offered amendment S—5509 filed by Senators Vilsack and McKean on April 6, 1994, to page 4 of the bill and moved its adoption.

Amendment S—5509 was adopted by a voice vote.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2352) the vote was:

Ayes, 48:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Banks                      Judge

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### MOTION TO RECONSIDER ADOPTED

Senator Kramer called up the motion to reconsider House File 2155 filed by her on March 29, 1994, found on page 898 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2155) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Hester                      Judge

The motion prevailed.

Senator Kramer moved to reconsider the vote by which House File 2155 went to its last reading, which motion prevailed by a voice vote.

### House File 2155

On motion of Senator Connolly, House File 2155, a bill for an act relating to public school services provided to children attending nonpublic schools, was taken up for reconsideration.

Senator Kramer withdrew amendment S—5543 filed by her on April 8, 1994, to page 1 of the bill.

Senator Kramer offered amendment S—5581 filed by her from the floor to page 1 of the bill and moved its adoption.

Amendment S—5581 was adopted by a voice vote.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2155) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
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.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2428**, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments.

**This bill was read first time and passed on file.**

ALSO: That the House has on April 12, 1994, 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 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions (S-5584).**

### INTRODUCTION OF BILL

**Senate File 2325, by committee on Appropriations, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.**

**Read first time and placed on Appropriations Calendar.**

The Senate stood at ease at 4:38 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 5:15 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent and a quorum present.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House Files 2352, 2422 and 2155 be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2216

Senator Fink called up for consideration Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup

costs by governmental subdivisions, amended by the House, and moved that the Senate concur in House amendment S—5578 filed April 12, 1994.

The motion lost by a voice vote and the Senate refused to concur in the House amendment.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2350.

#### House File 2350

On motion of Senator Gronstal, House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal offered amendment S—5585 filed by him from the floor to strike everything after the enacting clause of the bill.

Senator Horn asked and received unanimous consent that action on amendment S—5585 and House File 2350 be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that Senate File 2216 be immediately messaged to the House.

**APPENDIX****COMMUNICATIONS FROM THE GOVERNOR**

The following communications from the governor were received:

April 12, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

The appointment of Karen K. Goodenow for the Higher Education Strategic Planning Council is hereby withdrawn.

Pursuant to Iowa Code Section 2.32(4), the appointment for this position on the Higher Education Strategic Planning Council is being deferred. At this time, appropriate candidates are still under consideration.

Sincerely,  
TERRY E. BRANSTAD  
Governor

ALSO:

April 12, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

The appointment of Dr. Dean Frey for the Iowa Board of Veterinary Medicine is hereby withdrawn.

Pursuant to Iowa Code Section 2.32(4), the appointment for this position on the Iowa Board of Veterinary Medicine is being deferred. At this time, appropriate candidates are still under consideration.

Sincerely,  
TERRY E. BRANSTAD  
Governor

## RECOGNITION OF VISITORS

The following visitors were present in the Senate gallery:

Nine twelfth grade students from Brooklyn-Guernsey-Malcom High School, Brooklyn, accompanied by Mr. Kent. Senator Dieleman.

## PETITION

The following petition was presented and placed on file by:

Senator Tinsman from 36 residents of Scott and Muscatine Counties favoring legislation requiring mandatory vehicle insurance.

## STUDY BILLS RECEIVED

### **SSB 2268 Ways and Means**

Relating to livestock feeding operations including permit fees for such operations.

### **SSB 2269 Ways and Means**

Relating to the notification of a parent prior to the performance of an abortion on a minor, establishing a fee, and providing a penalty.

### **SSB 2270 Appropriations**

Relating to the compensation and benefits for public officials and employees and making appropriations.

### **SSB 2271 Appropriations**

Relating to capitol project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

## SSB 2268

WAYS AND MEANS: Riordan, Chair; Hedge and Husak

## SSB 2269

WAYS AND MEANS: Dieleman, Chair; Freeman, Hedge, Husak and McLaren

## SSB 2271

APPROPRIATIONS: Palmer, Chair; Husak and Lind

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 413, the following corrections were made:

1. Page 3, line 32, the letter "g" was changed to the letter "f".
2. Page 6, line 20, the number "4" was changed to the number "3".
3. Page 6, line 34, the number "5" was changed to the number "4".
4. Page 10, line 9, the number "4" was changed to the number "3".

ALSO: That in enrolling Senate File 2313, the following corrections were made:

1. Page 50, line 30, the word and number "Section 500" were changed to the word and number "Section 31".
2. Page 50, line 34, the word and number "Section 2001" were changed to the word and number "Section 37".

JOHN F. DWYER  
Secretary of the Senate

## BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of April, 1994:

Senate Files 413 and 2313.

JOHN F. DWYER  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

Communication was received announcing that on April 12, 1994, the Governor approved and transmitted to the Secretary of State the following bill:

SENATE FILE 216 — Relating to rates and charges for city utility and enterprise services by authorizing their collection as combined service accounts, authorizing the discontinuance of services in the event of nonpayment, and providing uniform notice procedures prior to discontinuance of service and prior to certification of lien for nonpayment.

SENATE FILE 2044 — Relating to technical differences between as asbestos license and an asbestos permit.

SENATE FILE 2153 — Providing for the distribution of earnings by cooperative associations operating on a pooling basis.

SENATE FILE 2221 — Relating to use of water treatment operator certification and examination fees by the Department of Natural Resources.

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Coralville Girl Scout Troop #2039, Coralville — For receiving a certificate of approval award from Governor Branstad. Senator Dvorsky (4-8-94).

Marcella (Marcie) Frevert, Emmetsburg — For recognition as "1994 Iowa Reading Teacher of the Year". Senator Kibbie (4-8-94).

Spencer Flag Fest '94, Spencer: For the 10th anniversary of flag fest celebration. Senator Kibbie (6-10 through 6-12, 1994).

Dilan Perera, Sri Lanka — For recognition of service and diplomacy in furthering understanding and cooperation between the governments of Iowa and Sri Lanka. Senator McLaren (4-11-94).

Matthew Hansen, Independence — For attaining eagle scout award. Senator Murphy (4-11-94).

Joe Thoma, Jesup; Mark Thoma, Jesup; and Jason Trumbauer, Jesup — For national post-secondary agriculture students (PAS) 1st place livestock specialist/swine division. Senator Murphy (4-11-94).

Connie Haley, Jesup — For retirement of over 16 years at Jesup Citizen Herald. Senator Murphy (4-11-94).

### COMMITTEE REPORTS

### APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2325 (SSB 2270), a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Murphy, Boswell, McLaren, Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 1: Kersten.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** \*SENATE FILE 2326 (SSB 2271), a bill for an act relating to capitol project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 23: Murphy, Boswell, McLaren, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Banks and Pate.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2326 and they were attached to the committee report.

### INTRODUCTION OF BILL

**Senate File 2326**, by committee on Appropriations, for an act relating to capitol project financing through the funding of a capitol complex renovation program and through the issuance of

bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date.

Read first time under rule 28 and placed on Appropriations Calendar.

#### AMENDMENTS FILED

S—5580	H.F.	2422	Andy McKean Patty Judge
S—5581	H.F.	2155	Mary E. Kramer
S—5582	H.F.	2350	Tom Vilsack
S—5583	H.F.	642	Tom Vilsack
S—5584	H.F.	2410	House amendment
S—5585	H.F.	2350	Michael E. Gronstal
S—5586	S.F.	2325	Larry Murphy

#### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 5:40 p.m., until 8:30 a.m., Wednesday, April 13, 1994.

# JOURNAL OF THE SENATE

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NINETY-FOURTH CALENDAR DAY  
FIFTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, April 13, 1994

The Senate met in regular session at 8:39 a.m., President Boswell presiding.

Prayer was offered by Monsignor Neil W. Tobin, pastor of the Sacred Heart Church, Monticello, Iowa.

The Journal of Tuesday, April 12, 1994, was approved.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Allan L. Axeen as a member of the Commission on Community Action Agencies.

Christine M. Van Meter as a member of the County Finance Committee.

Lois H. Eichacker as a member of the Iowa Economic Development Board.

Coral M. Jud as a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers.

James Weinman as a member of the Iowa Higher Education Loan Authority.

James E. Hughes as a member of the Board of Physical and Occupational Therapy Examiners.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Kibbie	Murphy	Rittmer	Sturgeon
Welsh			

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rittmer until he arrives on request of Senator Jensen.

## CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Files 2421, 2413 and 2326.

### House File 2421

On motion of Senator Drake, House File 2421, a bill for an act relating to notices of disallowance of the homestead property tax credit and the military service property tax exemption, 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. 2421) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, none.

Absent or not voting, 5:

Kibbie	Murphy	Rife	Sturgeon
Welsh			

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 Kibbie and Murphy until they arrive on request of Senator Riordan.

## CONSIDERATION OF BILLS (Ways and Means Calendar)

### House File 2413

On motion of Senator Freeman, House File 2413, a bill for an act relating to the filing of a disclaimer of the homestead credit and the filing of a belated claim for the homestead credit, 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. 2413) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack			

Nays, none.

Absent or not voting, 5:

Kibbie	Murphy	Sturgeon	Welsh
Zieman			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### House File 2326

On motion of Senator Palmer, House File 2326, a bill for an act relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Palmer asked and received unanimous consent that action on **House File 2326** be **deferred**.

### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2016** on the part of the Senate: Senators Priebe, Chair; Husak, Dvorsky, Bartz and Banks.

**CONSIDERATION OF BILL**  
**(Ways and Means Calendar)**

**Senate File 2316**

On motion of Senator Deluhery, Senate File 2316, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters, was taken up for consideration.

President pro tempore Palmer took the chair at 9:10 a.m.

Senator Bartz offered amendment S—5440 filed by Senators Bartz, et al., on April 4, 1994, to pages 1, 2, 5 and 6 of the bill.

Senator Bisignano asked and received unanimous consent that action on amendment S—5440 and **Senate File 2316** be deferred.

The Senate stood at ease at 9:29 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 9:52 a.m., President pro tempore Palmer presiding.

**UNFINISHED BUSINESS**  
**(Deferred April 12, 1994)**

**House File 2350**

The Senate resumed consideration of House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, and amendment S—5585 by Senator Gronstal to strike everything after the enacting clause of the bill, deferred April 12, 1994.

Senator Gronstal asked and received unanimous consent that action on amendment S—5585 and **House File 2350** be deferred.

**UNFINISHED BUSINESS**  
(Deferred April 8, 1994)

**House File 2337**

On motion of Senator Judge, House File 2337, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates, deferred on April 8, 1994, was taken up for consideration.

Senator Judge offered amendment S—5596 filed by her from the floor to strike everything after the enacting clause of the bill.

Senator Judge asked and received unanimous consent that action on amendment S—5596 and **House File 2337** be **deferred**.

The Senate stood at ease at 10:03 a.m. until the fall of the gavel.

The Senate resumed session at 10:15 a.m., Senator Sturgeon presiding.

**BUSINESS PENDING**

**House File 2350**

The Senate resumed consideration of House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, and amendment S—5585 by Senator Gronstal to strike everything after the enacting clause of the bill, previously deferred.

(Action on amendment S—5585 and House File 2350 was deferred.)

The Senate stood at ease at 10:18 a.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 11:40 a.m., President pro tempore Palmer presiding.

## SENATE INSISTS

### Senate File 2038

Senator Szymoniak called up for consideration Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, and moved that the Senate insist on its amendment.

The motion prevailed and the Senate insisted on its amendment.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2410

Senator Szymoniak called up for consideration House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment S—5584 to Senate amendment H—6037.

Senator Welsh asked and received unanimous consent that action on House amendment S—5584 to Senate amendment H—6037 and House File 2410 be deferred.

The Senate stood at ease at 12:02 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 1:37 p.m., President pro tempore Palmer presiding.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 115**, by committee on Rules and Administration, a Senate Resolution relating to daily operations of the Senate.

**Read first time and placed on calendar.**

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 12, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for

searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations (S—5609).

ALSO: That the House has on April 13, 1994, passed the following bills in which the concurrence of the House was asked:

**Senate File 2201**, a bill for an act relating to funding of gifted and talented programs.

**Senate File 2268**, a bill for an act relating to funeral processions.

ALSO: That the House has on April 13, 1994, passed the following bills in which the concurrence of the Senate is asked:

**House File 2424**, a bill for an act relating to the collection of debts owed to or collected by the state, the denial of issuance of motor vehicle registrations and certificates of title, as well as other licenses and renewals, the publication of information pertaining to certain debts, and related matters.

This bill was read first time and **passed on file**.

**House File 2426**, a bill for an act relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 13, 1994, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2422**, a bill for an act relating to health care providers and to the establishment of a primary care provider recruitment and retention endeavor and providing an appropriation.

ALSO: That the House has on April 13, 1994, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2049**, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 115, a senate resolution relating to daily operations of the Senate.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for immediate consideration Senate Resolution 115.

### Senate Resolution 115

On motion of Senator Boswell, Senate Resolution 115, a Senate Resolution relating to daily operations of the Senate, was taken up for consideration.

Senator Boswell moved the adoption of Senate Resolution 115, which motion prevailed by a voice vote.

## BUSINESS PENDING

### House File 2350

The Senate resumed consideration of House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, and amendment S—5585 by Senator Gronstal to

strike everything after the enacting clause of the bill, previously deferred.

Senator Fraise offered amendment S—5591 filed by Senators Fraise and Dvorsky from the floor to pages 5, 14 and 15 of amendment S—5585.

Senator Fraise asked and received unanimous consent that action on amendment S—5591 to amendment S—5585 be deferred.

Senator McKean offered amendment S—5603 filed by him from the floor to pages 5, 14, 15, 19 and 20 of amendment S—5585, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5603 to amendment S—5585 be adopted?" (H.F. 2350) the vote was:

Ayes, 16:

Bartz	Bennett	Borlaug	Drake
Freeman	Hester	Jensen	Kersten
Maddox	McKean	McLaren	Pate
Rensink	Rife	Tinsman	Zieman

Nays, 32:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Hedge	Horn	Husak	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Murphy	Palmer	Priebe	Redfern
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Vilsack

Absent or not voting, 2:

Banks	Welsh
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Amendment S—5603 lost.

Senator Gronstal asked and received unanimous consent that action on amendment S—5595 filed by him from the floor to pages 8 and 23 of amendment S—5585 be deferred.

Senator Dvorsky offered amendment S—5587 filed by him from the floor to page 11 of amendment S—5585 and moved its adoption.

Amendment S—5587 lost by a voice vote.

Senator Gronstal offered amendment S—5594 filed by him from the floor to pages 8 and 13 of amendment S—5585.

Senator Gronstal asked and received unanimous consent that action on amendment S—5594 to amendment S—5585 be deferred.

Senator Murphy offered amendment S—5614 filed by him from the floor to pages 8 and 20 of amendment S—5585 and called for a division: page 1, lines 4-12 as division S—5614A; and page 1, lines 13-50 and page 2, lines 1-9 as division S—5614B.

Senator Murphy asked and received unanimous consent that action on divisions S—5614A and S—5614B to amendment S—5585 be deferred.

Senator Boswell asked and received unanimous consent to withdraw amendment S—5611 filed by Senators Boswell, et al., from the floor to pages 8 and 21 of amendment S—5585.

Senator Gronstal offered amendment S—5597 filed by him from the floor to page 15 of amendment S—5585 and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 11.

Amendment S—5597 was adopted.

Senator Vilsack offered amendment S—5590 filed by him from the floor to page 17 of amendment S—5585 and moved its adoption.

Amendment S—5590 was adopted by a voice vote.

Senator Kibbie withdrew amendment S—5588 filed by him from the floor to page 20 of amendment S—5585.

Senator Gronstal offered amendment S—5606 filed by Senators Gronstal, et al., from the floor to pages 20 and 24 of amendment S—5585 and moved its adoption.

Amendment S—5606 was adopted by a voice vote.

Senator McKean offered amendment S—5601 filed by Senators McKean, Sturgeon and Gronstal from the floor to page 20 of amendment S—5585 and moved its adoption.

Amendment S—5601 was adopted by a voice vote.

Senator Bartz offered amendment S—5589 filed by him from the floor to page 24 of amendment S—5585 and moved its adoption.

A non record roll call was requested.

The ayes were 28, nays 16.

Amendment S—5589 was adopted.

Senator Fraise asked and received unanimous consent to withdraw amendment S—5591 by Senators Fraise and Dvorsky to pages 5, 14 and 15 of amendment S—5585, previously deferred.

Senator Gronstal asked and received unanimous consent that action on amendment S—5585 and House File 2350 be deferred.

### BUSINESS PENDING

#### House File 2337

The Senate resumed consideration of House File 2337, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates, and amendment S—5596 by Senator Judge to strike everything after the enacting clause of the bill, previously deferred.

(Action on amendment S—5596 and House File 2337 was deferred.)

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 3:30 p.m., President pro tempore Palmer presiding.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Maddox until he returns on request of Senator McKean.

**BUSINESS PENDING****House File 2337**

The Senate resumed consideration of House File 2337 and amendment S—5596, previously deferred.

Senator Judge offered amendment S—5605 filed by her from the floor to pages 3, 10 and 15 of amendment S—5596 and moved its adoption.

Amendment S—5605 was adopted by a voice vote.

Senator Priebe offered amendment S—5622 filed by him from the floor to page 3 of amendment S—5596 and moved its adoption.

Amendment S—5622 was adopted by a voice vote.

Senator Judge offered amendment S—5615 filed by her from the floor to pages 4 and 13 of amendment S—5596 and moved its adoption.

Amendment S—5615 was adopted by a voice vote.

Senator Priebe offered amendment S—5617 filed by him from the floor to pages 4 and 5 of amendment S—5596 and moved its adoption.

Amendment S—5617 was adopted by a voice vote.

Senator Priebe offered amendment S—5619 filed by him from the floor to page 5 of amendment S—5596 and moved its adoption.

A non record roll call was requested.

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

The ayes were 26, nays 23.

Amendment S—5619 was adopted.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The Chair announced the following conference committee on **Senate File 2038** on the part of the Senate: Senators Szymoniak, Chair; Lloyd-Jones, Fink, Drake and Hedge.

## BUSINESS PENDING

## House File 2337

The Senate resumed consideration of House File 2337 and amendment S—5596 as amended.

Senator Priebe offered amendment S—5618 filed by him from the floor to page 6 of amendment S—5596.

Senator Priebe asked and received unanimous consent that action on amendment S—5618 to amendment S—5596 be deferred.

Senator McLaren withdrew amendment S—5625 filed by him from the floor to pages 7, 8, 17, 18 and 21-27 of amendment S—5596.

Senator McLaren offered amendment S—5627 filed by him from the floor to pages 7, 8, 17, 18 and 21-27 of amendment S—5596 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5627 to amendment S—5596 be adopted?" (H.F. 2337) the vote was:

## Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

## Nays, 26:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
McKean	Murphy	Palmer	Riordan
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Priebe

Amendment S—5627 lost.

Senator Bartz offered amendment S—5610 filed by him from the floor to pages 8 and 19-22 of amendment S—5596 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5610 to amendment S—5596 be adopted?" (H.F. 2337) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 23:

Banks	Bartz	Borlaug	Freeman
Giannetto	Hedge	Hester	Jensen
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Riordan
Taylor	Tinsman	Zieman	

Nays, 26:

Bennett	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Drake
Dvorsky	Fink	Fraise	Gettings
Gronstal	Horn	Husak	Judge
Kibbie	Palmer	Priebe	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Vilsack	Welsh		

Absent or not voting, 1:

Murphy

Amendment S—5610 lost.

Senator Bennett offered amendment S—5604 filed by him from the floor to amendment S—5596 and moved its adoption.

Amendment S—5604 was adopted by a voice vote.

Senator Priebe withdrew amendment S—5618 to page 6 of amendment S—5596, previously deferred.

Senator Riordan withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5619 to House File 2337 was adopted by the Senate on April 13, 1994.

President Boswell took the chair at 5:29 p.m.

Senator Judge moved the adoption of amendment S—5596 as amended.

A record roll call was requested.

On the question “Shall amendment S—5596 as amended be adopted?” (H.F. 2337) the vote was:

Ayes, 28:

Bennett	Bisignano	Boswell	Buhr
Deluhery	Dieleman	Dvorsky	Fink
Gettings	Giannetto	Hester	Horn
Husak	Jensen	Judge	Kibbie
Lloyd-Jones	McKean	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	Welsh

Nays, 22:

Banks	Bartz	Borlaug	Connolly
Drake	Fraise	Freeman	Gronstal
Hedge	Kersten	Kramer	Lind
Maddox	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Zieman		

Amendment S—5596 as amended was adopted.

With the adoption of amendment S—5596 as amended, the Chair ruled amendment S—5567 filed by Senator Bennett on April 11, 1994, to pages 7 and 9 of the bill, out of order.

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. 2337) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 27:

Bennett	Bisignano	Boswell	Buhr
Deluhery	Dieleman	Dvorsky	Fink
Freeman	Gettings	Hedge	Hester
Horn	Husak	Jensen	Judge
Kibbie	McKean	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Vilsack	

Nays, 23:

Banks	Bartz	Borlaug	Connolly
Drake	Fraise	Giannetto	Gronstal
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Tinsman	Welsh	Zieman	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

President pro tempore Palmer took the chair at 5:47 p.m.

## BUSINESS PENDING

### House File 2350

The Senate resumed consideration of House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, and amendment S—5585, previously deferred.

Senator Boswell offered amendment S—5620 filed by Senators Boswell, et al., from the floor to page 8 of amendment S—5585.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sturgeon for the remainder of the day on request of Senator Riordan.

## BUSINESS PENDING

## House File 2350

The Senate resumed consideration of House File 2350.

Senator Boswell moved the adoption of amendment S—5620 to amendment S—5585.

A record roll call was requested.

On the question "Shall amendment S—5620 to amendment S—5585 be adopted?" (H.F. 2350) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 38:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Deluhery
Drake	Dvorsky	Fink	Freeman
Gettings	Giannetto	Hedge	Hester
Horn	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Maddox
McKean	McLaren	Palmer	Pate
Redfern	Rensink	Rife	Rittmer
Sorensen	Szymoniak	Taylor	Vilsack
Welsh	Zieman		

Nays, 11:

Connolly	Dieleman	Fraise	Gronstal
Husak	Lloyd-Jones	Murphy	Priebe
Riordan	Rosenberg	Tinsman	

Absent or not voting, 1:

Sturgeon

Amendment S—5620 was adopted.

With the adoption of amendment S—5620 to amendment S—5585, the Chair ruled the following amendments out of order:

S—5594 by Senator Gronstal to pages 8 and 13 of amendment S—5585, previously deferred.

Division S—5614A by Senator Murphy to page 8 of amendment S—5585, previously deferred.

Senator Gronstal offered amendment S—5623 filed by him from the floor to page 21 of amendment S—5585 and moved its adoption.

Amendment S—5623 was adopted by a voice vote.

Senator Banks offered amendment S—5638 filed by Senators Banks and Sturgeon from the floor to page 15 of amendment S—5585 and moved its adoption.

Amendment S—5638 was adopted by a voice vote.

Senator Gronstal offered amendment S—5631 filed by Senators Murphy and Gronstal from the floor to page 21 of amendment S—5585 and moved its adoption.

Amendment S—5631 was adopted by a voice vote.

Senator Gronstal offered amendment S—5621 filed by him from the floor to page 23 of amendment S—5585 and moved its adoption.

Amendment S—5621 was adopted by a voice vote.

Senator Fraise withdrew amendment S—5592 filed by him from the floor to page 8 of amendment S—5585.

The Senate resumed consideration of amendment S—5595 by Senator Gronstal to pages 8 and 23 of amendment S—5585, previously deferred.

Senator Gronstal called for a division of amendment S—5595 to amendment S—5585: lines 21 and 22 as division S—5595A and lines 4-20 as division S—5595B.

Senator Gronstal moved the adoption of division S—5595A to amendment S—5585, which motion prevailed by a voice vote.

Senator Gronstal withdrew division S—5595B to amendment S—5585.

The Senate resumed consideration of division S—5614B to page 20 of amendment S—5585, previously deferred.

Senator Murphy withdrew division S—5614B to amendment S—5585.

The Senate stood at ease at 7:09 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 7:37 p.m., President Boswell presiding.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2413, 2421 and 2337** be immediately messaged to the House.

### BUSINESS PENDING

#### House File 2350

The Senate resumed consideration of House File 2350 and amendment S—5585 as amended.

Senator Gronstal moved the adoption of amendment S—5585 as amended, which motion prevailed by voice vote.

With the adoption of amendment S—5585 as amended, the Chair ruled the following amendments to the bill out of order:

S—5416 filed by Senator Bartz on April 4, 1994, to page 28.

S—5501 filed by Senators McKean, et al., on April 6, 1994, to page 28.

S—5570 filed by Senator McKean on April 12, 1994, to pages 6, 19, 20, 26 and 27.

S—5571 filed by Senators Fraise, et al., on April 12, 1994, to pages 6, 19 and 20.

S—5575 filed by Senators Kibbie and Priebe on April 12, 1994, to page 27.

S—5582 filed by Senator Vilsack on April 12, 1994 to page 23.

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?" (H.F. 2350) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 3:

Dieleman	Husak	Riordan
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Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **House File 2350** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2126**, a bill for an act relating to payment by clerks of the district court of amounts less than one dollar.

ALSO: That the House has on April 13, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2071**, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property (S-5635).

**Senate File 2190**, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes (S—5629).

**Senate File 2206**, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions (S—5612).

**Senate File 2263**, a bill for an act providing for the storage of bulk grain by producers owning the grain (S—5632).

**Senate File 2264**, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities (S—5634).

ALSO: That the House has on April 13, 1994, insisted on its amendment to **Senate File 2216**, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions and that the members of the **Conference Committee** on the part of the House are: The Representative from Woodbury, Mr. Rants, Chair; the Representative from Washington, Ms. Greiner; the Representative from Scott, Mr. Henderson; the Representative from Johnson, Mr. Myers; the Representative from Scott, Mr. Rafferty.

ALSO: That the members of the **Conference Committee** appointed April 13, 1994, on **Senate File 2038**, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, on the part of the House are: The Representative from Henry, Mr. Spenner, Chair; the Representative from Scott, Mr. Grubbs; the Representative from Johnson, Mr. Myers; the Representative from Johnson, Ms. Neuhauser; the Representative from Jones, Mr. Welter.

ALSO: That the House has on April 13, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2429**, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations.

This bill was read first time and passed on file.

ALSO: That the House has on April 13, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 2099**, a bill for an act providing for special natural resources motor vehicle registration plates and providing an effective date.

**House File 2155**, a bill for an act relating to public school services provided to children attending nonpublic schools.

ALSO: That the House has on April 13, 1994, refused to concur in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2418**, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

ALSO: That the House has on April 13, 1994, 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 181**, a bill for an act relating to motorcycle rider education (S—5613 to H—5746).

**House File 2146**, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties (S—5633 to H—5929).

**House File 2323**, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date (S—5637 to H—6060).

**House File 2383**, a bill for an act relating to safety in schools (S—5624 to H—6096).

**House File 2409**, a bill for an act relating to obscenity, by providing for restrictions on public indecent exposure in certain establishments and by providing for the abatement of the nuisance created by certain establishments concerning obscenity, and providing an effective date (S—5628 to H—5920).

## INTRODUCTION OF RESOLUTION

**Senate Concurrent Resolution 113**, by Drake, Tinsman, and Deluhery, a concurrent resolution declaring Miss Iowa an official hostess for the State of Iowa.

**Read first time and passed on file.**

### **APPOINTMENT OF CONFERENCE COMMITTEE**

The Chair announced the following conference committee on **Senate File 2216** on the part of the Senate: Senators Fink, Chair; Deluhery, Sorensen, Kersten and Hedge.

**APPENDIX****GOVERNOR'S ITEM VETO MESSAGES**

April 13, 1994

The Honorable Leonard Boswell  
President of the Senate  
State Capitol Building  
L O C A L

Dear Mr. President:

I hereby transmit Senate File 2218, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates.

Senate File 2218 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the designated portion of Section 3, unnumbered and unlettered paragraph 1. This language would remove the discretion of the director of the Department of Employment Services in filling vacant positions within the agency. Personnel decisions within the department are the prerogative of the executive branch. The director of the department must have the authority to adjust personnel to respond to the agency's needs.

I am unable to approve the item designated as Section 4, subsection 1, in its entirety. This provision would require the Department of Employment Services to maintain all workforce centers in operation as of July 1, 1993. The department must retain the flexibility to provide services where they are most needed and in the most cost effective manner.

I am unable to approve the item designated as Section 4, subsection 2, in its entirety. This provision specified the number, location and schedule of hearings for contested workers' compensation cases which the Industrial Services Division would be required to conduct through June 30, 1995. The division must retain flexibility to conduct hearings to meet the needs of employers and injured workers.

I am unable to approve the item designated as Section 13, subsection 3, unnumbered and unlettered paragraph 2, in its entirety. This provision relates to the elimination of an employee position within the Division of Alcoholic Beverages and the loaning of employees by the Department of Commerce to other agencies. Decision concerning personnel in the Department of Commerce are the prerogative of the executive branch. The director of the department must retain the authority to assign employees to perform tasks as needed.

I am unable to approve the item designated as Section 15, in its entirety. This provision would require the Departments of Commerce, Employment Services and Inspections and Appeals to prepare and monitor budget proposals for divisions within the agencies under zero-based and performance-based budgeting methods. Agencies within the executive branch should utilize only one budgeting method to provide consistency and uniformity in budget preparation and tracing across state government.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2218 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

April 13, 1994

The Honorable Leonard Boswell  
President of the Senate  
State Capitol Building  
LOCAL

Dear Mr. President:

I hereby transmit Senate File 2229, an act relating to and making appropriations to state departments, agencies, funds and certain other entities, and providing for other properly related matters.

Senate File 2229 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 10, unnumbered and unlettered paragraph 4, in its entirety. This provision would require the Department of Management to state staffing targets in terms of full-time equivalent positions. The executive branch must maintain flexibility to utilize reporting formats that best meet its management needs.

I am unable to approve the item designated as Section 30, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2229 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 13, 1994, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2224 — Relating to the disbursement of funds to the foreign trade offices of the Department of Economic development.

SENATE FILE 2244 — Providing for the confidentiality of certain information provided in workers' compensation mediation.

SENATE FILE 2245 — Relating to workers' compensation by limiting debt collection of certain health care charges, by providing wage replacement for certain injured workers receiving treatment, by modifying the minimum weekly benefit amount for death, permanent partial disability, or a total disability, by providing for payment of temporary partial disability benefits in certain situations, and by providing an employer credit for the overpayment of certain benefits to employees.

SENATE FILE 2261 — Relating to employment services by eliminating certain unemployment benefit charges, requiring participation in reemployment services for certain individuals receiving unemployment benefits, making the voluntary shared work program permanent, and making changes to the workers' compensation laws.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

H.F.      2428      Ways and Means

### REPORTS OF COMMITTEE MEETING

### APPROPRIATIONS

Convened: April 12, 1994, 11:20 a.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Amended and approved SSB 2270 as a committee bill.

**Adjourned:** 11:45 a.m.

## APPROPRIATIONS

**Convened:** April 12, 1994, 4:45 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** Banks (excused).

**Committee Business:** Amended SSB 2271 and ordered redrafted as a committee bill and placed on calendar under Senate Rule 40.

**Adjourned:** 5:12 p.m.

## RULES AND ADMINISTRATION

**Convened:** April 13, 1994, 9:35 a.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer, Lind and Palmer.

**Members Absent:** none.

**Committee Business:** Excused the following governor's appointees from introduction before the Senate: James R. Wharton, Julie-Anita Ingoli and Jay J. Cayner; approved proposed resolution regarding the senate's daily operations budget; approved proposed resolutions honoring retiring senators; authorized the secretary of the senate authority to grant request for use of the senate chamber at his discretion.

**Adjourned:** 9:49 a.m.

**WAYS AND MEANS**

**Convened:** April 12, 1994, 10:35 a.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Palmer, Riordan and Szymoniak.

**Members Absent:** Murphy (excused) and Rosenberg.

**Committee Business:** Recommended passage on House Files 2326, 2421 and 2413.

**Adjourned:** 11:00 a.m.

**PRESENTATION OF SPECIAL GUEST**

Senator Lloyd-Jones introduced Ivan Nikishin, the mayor of the city of Zheleznovopsk and member of the Stavropol Legislature, who addressed the Senate briefly in his native language. He was accompanied by his interpreter, Svetlana Serenko.

**PRESENTATION OF VISITORS**

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-seven sixth grade students from Messervy-Thornton Community School, Thornton, accompanied by Nancy Longlitz. Senators Bartz and Taylor.

One hundred twenty fifth grade students from Waukee Middle School, Waukee, accompanied by Marilyn Anfinson. Senator Riordan.

Eighteen fourth grade students from St. Alphonsus Catholic School, Davenport, accompanied by John Ripslinger. Senator Deluhery.

The following visitors were present in the Senate gallery:

Ten third, fourth and fifth grade students from Prairie City Elementary School, Prairie City, accompanied by Sid Graham and Mary Schendel. Senator Dieleman.

**STUDY BILL RECEIVED**

**SSB 2272 Ways and Means**

Relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2428

WAYS AND MEANS: McLaren, Chair; Hedge and Riordan

##### SSB 2272

WAYS AND MEANS: Dieleman, Chair; Hedge and Lloyd-Jones

#### COMMITTEE REPORTS

##### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 107, a resolution honoring Senator William W. Dieleman for his years of legislative service.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 108, a resolution honoring Senator Florence Buhr.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 109, a resolution honoring Senator Jean Lloyd-Jones.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 110, a resolution honoring Senator Ralph Rosenberg.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 111, a resolution honoring Senator William W. Dieleman.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 112, a resolution honoring Senator Ray Taylor.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE RESOLUTION 113, a resolution honoring Senator Al Sturgeon.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE RESOLUTION 114, a resolution honoring Senator James B. Kersten.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE RESOLUTION 116, a resolution honoring Senator James R. Riordan.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** SENATE RESOLUTION 117, a resolution honoring Senator Jack W. Hester.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 9: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer, Lind and Palmer. Nays, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## INTRODUCTION OF RESOLUTIONS

**Senate Resolution 107**, by committee on Rules and Administration, a Senate Resolution honoring Senator William W. Dieleman for his years of legislative service.

**Read first time under Rule 28 and placed on calendar.**

**Senate Resolution 108**, by committee on Rules and Administration, a Senate Resolution honoring Senator Florence Buhr.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 109**, by committee on Rules and Administration, a Senate Resolution honoring Senator Jean Lloyd-Jones.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 110**, by committee on Rules and Administration, a Senate Resolution honoring Senator Ralph Rosenberg.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 111**, by committee on Rules and Administration, a Senate Resolution honoring Senator William W. Dieleman.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 112**, by committee on Rules and Administration, a Senate Resolution honoring Senator Ray Taylor.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 113**, by committee on Rules and Administration, a Senate Resolution honoring Senator Al Sturgeon.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 114**, by committee on Rules and Administration, a Senate Resolution honoring Senator James B. Kersten.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 116**, by committee on Rules and Administration, a Senate Resolution honoring Senator James R. Riordan.

Read first time under Rule 28 and placed on calendar.

**Senate Resolution 117**, by committee on Rules and Administration, a Senate Resolution honoring Senator Jack W. Hester.

Read first time under Rule 28 and placed on calendar.

### AMENDMENTS FILED

S-5588	H.F.	2350	John P. Kibbie
S-5589	H.F.	2350	Merlin E. Bartz
S-5590	H.F.	2350	Tom Vilsack
S-5591	H.F.	2350	Eugene S. Fraise Robert E. Dvorsky
S-5592	H.F.	2350	Eugene S. Fraise
S-5593	S.F.	2183	Mike Connolly
S-5594	H.F.	2350	Michael E. Gronstal
S-5595	H.F.	2350	Michael E. Gronstal
S-5596	H.F.	2337	Patty Judge
S-5597	H.F.	2350	Michael E. Gronstal
S-5598	H.F.	2326	William D. Palmer
S-5599	S.F.	2326	Ralph Rosenberg
S-5600	H.F.	2366	Jack W. Hester Wilmer Rensink Mary Kramer
S-5601	H.F.	2350	Andy McKean Al Sturgeon Michael E. Gronstal
S-5602	S.F.	2326	Larry Murphy
S-5603	H.F.	2350	Andy McKean
S-5604	H.F.	2337	Wayne Bennett
S-5605	H.F.	2337	Patty Judge
S-5606	H.F.	2350	Michael E. Gronstal Tom Vilsack Eugene S. Fraise Andy McKean Robert E. Dvorsky Ralph Rosenberg
S-5607	S.F.	2316	Merlin E. Bartz
S-5608	S.F.	2325	Larry Murphy
S-5609	S.F.	2319	House amendment
S-5610	H.F.	2337	Merlin E. Bartz
S-5611	H.F.	2350	Leonard L. Boswell

			Tom Vilsack
			Patty Judge
			Tony Bisignano
S-5612	S.F.	2206	House amendment
S-5613	H.F.	181	House amendment
S-5614	H.F.	2350	Larry Murphy
S-5615	H.F.	2337	Patty Judge
S-5616	H.F.	542	Jean Lloyd-Jones
			Jim Kersten
S-5617	H.F.	2337	Berl E. Priebe
S-5618	H.F.	2337	Berl E. Priebe
S-5619	H.F.	2337	Berl E. Priebe
S-5620	H.F.	2350	Leonard L. Boswell
			Patty Judge
			Tony Bisignano
			Tom Vilsack
			Joe J. Welsh
S-5621	H.F.	2350	Michael E. Gronstal
S-5622	H.F.	2337	Berl E. Priebe
S-5623	H.F.	2350	Michael E. Gronstal
S-5624	H.F.	2383	House amendment
S-5625	H.F.	2337	Derryl McLaren
S-5626	S.F.	2326	William D. Palmer
S-5627	H.F.	2337	Derryl McLaren
S-5628	H.F.	2409	House amendment
S-5629	S.F.	2190	House amendment
S-5630	S.F.	2316	Tony Bisignano
S-5631	H.F.	2350	Larry Murphy
			Michael E. Gronstal
S-5632	S.F.	2263	House amendment
S-5633	H.F.	2146	House amendment
S-5634	S.F.	2264	House amendment
S-5635	S.F.	2071	House amendment
S-5636	S.F.	2326	Derryl McLaren
S-5637	H.F.	2323	House amendment
S-5638	H.F.	2350	Brad Banks
			Al Sturgeon
S-5639	S.F.	2326	Derryl McLaren

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 7:50 p.m., until 8:30 a.m., Thursday, April 14, 1994.

# JOURNAL OF THE SENATE

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NINETY-FIFTH CALENDAR DAY  
FIFTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, April 14, 1994

The Senate met in regular session at 8:30 a.m., Senator Giannetto presiding.

Prayer was offered by the Reverend Charles Stallworth, pastor of the Corinthian Baptist Church, Des Moines, Iowa.

The Journal of Wednesday, April 13, 1994, was approved.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 35 present, 15 absent and a quorum present.

## CONFIRMATION OF GOVERNOR'S APPOINTMENTS (En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following eligible appointees on the En Bloc Confirmation Calendar:

Delman L. Bowers as a member of the City Development Board.

Loren M. Wakefield as a member of the Commission on Community Action Agencies.

Julie-Anita Ingoli as a member of the Iowa Emergency Response Commission.

Monty D. Mitchell as a member of the Landscape Architectural Examining Board.

James R. Wharton as a member of the Iowa Law Enforcement Academy Council.

Sharon M. Mahood as a member of the Board of Optometry Examiners.

Senator Horn moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 40:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Maddox	McKean
Palmer	Pate	Priebe	Redfern
Rensink	Riordan	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 10:

Bisignano	Kersten	Lloyd-Jones	McLaren
Murphy	Rife	Rittmer	Rosenberg
Sturgeon	Welsh		

The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Rosenberg until he arrives on request of Senator Horn.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2071

Senator Fink called up for consideration Senate File 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property, amended by the House in House amendment S—5635 filed April 13, 1994.

Senator Priebe asked and received unanimous consent that action on House amendment S—5635 and **Senate File 2071** be deferred.

### Senate File 2190

Senator Szymoniak called up for consideration Senate File 2190, a bill for an act relating to the regulation, location, and taxation of mobile, modular, and manufactured homes, amended by the House, and moved that the Senate concur in House amendment S—5629 filed April 13, 1994.

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. 2190) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Vilsack
Zieman			

Nays, 1:

Tinsman

Absent or not voting, 4:

Murphy	Rosenberg	Sturgeon	Welsh
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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 INSISTS

### House File 2418

Senator Kibbie called up for consideration House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on House File 2418 on the part of the Senate: Senators Kibbie, Chair; Gronstal, Dieleman, Rittmer and Drake.

## CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Dieleman called up the appointment of Larry J. Jatho as a member of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar with no recommendation on February 16, 1994, and found on page 316 of the Senate Journal.

Senator Dieleman moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 35:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Dieleman	Drake
Dvorsky	Fink	Freeman	Giannetto
Hedge	Hester	Horn	Jensen
Judge	Kersten	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Redfern	Rensink

Rife	Rittmer	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 11:

Boswell	Connolly	Deluhery	Fraise
Gettings	Gronstal	Husak	Kibbie
Priebe	Riordan	Sorensen	

Absent or not voting, 4:

Murphy	Rosenberg	Sturgeon	Welsh
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The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2206

Senator Judge called up for consideration Senate File 2206, a bill for an act relating to the licensing of nonresident hunters of deer and turkey and providing effective and applicability date provisions, amended by the House, and moved that the Senate concur in House amendment S—5612 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Judge 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. 2206) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Redfern

Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 3:

Giannetto	Husak	Priebe
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Absent or not voting, 4:

Jensen	Murphy	Rosenberg	Sturgeon
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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 AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### House File 2383

Senator Connolly called up for consideration House File 2383, a bill for an act relating to safety in schools, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5624 to Senate amendment H-6096 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Connolly 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. 2383) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren

Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Murphy	Rosenberg	Sturgeon
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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 2323

Senator Buhr called up for consideration House File 2323, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants and providing an effective date, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5637 to Senate amendment H—6060 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Buhr 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. 2323) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind

Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Murphy	Rosenberg	Sturgeon
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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 Horn asked and received unanimous consent that **House Files 2323 and 2383** be immediately messaged to the House.

Senator Horn asked and received unanimous consent to send an **immediate message** to the House on **Senate Files 2190 and 2206**.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 181

Senator Lloyd-Jones called up for consideration House File 181, a bill for an act relating to motorcycle rider education, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5613 to Senate amendment H—5746 filed April 13, 1994.

The motion lost by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2264

Senator Judge called up for consideration Senate File 2264, a bill for an act relating to the establishment of supplemental needs trusts for persons with disabilities, amended by the House, and

moved that the Senate concur in House amendment S—5634 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Judge 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. 2264) the vote was:

Ayes, 43:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Rittmer	Sorensen	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 7:

Drake	Fink	Hedge	Riordan
Rosenberg	Sturgeon	Szymoniak	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Connolly took the chair at 9:39 a.m.

### CONSIDERATION OF BILL (Appropriations Calendar)

#### Senate File 2326

On motion of Senator Palmer, Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance

of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date, was taken up for consideration.

Senator Murphy offered amendment S—5602 filed by him on April 13, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5602 was adopted by a voice vote.

Senator Dvorsky offered amendment S—5599 filed by Senator Rosenberg on April 13, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5599 was adopted by a voice vote.

Senator Palmer offered amendment S—5626 filed by him on April 13, 1994, to page 2 of the bill and moved its adoption.

Amendment S—5626 was adopted by a voice vote.

Senator McLaren withdrew amendment S—5636 filed by him on April 13, 1994, to pages 2 and 3 of the bill.

Senator McLaren offered amendment S—5639 filed by him on April 13, 1994, to pages 2 and 3 of the bill and moved its adoption.

On the question "Shall amendment S—5639 be adopted?" (S.F. 2326) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Hedge	Hester
Jensen	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Nays, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Giannetto	Gronstal
Horn	Husak	Judge	Kibbie
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Sorensen	Szymoniak	Vilsack

Absent or not voting, 3:

Rosenberg                      Sturgeon                      Welsh

Amendment S—5639 lost.

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. 2326) the vote was:

Ayes, 34:

Bartz	Bennett	Boswell	Buhr
Connolly	Deluhery	Dieleman	Dvorsky
Fink	Fraise	Gettings	Gronstal
Hester	Horn	Husak	Jensen
Judge	Kersten	Kibbie	Kramer
Lind	Lloyd-Jones	Murphy	Palmer
Pate	Redfern	Rosenberg	Sorensen
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 15:

Banks	Bisignano	Borlaug	Drake
Freeman	Giannetto	Hedge	Maddox
McKean	McLaren	Priebe	Rensink
Rife	Riordan	Rittmer	

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2326** be immediately messaged to the House.

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 2264**.

**BILL REMOVED FROM ITEM VETO CALENDAR**

Senator Horn asked and received unanimous consent that further action on Senate File 2229 and the Governor's item vetoes of **Senate File 2229** be indefinitely postponed and that the bill be removed from the Item Veto Messages Calendar.

**SIMILAR BILL RECEIVED**

On April 13, 1994, **House File 2429** was received and attached to similar **Senate File 2325** on the Senate calendar.

**CONSIDERATION OF BILL  
(Appropriations Calendar)****Senate File 2325**

On motion of Senator Kibbie, Senate File 2325, a bill for an act relating to the compensation and benefits for public officials and employees and making appropriations, was taken up for consideration.

Senator Kibbie offered amendment S—5640 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5640 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent that **House File 2429** be substituted for **Senate File 2325** as amended.

Senator Kibbie asked and received unanimous consent that **Senate File 2325** be withdrawn from further consideration of the Senate.

Senator Kibbie asked and received unanimous consent that action on **House File 2429** be deferred.

**MOTION TO RECONSIDER ADOPTED**

Senator Lloyd-Jones called up the motion to reconsider House File 542 filed by her on March 31, 1994, found on page 972 of the Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?" (H.F. 542) the vote was:

Ayes, 44:

Bennett	Bisignano	Borlaug	Boswell
Buhr	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Taylor	Tinsman	Vilsack	Zieman

Nays, 1:

Banks

Absent or not voting, 5:

Bartz	Rife	Sturgeon	Szymoniak
Welsh			

The motion prevailed.

Senator Lloyd-Jones moved to reconsider the vote by which House File 542 went to its last reading, which motion prevailed by a voice vote.

### House File 542

On motion of Senator Lloyd-Jones, House File 542, a bill for an act relating to programs and services under the purview of the Iowa department of public health, including programs and services relating to licensed substance abuse treatment programs, operations of radiation equipment, state and local substitute medical decision-making boards, homemaker-home health aide transportation, tanning devices enforcement, indoor air, and lead poisoning, and providing criminal penalties, was taken up for reconsideration.

Senator Lloyd-Jones filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5233 to House File 542 was adopted by the Senate on March 29, 1994.

The motion prevailed by a voice vote and amendment S—5233 by the committee on Human Resources to pages 1-5, 7-9 and the title page of the bill, was taken up for reconsideration.

Senator Lloyd-Jones offered amendment S—5616 filed by Senators Lloyd-Jones and Kersten on April 13, 1994, to amendment S—5233 and moved its adoption.

Amendment S—5616 was adopted by a voice vote.

The motion to reconsider House File 542 filed by Senator Kersten on March 31, 1994, and found on page 972 of the Senate Journal, was out of order.

Senator Lind asked and received unanimous consent that action on amendment S—5233 as amended and **House File 542** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2319

Senator Rosenberg called up for consideration Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age;

establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, amended by the House, and moved that the Senate concur in House amendment S—5609 filed April 13, 1994.

The motion lost by a voice vote and the Senate refused to concur in the House amendment.

President Boswell took the chair at 10:25 a.m.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 14, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2272**, a bill for an act relating to prize promotions by creating criminal and civil penalties and creating a private cause of action.

**ALSO:** That the House has on April 14, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2157**, a bill for an act relating to electric transmission line franchises (S—5643).

**ALSO:** That the House has on April 14, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 2286**, a bill for an act increasing the jurisdictional amount for small claims.

**House File 2352**, a bill for an act relating to criminal offenders and the department of corrections, by making changes regarding payment of restitution by offenders and payments under the crime victim compensation program, making changes in specifications relating to corrections institutions in which offenders are housed, establishing an inmate tort claim fund, deleting requirements relating to inmate visits by the director of the department of corrections, and permitting the release of certain information regarding offenders by the department.

ALSO: That the members of the Conference Committee appointed April 14, 1994, on **House File 2418**, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, on the part of the House are: The Representative from Polk, Ms. Carpenter, Chair; the Representative from Warren, Ms. Beatty; the Representative from Winneshiek, Mr. Gipp; the Representative from Delaware, Mr. Hanson; the Representative from Polk, Mr. Renaud.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2263

Senator Husak called up for consideration Senate File 2263, a bill for an act providing for the storage of bulk grain by producers owning the grain, amended by the House, and moved that the Senate concur in House amendment S—5632 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Husak moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2263) the vote was:

Ayes, 47:

Banks  
Boswell

Bartz  
Buhr

Bennett  
Connolly

Bisignano  
Deluhery

Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Borlaug	Rife	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### MOTION TO OVERRIDE GOVERNOR'S ITEM VETO DEFERRED

Senator Vilsack called up for consideration Senate File 2218, a bill for an act making appropriations and certain related statutory changes related to regulatory bodies of state government, including the auditor of state, the Iowa ethics and campaign disclosure board, the department of employment services, the department of inspections and appeals, the office of the state public defender, public employment relations board, department of commerce, and the racing and gaming commission and providing effective dates, and moved to reconsider and pass, the objections of the Governor notwithstanding, Section 15 as item vetoed by the Governor on April 13, 1994.

Senator Lind asked and received unanimous consent that action on the motion to override the Governor's item veto on Senate File 2218 be deferred.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on Senate File 2263.

Senator Horn asked and received unanimous consent that **Senate File 2319** be immediately messaged to the House.

### BILLS REFERRED TO COMMITTEE

Senator Horn asked and received unanimous consent that the following bills be referred to committee:

**Senate File 2321** from the Ways and Means Calendar to the committee on **Ways and Means**.

**House File 2402** from the Unfinished Business Calendar to the committee on **State Government**.

**House File 2406** from the Unfinished Business Calendar to the committee on **Environment and Energy Utilities**.

**Senate Concurrent Resolution 112** from the Appropriations Calendar to the committee on **Appropriations**.

The Senate stood at ease at 10:40 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 10:49 a.m., Senator Bisignano presiding.

The Senate stood at ease at 10:50 p.m. until the fall of the gavel.

The Senate resumed session at 12:15 p.m., President Boswell presiding.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:16 a.m., until 2:00 p.m.

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2326, the following correction was made:

1. Title page, line 1, the word "capitol" was changed to the word "capital".

JOHN F. DWYER  
Secretary of the Senate

### COMMUNICATION FROM THE GOVERNOR

The following communication from the governor was received:

April 14, 1994

Mr. John Dwyer  
Secretary of the Senate  
State Capitol Building  
L O C A L

Dear Mr. Dwyer:

The appointment of Shirlene R. Robinson for the Employment Appeal Board is hereby withdrawn.

Pursuant to Iowa Code Section 2.32(4), the appointment for this position on the Employment Appeal Board is being deferred. At this time, appropriate candidates are still under consideration.

Sincerely,  
TERRY E. BRANSTAD  
Governor

### PRESENTATION OF VISITORS

Senator Rosenberg introduced a group of engineers from Bolivia who were visiting to witness democracy in action.

The Chair welcomed the following visitors who were present in the Senate gallery:

Sixty fifth grade students from Audubon Middle School, Audubon, accompanied by Bob Clark. Senator Hester.

Sixty-eight fifth grade students from Greenwood Elementary School, Des Moines, accompanied by Betty Arndt. Senator Kramer.

The following visitors were present in the Senate gallery:

Twelfth grade students from Dunkerton Community School, Dunkerton, accompanied by George Pickup. Senator Murphy.

### BILLS SIGNED BY THE GOVERNOR

Communications were received announcing that on April 14, 1994, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 413 — Relating to the collection and disposition of civil and criminal fees and fines, distribution of court revenue.

SENATE FILE 2313 — 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 for effective and applicability dates.

### BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

S. C. R.	113	Rules and Administration
H. F.	2424	Ways and Means
H. F.	2426	Ways and Means

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2424

WAYS AND MEANS: Szymoniak, Chair; Hester and Lloyd-Jones

#### House File 2426

WAYS AND MEANS: Rosenberg, Chair; Freeman and Riordan

### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which the Senate refused

to concur in House amendment S-5613 to Senate amendment H-5746 to House File 181 on April 14, 1994.

JOE WELSH

AMENDMENTS FILED

S-5640	S.F.	2325	John P. Kibbie
S-5641	S.F.	2260	Joe Welsh
S-5642	H.F.	2429	Jim Kersten
S-5643	S.F.	2157	House amendment
S-5644	H.F.	2424	John W. Jensen Joe Welsh Tom Vilsack
S-5645	S.F.	2071	Bill Fink Merlin E. Bartz Ray Taylor
S-5646	H.F.	542	Merlin E. Bartz
S-5647	S.F.	2215	Brad Banks Jim Lind Merlin E. Bartz Mary Kramer Allen Borlaug

## AFTERNOON SESSION

The Senate reconvened at 2:08 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

### SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Horn and Rife for their service to the Senate.

A Certificate of Recognition for serving with honor and distinction as a Senate Page during the 1994 Regular Session of the Seventy-fifth General Assembly, and an individual and Page group picture were presented to each of the following Pages:

Charles Bibilos, Mylissa Blevins, Dawn Frey, Genevieve Giltner, Brian Hensley, Hope Lake, Nathan Lein, Jennifer Meiners, Deb Mundell, Adam Obrecht, Jessica Pendleton, Paul Roeder, Mary Sackett, Danette Schaefer, Becky Trafford, Aaron Twait and Rose Van Mersbergen.

The Senate rose and expressed its appreciation to the Pages.

### MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider the vote by which the Senate refused to concur in House amendment S—5613 to Senate amendment H—5746 to House File 181, a bill relating to motorcycle rider education, on April 14, 1994, filed by him on April 14, 1994, and found on pages 1232 and 1233 of the Senate Journal.

Senator Welsh moved the adoption of the motion to reconsider, which motion prevailed by a voice vote and House amendment S—5613 to Senate amendment H—5746 was taken up for reconsideration.

Senator Lloyd-Jones 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 Lloyd-Jones moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 181) the vote was:

Ayes, 46:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	Murphy	Palmer	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 2:

Bartz                      Dieleman

Absent or not voting, 2:

McLaren                  Redfern

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### Senate File 2071

The Senate resumed consideration of Senate File 2071, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property, and House amendment S—5635, previously deferred.

Senator Fink offered amendment S—5645 filed by Senators Fink, Bartz and Taylor from the floor to House amendment S—5635 and moved its adoption.

Amendment S—5645 was adopted by a voice vote.

Senator Fink 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 Fink 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. 2071) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 2:

Priebe                      Rife

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.

## UNFINISHED BUSINESS (Deferred April 6, 1994)

### House File 121

The Senate resumed consideration of House File 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree, deferred April 6, 1994.

Senator Bisignano offered amendment S—5648 filed by Senators Bisignano and Vilsack from the floor to page 1 of the bill and moved its adoption.

Amendment S—5648 was adopted by a voice vote.

Senator Sturgeon moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 121) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lloyd-Jones	Maddox
McKean	McLaren	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Buhr	Lind	Murphy
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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 April 13, 1994)

**Senate File 2316**

The Senate resumed consideration of Senate File 2316, a bill for an act relating to food service inspections and hotel sanitation inspections by the department of inspections and appeals or a municipal corporation, by increasing certain fees and by authorizing contractual agreements with municipal corporations, by imposing a ten percent license fee penalty for late renewals, and by providing for other properly related matters, and amendment S—5440 by Senators Bartz, et al., to pages 1, 2, 5 and 6 of the bill, deferred April 13, 1994.

Senator Bisignano withdrew amendment S—5630 filed by him on April 13, 1994, to amendment S—5440.

Senator Bartz offered amendment S—5607 filed by him on April 13, 1994, to amendment S—5440 and moved its adoption.

Amendment S—5607 was adopted by a voice vote.

Senator Bartz moved the adoption of amendment S—5440 as amended, which motion prevailed by voice vote.

Senator Bartz offered amendment S—5374 filed by him on March 30, 1994, to pages 1, 2, 4 and 5 of the bill and moved its adoption.

Amendment S—5374 was adopted by a voice vote.

Senator Deluhery moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2316) the vote was:

Ayes, 30:

Bennett	Bisignano	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hester	Horn	Husak
Judge	Kersten	Kramer	Lloyd-Jones
Maddox	McKean	McLaren	Murphy

Redfern  
Szymoniak

Riordan  
Tinsman

Rittmer

Rosenberg

Nays, 19:

Banks  
Giannetto  
Lind  
Rensink  
Vilsack

Bartz  
Hedge  
Palmer  
Rife  
Welsh

Borlaug  
Jensen  
Pate  
Sturgeon  
Zieman

Boswell  
Kibbie  
Priebe  
Taylor

Voting present, 1:

Sorensen

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2038)

A conference committee report signed by the following Senate and House members was filed April 14, 1994, on Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated:

On the Part of the Senate:

ELAINE SZYMONIAK, Chair  
RICHARD F. DRAKE  
WILLIAM FINK  
H. KAY HEDGE  
JEAN LLOYD-JONES

On the Part of the House:

GREGORY A. SPENNER, Chair  
STEVEN E. GRUBBS  
RICHARD MYERS  
MARY NEUHAUSER  
JERRY J. WELTER

### CONFERENCE COMMITTEE REPORT ADOPTED

#### Senate File 2038

Senator Szymoniak called up the conference committee report on Senate File 2038, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated, filed on April 14, 1994, 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 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. 2038) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## UNFINISHED BUSINESS (Deferred April 13, 1994)

### House File 2326

The Senate resumed consideration of House File 2326, a bill for an act relating to the definition of project for which certain revenue bonds may be issued by a city or county and providing an effective date, deferred April 13, 1994.

Senator Palmer withdrew amendment S—5598 filed by him on April 13, 1994, to page 1 and the title page of the bill.

Senator Palmer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2326) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 121, 181 and 2326** and **Senate Files 2038, 2071 and 2316** be immediately messaged to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2157

Senator Deluhery called up for consideration Senate File 2157, a bill for an act relating to electric transmission line franchises, amended by the House in House amendment S—5643 filed April 14, 1994.

Senator Lind asked and received unanimous consent that action on House amendment S—5643 and Senate File 2157 be deferred.

**ADOPTION OF RESOLUTION**  
**(Regular Calendar)**

**Senate Resolution 117**

Senator Kramer asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 117  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Jack W. Hester.  
4   WHEREAS, Senator Jack W. Hester is retiring from  
5 legislative office after completing his fourth term in  
6 office as a state Senator; and  
7   WHEREAS, Senator Hester's distinguished career as a  
8 state legislator has included service as Vice Chair  
9 and Ranking Member of the Agriculture Committee and as  
10 Ranking Member of the Natural Resources and Ways and  
11 Means Committees and Agriculture and Natural Resources  
12 Appropriations Subcommittee; and  
13   WHEREAS, Senator Hester has served on many other  
14 standing committees and appropriations subcommittees  
15 throughout his 16 years of legislative service and has  
16 been a devoted legislator; and  
17   WHEREAS, Senator Hester has played an instrumental  
18 part in creating and enacting many agricultural and  
19 natural resource policies for the state of Iowa; NOW  
20 THEREFORE,  
21   BE IT RESOLVED BY THE SENATE, That the Senate pay  
22 tribute to Senator Jack W. Hester for his devoted  
23 service to the Iowa General Assembly and the citizens  
24 of this state and wish him the very best in the years  
25 ahead; and  
26   BE IT FURTHER RESOLVED, That an official copy of  
27 this Resolution be prepared and presented to Senator  
28 Jack W. Hester.

Senator Kramer moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

Senators Kramer and Jensen escorted Senator Hester to the well of the Senate and he was presented with an enrolled copy of Senate Resolution 117, to be followed by an engraved plaque commemorating his years of service.

Senator Hester addressed the Senate with brief remarks and sang "May the Good Lord Bless and Keep You".

The Senate rose and expressed its tribute to Senator Hester.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Kibbie called up the appointment of Thomas M. Collins as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on February 17, 1994, and found on page 325 of the Senate Journal.

Senator Kersten took the chair at 4:17 p.m.

President Boswell took the chair at 4:25 p.m.

Senator Kibbie moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 34:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Deluhery	Drake
Dvorsky	Freeman	Hedge	Hester
Horn	Jensen	Kersten	Kramer
Lind	Lloyd-Jones	Maddox	McKean
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Rittmer
Sturgeon	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, 16:

Buhr	Connolly	Dieleman	Fink
Fraise	Gettings	Giannetto	Gronstal
Husak	Judge	Kibbie	McLaren
Riordan	Rosenberg	Sorensen	Szymoniak

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 14, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2049**, a bill for an act relating to the use of mobile radio transmitters for hunting or the tracking of dogs or birds of prey, and providing a penalty.

**ALSO:** That the House has on April 14, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 2261**, a bill for an act relating to child abuse provisions involving child abuse definitions, mandatory reporters, investigation procedures, and correction of child abuse information, and providing an effective date.

**House File 2337**, a bill for an act relating to agricultural development and rural revitalization, by providing for value-added agricultural products and processes, providing for programs and moneys, providing for repeal of provisions, and providing effective dates.

**ALSO:** That the House has on April 14, 1994, 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 2377**, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the Act, providing penalties, and providing an effective date and an applicability provision (S—5649 to H—6054).

**ALSO:** That the House, on April 14, 1994, **insisted on** its amendment to **Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person;

providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, and that the members of the Conference Committee on part of the House are: The Representative from Hardin, Mr. McNeal, Chair; the Representative from Linn, Mr. Brammer; the Representative from Scott, Ms. Martin; the Representative from Dallas, Mr. McKinney; the Representative from Scott, Mr. Rafferty.

## CONSIDERATION OF BILL (Ways and Means Calendar)

### Senate File 2215

On motion of Senator Szymoniak, Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates, was taken up for consideration.

Senator Sorensen withdrew amendment S—5452 filed by him on April 5, 1994, to page 3 and the title page of the bill.

Senator Banks asked and received unanimous consent to withdraw amendment S—5647 filed by Senators Banks, et al., from the floor to page 3 of the bill.

Senator Dieleman offered amendment S—5066 filed by him on March 2, 1994, to page 3 of the bill and moved its adoption.

Amendment S—5066 was adopted by a voice vote.

Senator Szymoniak moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2215) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Riordan	Welsh
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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 Horn asked and received unanimous consent that Senate File 2215 be immediately messaged to the House.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2091

Senator Rosenberg called up for consideration Senate File 2091, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, amended by the House in House amendment S—5577 filed April 12, 1994.

Senator Rosenberg offered amendment S—5650 filed by him from the floor to House amendment S—5577 and moved its adoption.

Amendment S—5650 was adopted by a voice vote.

Senator Rosenberg 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 Rosenberg 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. 2091) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **Senate File 2091** be immediately messaged to the House.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2377

Senator Buhr called up for consideration House File 2377, a bill for an act relating to termination of parental rights and adoption procedures, providing for applicability of the act,

providing penalties, and providing an effective date and an applicability provision, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5649 to Senate amendment H—6054 filed April 14, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Buhr 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. 2377) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
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 AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**

**House File 2410**

The Senate resumed consideration of House File 2410, a bill for an act relating to child support recovery including paternity establishment provisions, making a penalty applicable, and providing effective date and retroactive applicability provisions, and House amendment S—5584 to Senate amendment H—6037, deferred April 13, 1994.

Senator Szymoniak moved that the Senate concur in House amendment S—5584 to Senate amendment H—6037.

Senator Priebe asked unanimous consent that action on House amendment S—5584 and House File 2410 be deferred.

Senator Priebe withdrew his request to defer.

Senator Szymoniak renewed her motion to concur in House amendment S—5584 to Senate amendment H—6037.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2410) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 26:

Bartz	Bennett	Boswell	Buhr
Connolly	Deluhery	Dvorsky	Fink
Gettings	Gronstal	Horn	Judge
Kersten	Kibbie	Kramer	Lloyd-Jones
Maddox	Murphy	Palmer	Rensink
Riordan	Rosenberg	Sorensen	Szymoniak
Tinsman	Vilsack		

Nays, 23:

Banks	Bisignano	Borlaug	Dieleman
Drake	Fraise	Freeman	Giannetto
Hedge	Hester	Husak	Jensen
Lind	McKean	McLaren	Pate
Priebe	Redfern	Rife	Rittmer
Taylor	Welsh	Zieman	

Absent or not voting, 1:

Sturgeon

The motion prevailed and the Senate concurred in the House amendment to the Senate amendment.

Senator Szymoniak 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. 2410) the vote was:

Ayes, 38:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Gronstal
Hester	Horn	Husak	Judge
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Palmer	Redfern
Rensink	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, 11:

Banks	Giannetto	Hedge	Jensen
Kersten	McLaren	Murphy	Pate
Priebe	Rife	Welsh	

Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2377 and 2410** be immediately messaged to the House.

UNFINISHED BUSINESS  
(Deferred March 31, 1994)

House File 642

The Senate resumed consideration of House File 642, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state, deferred March 31, 1994.

Senator Vilsack offered amendment S—5652 filed by Senators Vilsack and Maddox from the floor to strike everything after the enacting clause and to the title page of the bill and moved its adoption.

Amendment S—5652 was adopted by a voice vote.

With the adoption of amendment S—5652, the Chair ruled amendment S—5279 filed by the committee on Local Government on March 22, 1994, to pages 1 and 3-13 of the bill, out of order.

With the adoption of amendment S—5652, the Chair ruled the following amendments to amendment S—5279, out of order:

S—5294 filed by Senators Tinsman and Vilsack on March 24, 1994, to pages 2 and 5.

S—5295 filed by Senators Tinsman and Vilsack on March 24, 1994, to page 2.

S—5386 filed by Senator Vilsack on March 31, 1994, to pages 2-5.

S—5389 filed by Senators Jensen and Fraise on March 31, 1994, to pages 1 and 2.

S—5461 filed by Senator Jensen on April 5, 1994, to pages 1, 2 and 5.

S—5466 filed by Senator Taylor on April 5, 1994, to pages 4 and 5.

S—5468 filed by Senators Tinsman, Maddox and Zieman on April 5, 1994, to pages 2 and 5.

S—5469 filed by Senators Maddox and Zieman on April 5, 1994, to pages 4 and 5.

S—5470 filed by Senators Rittmer, Tinsman and Maddox on April 5, 1994, to pages 4 and 5.

S—5471 filed by Senators Maddox, Jensen and Tinsman on April 5, 1994, to pages 2 and 5.

S—5473 filed by Senators Maddox, Tinsman and Ziemann on April 5, 1994, to pages 2 and 5.

S—5541 filed by Senator Banks on April 8, 1994, to pages 2 and 4.

S—5583 filed by Senator Vilsack on April 12, 1994, to pages 1, 2 and 5.

Senator Vilsack moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 642) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Ziemann		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Bisignano took the chair at 6:26 p.m.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2216)

A conference committee report signed by the following Senate and House members was filed April 14, 1994, on Senate File 2216,

a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions:

On the Part of the Senate:

BILL FINK, Chair  
 PATRICK J. DELUHERY  
 H. KAY HEDGE  
 JAMES B. KERSTEN  
 ALBERT G. SORENSON

On the Part of the House:

CHRISTOPHER RANTS, Chair  
 SANDRA H. GREINER  
 MARK HENDERSON  
 RICHARD MYERS  
 ROBERT L. RAFFERTY

## CONFERENCE COMMITTEE REPORT ADOPTED

### Senate File 2216

Senator Fink called up the conference committee report on Senate File 2216, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions, filed on April 14, 1994, 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 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. 2216) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **Senate File 2319** on the part of the Senate: Senators Rosenberg, Chair; Dvorsky, Gronstal, Maddox and Tinsman.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 109

Senator Boswell asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 109  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Jean Lloyd-Jones.  
4   WHEREAS, Senator Jean Lloyd-Jones is retiring from  
5 legislative office after completing two terms in  
6 office as a state Senator and four terms as a member  
7 of the House of Representatives; and  
8   WHEREAS, Senator Lloyd-Jones' distinguished career  
9 as a state legislator has included service as the  
10 Senate President Pro Tempore during the Seventy-fourth  
11 General Assembly, as a Senate Assistant Majority Floor  
12 Leader during the Seventy-third General Assembly, and  
13 as a House Assistant Majority Floor Leader during the  
14 Seventieth General Assembly; and  
15   WHEREAS, Senator Lloyd-Jones has served on both the  
16 Senate and House Rules and Administration Committees;  
17 and  
18   WHEREAS, Senator Lloyd-Jones' service as  
19 Chairperson of the Senate Transportation and Ethics  
20 Committees, of the House State Government Committee,  
21 and of the Human Services Appropriations Subcommittee,  
22 and her service as a Vice Chair of the Senate Human  
23 Resources and State Government Committees are well  
24 recognized; and  
25   WHEREAS, Senator Lloyd-Jones' dedication, valuable  
26 leadership, and determination regarding  
27 transportation, state government, ethics and human  
28 rights and services issues are well recognized; and

29 WHEREAS, Senator Lloyd-Jones has played an  
30 instrumental role in creating and enacting

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1 transportation, state government, ethics, and human  
2 rights and services policies and programs for the  
3 state of Iowa; and

4 WHEREAS, Senator Lloyd-Jones has served honorably  
5 and has unselfishly given of her time and efforts to  
6 further the interests of the State of Iowa and to  
7 provide beneficial programs for the citizens of Iowa;  
8 and

9 WHEREAS, Senator Lloyd-Jones has served on many  
10 other standing committees throughout her 16 years of  
11 legislative service and has been an influential and  
12 devoted legislator in this state; NOW THEREFORE,

13 BE IT RESOLVED BY THE SENATE, That the Senate pay  
14 tribute to Senator Jean Lloyd-Jones for her devoted  
15 service to the Iowa General Assembly and the citizens  
16 of this state and wish her the very best in the years  
17 ahead; and

18 BE IT FURTHER RESOLVED, That an official copy of  
19 this Resolution be prepared and presented to Senator  
20 Jean Lloyd-Jones.

Senator Boswell moved the adoption of Senate Resolution 109,  
which motion prevailed by a voice vote.

Senators Boswell and Connolly escorted Senator Lloyd-Jones to  
the well of the Senate and she was presented with an enrolled  
copy of Senate Resolution 109, to be followed by an engraved plaque  
commemorating her years of service.

Senator Lloyd-Jones addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Lloyd-Jones.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that House  
File 642 and Senate File 2216 be immediately messaged to  
the House.

**BUSINESS PENDING**

**House File 2429**

The Senate resumed consideration of House File 2429, a bill

for an act relating to the compensation and benefits for public officials and employees and making appropriations, (substituted for Senate File 2325 as amended and deferred April 14, 1994).

Senator Kersten offered amendment S—5642 filed by him from the floor to page 10 and the title page of the bill.

Senator Sturgeon took the chair at 7:30 p.m.

Senator Gronstal raised the point of order that amendment S—5642 was not germane to the bill.

Senator Gronstal withdrew his point of order.

Senator Kersten withdrew amendment S—5642.

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. 2429) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Rife

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.

**HOUSE AMENDMENT CONSIDERED**  
(Deferred March 14, 1994)

**Senate File 2157**

The Senate resumed consideration of Senate File 2157, a bill for an act relating to electric transmission line franchises, and House amendment S—5643, previously deferred.

Senator Deluhery moved that the Senate concur in House amendment S—5643.

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. 2157) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Kramer                      Rittmer

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that House Files 2429 and Senate File 2157 be immediately messaged to the House.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 112

Senator Rife asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 112  
2           BY COMMITTEE ON RULES AND ADMINISTRATION

3 A Resolution honoring Senator Ray Taylor.

4 WHEREAS, Senator Ray Taylor is retiring from  
5 legislative office after completing his sixth term in  
6 office as a state Senator; and

7 WHEREAS, Senator Taylor's distinguished career as a  
8 state legislator has included service as Chairperson  
9 of the Agriculture and Ethics Committees, as Vice  
10 Chairperson of the Appropriations Committee, and as  
11 Ranking Member of the Agriculture, Education, Ethics,  
12 and Small Business and Economic Development  
13 Committees; and

14 WHEREAS, Senator Taylor has also served as  
15 Chairperson of the Transportation and Law Enforcement  
16 Appropriations Subcommittee and as Ranking Member on  
17 the State Government and Claims Appropriations  
18 Subcommittees; and

19 WHEREAS, Senator Taylor has served on many other  
20 standing committees and appropriations subcommittees  
21 throughout his 22 years of legislative service and has  
22 been a devoted legislator; and

23 WHEREAS, Senator Taylor has played an instrumental  
24 part in creating and enacting many agricultural and  
25 educational policies for the state of Iowa; and

26 WHEREAS, Senator Taylor has distinguished himself  
27 by his many years of work in the areas of agriculture  
28 and education; NOW THEREFORE,

29 BE IT RESOLVED BY THE SENATE, That the Senate pay  
30 tribute to Senator Ray Taylor for his devoted service

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1 to the Iowa General Assembly and the citizens of this  
2 state and wish him the very best in the years ahead;

3 and

4 BE IT FURTHER RESOLVED, That an official copy of  
5 this Resolution be prepared and presented to Senator  
6 Ray Taylor.

Senator Rife moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

Senators Rife and Rensink escorted Senator Taylor to the well of the Senate and he was presented with an enrolled copy of Senate Resolution 112, to be followed by an engraved plaque commemorating his years of service.

Senator Taylor addressed the Senate with brief remarks and with his wife, Mary, sang "Let the Rest of the World Go By".

The Senate rose and expressed its tribute to Senator Taylor.

#### REPORTS OF STANDING COMMITTEE (Place nominees on En Bloc Confirmation Calendar)

Pursuant to Senate Rule 59, the committee on State Government assigned to investigate the following governor's appointments, completed its investigations on April 14, 1994, and recommended the appointees be confirmed:

Jay J. Cayner as a member of the Board of Pharmacy Examiners.

Gary N. Boeke as a member of the Board of Speech Pathology and Audiology Examiners.

Dr. Edward G. Nassif as a member of the Respiratory Care Advisory Committee.

#### COMMITTEE REPORT

##### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2327 (SSB 2272), a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Dieleman, Husak, Deluhery, Hester, Lloyd-Jones, Palmer, Riordan, Rosenberg and Szymoniak. Nays, 6: Bennett, Drake, Freeman, Hedge, McLaren and Murphy.

**Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.**

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Fifty-five fifth grade students from Jensen Elementary School, Urbandale, accompanied by Meridith Smith. Senator Maddox.

Sixty sixth grade students from Manson N.W. Webster School, Barnum, accompanied by Marilyn Moeding. Senator Kersten.

Thirty-seven fifth grade students from Mount Olive Lutheran School, Des Moines, accompanied by Mrs. Schutt. Senator Kramer.

Forty-four fifth and sixth grade students from St. Joseph Catholic School, Des Moines, accompanied by Kyla Gehm. Senator Buhr.

Eleven Close up students from Iowa City West High School, Iowa City, accompanied by Gary Neuzil and Steve Smith. Senators Dvorsky and Lloyd-Jones.

### CONFERENCE COMMITTEE REPORT RECEIVED (House File 637)

A conference committee report signed by the following Senate and House members was filed April 14, 1994, on House File 637, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections:

On the Part of the Senate:

BERL E. PRIEBE, Chair  
BRAD BANKS  
JACK W. HESTER  
EMIL J. HUSAK  
JIM RIORDAN

On the Part of the House:

JOHN M. GREIG, Chair  
CLIFFORD O. BRANSTAD  
BARRY BRAUNS  
DENNIS MAY  
DOLORES MERTZ

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(House File 2418)

A conference committee report signed by the following Senate and House members was filed April 14, 1994, on House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates:

On the Part of the Senate:

JOHN P. KIBBIE, Chair  
WILLIAM W. DIELEMAN  
RICHARD F. DRAKE  
MICHAEL E. GRONSTAL  
SHELDON RITTMER

On the Part of the House:

DOROTHY CARPENTER, Chair  
LINDA L. BEATTY  
CHUCK GIPP  
DARRELL R. HANSON  
DENNIS L. RENAUD

**AMENDMENTS FILED**

S—5648	H.F.	121	Tony Bisignano Tom Vilsack
S—5649	H.F.	2377	House amendment
S—5650	S.F.	2091	Ralph Rosenberg
S—5651	S.F.	2183	William W. Dieleman
S—5652	H.F.	642	Tom Vilsack O. Gene Maddox
S—5653	S.F.	2277	House amendment
S—5654	S.F.	2314	House amendment

The Senate stood at ease at 8:13 p.m. until the fall of the gavel.

The Senate resumed session at 9:44 p.m., Senator Gronstal presiding.

**INTRODUCTION OF BILL**

**Senate File 2327**, by committee on Ways and Means, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

**Read first time and placed on Ways and Means Calendar.**

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 14, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2074**, a bill for an act exempting from state income taxation pension income earned by a nonresident of the state and providing a retroactive applicability date.

**ALSO:** That the House has on April 14, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2277**, a bill for an act relating to social studies requirements in the schools (S—5653).

**Senate File 2282**, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state.

**Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees (S—5654).

**ALSO:** That the House has on April 14, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2430**, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions.

**This bill was read first time and passed on file.**

ALSO: That the House has on April 14, 1994, 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 2350**, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates.

ALSO: That the House has on April 14, 1994, adopted the conference committee report and passed **House File 637**, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections.

ALSO: That the House has on April 14, 1994, adopted the conference committee report and passed **House File 2418**, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates.

## ADJOURNMENT

On motion of Senator Dvorsky, the Senate adjourned at 9:47 p.m., until 9:00 a.m., Friday, April 15, 1994.

# JOURNAL OF THE SENATE

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NINETY-SIXTH CALENDAR DAY  
FIFTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, April 15, 1994

The Senate met in regular session at 9:06 a.m., President Boswell presiding.

Prayer was offered by the Reverend David Martin, District Superintendent of the Evangelical Free Church of America, Boone, Iowa.

The Journal of Thursday, April 14, 1994, was approved.

## HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 126**, a bill for an act relating to the processing exemption for the sales, services, and use taxes (S—5655).

## BILL ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bill to committee:

H.F.        2430        Ways and Means

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

**AMENDMENTS FILED**  
(April 14, 1994)

S—5656	H.F.	2350	House amendment
S—5657	S.F.	2282	House amendment

**CONFIRMATION OF GOVERNOR'S APPOINTMENTS**  
(En Bloc Confirmation Calendar)

In accordance with Senate Rule 59, Senator Horn called up the following appointees on the En Bloc Confirmation Calendar:

Donna M. Brosdahl as a member of the Accountancy Examining Board.

Robert T. Buckley as a member of the Board of Behavioral Science Examiners.

Dr. Robert B. Cochrane as a member of the Board of Dental Examiners.

Jay J. Cayner as a member of the Board of Pharmacy Examiners.

Lillian J. Madison as a member of the Board of Podiatry Examiners.

Gary N. Boeke as a member of the Board of Speech Pathology and Audiology Examiners.

Reverend Marvin D. Jenkins as a member of the Commission on the Status of African-Americans.

Robert E. Peterson as a member of the Mental Health and Mental Retardation Commission.

Dr. Edward G. Nassif as a member of the Respiratory Care Advisory Committee.

Gary A. Kirchhof and David E. Koos as members of the State Board of Examiners for Nursing Home Administrators.

Senator Horn moved that the foregoing appointments be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Giannetto	Palmer	Welsh
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The appointees having received a two-thirds vote were declared to have been confirmed by the Senate.

## CONFERENCE COMMITTEE REPORTS ADOPTED

### House File 637

Senator Priebe called up the conference committee report on House File 637, a bill for an act relating to the care of animals including livestock, by prohibiting the neglect of animals, providing for the rescue, maintenance, and disposition of neglected animals, providing penalties, and providing for the repeal of sections, filed on April 14, 1994, and moved its adoption.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 637) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Giannetto	Murphy	Welsh
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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 2418

Senator Kibbie called up the conference committee report on House File 2418, a bill for an act relating to public retirement systems, providing for the payment of employee contributions under certain public retirement systems for certain tax purposes, providing implementation and applicability provisions, and providing effective and retroactive applicability dates, filed on April 14, 1994, 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 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. 2418) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Zieman

Nays, none.

Absent or not voting, 2:

Giannetto                      Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Giannetto until he arrives on request of Senator Bisignano.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2350

Senator Gronstal called up for consideration House File 2350, a bill for an act relating to and making appropriations to the justice system for the fiscal year beginning July 1, 1994, and providing effective dates, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5656 to Senate amendment H—6169 filed April 14, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Gronstal 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. 2350) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 1:

Riordan

Absent or not voting, 2:

Giannetto                      Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### ADOPTION OF RESOLUTION (Regular Calendar)

#### Senate Resolution 114

Senator Lind asked and received unanimous consent to take up the following resolution:

- 1                      SENATE RESOLUTION NO. 114
- 2                      BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Resolution honoring Senator James B. Kersten.
- 4    WHEREAS, Senator James B. Kersten is retiring from
- 5 legislative office after completing four years in
- 6 office as a state Senator; and

7 WHEREAS, Senator Kersten's distinguished career as  
8 a state legislator has included service as Ranking  
9 Member of the Environment and Energy Utilities  
10 Committee and Transportation and Safety Appropriations  
11 Subcommittee; and  
12 WHEREAS, Senator Kersten has served on many other  
13 standing committees and appropriations subcommittees  
14 throughout his four years of legislative service and  
15 has been a devoted legislator; and  
16 WHEREAS, Senator Kersten has played an instrumental  
17 role in creating and enacting many policies and  
18 programs for the state of Iowa; NOW THEREFORE,  
19 BE IT RESOLVED BY THE SENATE, That the Senate pay  
20 tribute to Senator James B. Kersten for his devoted  
21 service to the Iowa General Assembly and the citizens  
22 of this state and wish him the very best in the years  
23 ahead; and  
24 BE IT FURTHER RESOLVED, That an official copy of  
25 this Resolution be prepared and presented to Senator  
26 James B. Kersten.

Senator Lind moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

Senators Lind, Kramer and Tinsman escorted Senator Kersten to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 114.

Senator Kersten addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Kersten.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 2146

Senator Welsh called up for consideration House File 2146, a bill for an act relating to access to, and the possession of, alcoholic beverages, and subjecting violators to existing penalties, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5633 to Senate amendment H—5929 filed April 13, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Welsh 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. 2146) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Zaylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Welsh called up the appointment of Berneil Preul as a member of the Title Guaranty Division Board, placed on the Individual Confirmation Calendar on March 30, 1994, and found on page 941 of the Senate Journal.

Senator Welsh moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Dvorsky

The appointee having received a two-thirds vote was declared to have been confirmed by the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2277

Senator Dieleman called up for consideration Senate File 2277, a bill for an act relating to social studies requirements in the schools, amended by the House, and moved that the Senate concur in House amendment S—5653 filed April 14, 1994.

Senator Dieleman 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 Dieleman moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2277) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Voting present, 1:

Fink

Absent or not voting, 1:

Murphy

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### HOUSE AMENDMENT CONSIDERED (Deferred April 12, 1994)

#### Senate File 2234

The Senate resumed consideration of Senate File 2234, a bill for an act relating to educational finances, activities, and procedures administered by or through the department of education, and House amendment S—5561, deferred on April 12, 1994.

Senator Connolly 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 Connolly moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2234) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 11:00 a.m. until the fall of the gavel.

The Senate resumed session at 11:12 a.m., President Boswell presiding.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 111

Senator Husak asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 111  
 2           BY COMMITTEE ON RULES AND ADMINISTRATION  
 3 A Resolution honoring Senator William W. Dieleman.  
 4 WHEREAS, Senator William W. Dieleman is retiring  
 5 from legislative office after completing three terms  
 6 in office as a state Senator and four terms as a  
 7 member of the House of Representatives; and  
 8 WHEREAS, Senator Dieleman's six years of service as  
 9 Chairperson of the Ways and Means Committee and 18  
 10 years of service on the Senate and House Ways and  
 11 Means Committees, his six years of service as  
 12 Chairperson and six years of service as Vice  
 13 Chairperson of the Administration Appropriations  
 14 Subcommittee, and his service as Vice Chairperson of

15 the Natural Resources and State Government Committees  
 16 are well recognized; and  
 17 WHEREAS, Senator Dieleman's dedication, leadership,  
 18 and determination regarding taxation, state  
 19 government, and quality of life issues are well  
 20 recognized; and  
 21 WHEREAS, Senator Dieleman has played an  
 22 instrumental role in creating and enacting policies  
 23 and programs for the state of Iowa; and  
 24 WHEREAS, Senator Dieleman 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 citizens of Iowa;  
 28 and  
 29 WHEREAS, Senator Dieleman has served on many other  
 30 standing committees throughout his 20 years of  
 Page 2

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 William W. Dieleman 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 William W. Dieleman.

Senator Husak moved the adoption of Senate Resolution 111,  
 which motion prevailed by a voice vote.

Senators Husak and Deluhery escorted Senator Dieleman to the  
 well of the Senate and he was presented with an engraved plaque  
 and an enrolled copy of Senate Resolution 111.

Senator Dieleman addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Dieleman.

### Senate Resolution 107

Senator Horn asked and received unanimous consent to take  
 up the following resolution:

1 SENATE RESOLUTION NO. 107  
 2 BY COMMITTEE ON RULES AND ADMINISTRATION  
 3 A Resolution honoring Senator William W. Dieleman  
 4 for his years of legislative service.

5 WHEREAS, Senator William W. Dieleman will this year  
6 complete 20 years of service to the State of Iowa as a  
7 member of the General Assembly; and

8 WHEREAS, Senator Dieleman has served honorably and  
9 has unselfishly given of his time and efforts to  
10 further the interests of the State of Iowa and to  
11 provide beneficial programs for the citizens of Iowa;  
12 and

13 WHEREAS, it is proper that Senator Dieleman 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 Dieleman and express its gratitude  
18 for the service rendered by him; and

19 BE IT FURTHER RESOLVED, That the Senate present to  
20 Senator Dieleman his Senate chair in appreciation for  
21 his service.

Senator Horn moved the adoption of Senator Resolution 107,  
which motion prevailed by a voice vote.

Senator Dieleman would receive his Senate Chair and an  
enrolled copy of Senate Resolution 107.

### MOTION TO RECONSIDER ADOPTED

Senator Welsh called up the motion to reconsider Senate File  
2260 filed by him on April 11, 1994, found on page 1142 of the  
Senate Journal and moved its adoption.

On the question "Shall the motion to reconsider be adopted?"  
(S.F. 2260) the vote was:

Ayes, 42:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	McKean	McLaren
Murphy	Palmer	Pate	Redfern
Rensink	Riordan	Rittmer	Sorensen
Sturgeon	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 8:

Dvorsky  
Priebe

Gronstal  
Rife

Lloyd-Jones  
Rosenberg

Maddox  
Szymoniak

Senator Welsh moved to reconsider the vote by which Senate File 2260 went to its last reading, which motion prevailed by a voice vote.

### Senate File 2260

On motion of Senator Welsh, Senate File 2260, a bill for an act relating to the regulation of amusement devices and gambling games, and subjecting violators to an existing penalty, was taken up for reconsideration.

Senator Welsh asked and received unanimous consent that action on Senate File 2260 be deferred.

### EXPLANATION OF VOTES

The undersigned were necessarily absent from the Senate Chamber serving on a conference committee when the vote was taken on the motion to reconsider Senate File 2260.

Had we been present, we would have voted "aye".

MICHAEL E. GRONSTAL  
ROBERT E. DVORSKY  
RALPH ROSENBERG  
O. GENE MADDOX

### RECESS

On motion of Senator Horn, the Senate recessed at 11:59 a.m., until 1:30 p.m.

## APPENDIX

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

**MR. PRESIDENT:** The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 15th day of April, 1994:

Senate Files 2087, 2242, 2236, 2201, 2232, 2231, 2217, 2265, 2199, 2009, 2205 and 2080.

JOHN F. DWYER  
Secretary of the Senate

### PRESENTATION OF VISITORS

Nine eighth grade students from Lime Springs Elementary School, Lime Springs. Senator Borlaug.

Thirty-two fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. Senator Giannetto.

Ninety sixth grade students from Roland-Story Middle School, Roland, accompanied by Mark Billerbeck, Peg York, Dave Gostell and Christy Pyburn. Senator Giannetto.

Fifty-three sixth grade students from Willowbrook Elementary School, Altoona, accompanied by Carol Cardwell. Senator Palmer.

### REPORTS OF COMMITTEE MEETINGS

#### STATE GOVERNMENT

**Convened:** April 14, 1994, 10:42 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Rittmer, Ranking Member; Bisignano, Buhr, Dieleman, Drake, Fink, Giannetto, Kramer, McKean, Pate and Sorensen.

**Members Absent:** Lind, McLaren, Priebe and Welsh (all excused).

**Committee Business:** Recommended confirmation of governor's appointees.

**Adjourned:** 10:47 a.m.

## **WAYS AND MEANS**

**Convened:** April 14, 1994, 1:04 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Assigned bills to subcommittees; discussed and deferred action on SSB 2269; approved SSB 2272 as a committee bill.

**Adjourned:** 2:01 p.m.

## **STUDY BILLS RECEIVED**

### **SSB 2273 Appropriations**

Making an appropriation for the state communications network fund for the fiscal year beginning July 1, 1994.

### **SSB 2274 Appropriations**

Relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

## **SUBCOMMITTEE ASSIGNMENTS**

### **SSB 2273**

**APPROPRIATIONS:** Murphy, Chair; Judge and Redfern

### **SSB 2274**

**APPROPRIATIONS:** Murphy, Chair; Boswell and McLaren

### **House File 2430**

**WAYS AND MEANS:** Hedge, Chair; Drake and Husak

## AMENDMENTS FILED

S—5655	S. F.	126	House amendment
S—5658	S. F.	2314	Lyle Zieman Larry Murphy
S—5659	S. R.	113	Michael E. Gronstal

## AFTERNOON SESSION

The Senate reconvened at 1:32 p.m., President Boswell presiding.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 118**, by Horn and Rife, a resolution honoring Johnny Orr upon his retirement as Men's Basketball Coach at Iowa State University.

Read first time and assigned to the committee on **Rules and Administration**

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 15, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2279**, a bill for an act amending the Uniform Commercial Code relating to negotiable instruments, and bank deposits and collections, and repealing sections, and providing an effective date.

**ALSO:** That the House has on April 15, 1994, 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 2091**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

**ALSO:** That the House has on April 15, 1994, adopted the conference committee report and passed **Senate File 2038**, a bill for an act to provide for the destruction of state department of transportation records regarding arrests or convictions for the offense of operating while intoxicated.

**ALSO:** That the House has on April 15, 1994, adopted the conference committee report and passed **Senate File 2216**, a bill for an act allowing recovery of hazardous substances cleanup costs by governmental subdivisions.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

The Senate stood at ease at 1:46 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:50 p.m., President Boswell presiding.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 119**, by Kibbie, a resolution deferring action on the confirmation of an appointment submitted by the Governor.

Read first time and assigned to the committee on **Rules and Administration**

The Senate stood at ease at 3:52 p.m. until the fall of the gavel.

The Senate resumed session at 6:17 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent and a quorum present.

### ADOPTION OF RESOLUTION (Regular Calendar)

#### **Senate Resolution 116**

Senator Gronstal asked and received unanimous consent to take up the following resolution:

- 1                   SENATE RESOLUTION NO. 116
- 2           BY COMMITTEE ON RULES AND ADMINISTRATION
- 3 A Resolution honoring Senator James R. Riordan.
- 4   WHEREAS, Senator James R. Riordan is retiring from

5 legislative office after completing three terms in  
6 office as a state Senator; and  
7 WHEREAS, Senator Riordan's service as Chairperson  
8 of the Small Business, Economic Development and  
9 Tourism Committee and as Chairperson of the Economic  
10 Development and Agriculture and Natural Resources  
11 Appropriations Subcommittees is well recognized; and  
12 WHEREAS, Senator Riordan has also served as Vice  
13 Chairperson of the Agriculture Committee; and  
14 WHEREAS, Senator Riordan's dedication and  
15 leadership regarding economic development,  
16 agriculture, and natural resources issues are well  
17 recognized; and  
18 WHEREAS, Senator Riordan has played an instrumental  
19 role in creating and enacting many significant  
20 policies and programs for the state of Iowa; and  
21 WHEREAS, Senator Riordan has served honorably and  
22 has unselfishly given of his time and efforts to  
23 further the interests of the State of Iowa and to  
24 provide beneficial programs for the citizens of Iowa;  
25 and  
26 WHEREAS, Senator Riordan has served on many other  
27 standing committees throughout his more than nine  
28 years of legislative service and has been an  
29 influential and devoted legislator in this state; NOW  
30 THEREFORE,

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1 BE IT RESOLVED BY THE SENATE, That the Senate pay  
2 tribute to Senator James R. Riordan for his devoted  
3 service to the Iowa General Assembly and the citizens  
4 of this state and wish him the very best in the years  
5 ahead; and  
6 BE IT FURTHER RESOLVED, That an official copy of  
7 this Resolution be prepared and presented to Senator  
8 James R. Riordan.

Senator Gronstal moved the adoption of Senate Resolution 116,  
which motion prevailed by a voice vote.

Senators Gronstal and Kibbie escorted Senator Riordan to the  
well of the Senate and he was presented with an engraved plaque  
and an enrolled copy of Senate Resolution 116.

Senator Riordan addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Riordan.

**IMMEDIATELY MESSAGED**

Senator Horn asked and received unanimous consent that **House Files 637, 2146 and 2418** be immediately messaged to the House.

Senator Horn asked and received unanimous consent to send an **immediate message** to the House on **Senate Files 2234 and 2277**.

**ADOPTION OF RESOLUTION  
(Regular Calendar)****Senate Resolution 108**

Senator Palmer asked and received unanimous consent to take up the following resolution:

1                   **SENATE RESOLUTION NO. 108**  
2           **BY COMMITTEE ON RULES AND ADMINISTRATION**  
3 **A Resolution honoring Senator Florence Buhr.**  
4   **WHEREAS, Senator Florence Buhr 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 Buhr's distinguished career as a**  
9 **state legislator has included service as a Senate**  
10 **Assistant Majority Floor Leader during the Seventy-**  
11 **fifth General Assembly and as a House Assistant**  
12 **Majority Floor Leader during the Seventy-first,**  
13 **Seventy-second, and Seventy-third General Assemblies;**  
14 **and**  
15   **WHEREAS, Senator Buhr's service as Chairperson of**  
16 **the Health and Human Rights Appropriations**  
17 **Subcommittee and as Vice Chair of the Human Resources**  
18 **and Local Government Committees is well recognized;**  
19 **and**  
20   **WHEREAS, Senator Buhr has played an instrumental**  
21 **role in creating and enacting many health and human**  
22 **rights policies and programs for the state of Iowa;**  
23 **and**  
24   **WHEREAS, Senator Buhr has served honorably and has**  
25 **unselfishly given of her time and efforts to further**  
26 **the interests of the State of Iowa and to provide**  
27 **beneficial programs for the citizens of Iowa; and**  
28   **WHEREAS, Senator Buhr has served on many other**  
29 **standing committees throughout her 12 years of**  
30 **legislative service and has been an influential and**

**Page 2**

1 devoted legislator in this state; NOW THEREFORE,  
2 BE IT RESOLVED BY THE SENATE, That the Senate pay  
3 tribute to Senator Florence Buhr for her devoted  
4 service to the Iowa General Assembly and the citizens  
5 of this state and wish her the very best in the years  
6 ahead; and  
7 BE IT FURTHER RESOLVED, That an official copy of  
8 this Resolution be prepared and presented to Senator  
9 Florence Buhr.

Senator Palmer moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

Senators Palmer and Sorensen escorted Senator Buhr to the well of the Senate and she was presented with an engraved plaque and an enrolled copy of Senate Resolution 108.

Senator Buhr addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Buhr.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2203**, a bill for an act relating to health care facilities by providing for special classifications of care and by determining the application of licensing requirements to adult day care and respite care services.

ALSO: That the House has on April 15, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 196**, a bill for an act relating to the sales, services, and use tax in connection with printing activities and providing effective and applicability dates (S-5661).

**Senate File 2307**, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby

conservatorships, and the creation and establishment of separate trusts in certain circumstances (S—5663).

ALSO: That the House has on April 15, 1994, 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 121**, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree (S—5662 to H—6191).

### INTRODUCTION OF BILL

**Senate File 2328**, by committee on Ways and Means, a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, establishing a fee, and providing a penalty.

Read first time and placed on Ways and Means Calendar.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 121

Senator Sturgeon called up for consideration House File 121, a bill for an act relating to certain public offenses, by extending the statute of limitations, and by creating additional offenses which constitute sexual abuse in the third degree, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5662 to Senate amendment H—6191 filed April 15, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Sturgeon 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. 121) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Murphy                      Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

### CONFERENCE COMMITTEE REPORT RECEIVED (Senate File 2089)

A conference committee report signed by the following Senate and House members was filed April 15, 1994, on Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date:

On the Part of the Senate:

JOE WELSH, Chair  
PATRICK J. DELUHERY  
EMIL HUSAK  
DERRYL McLAREN  
DONALD REDFERN

On the Part of the House:

RON CORBETT, Chair  
BILL BRAND  
CHUCK GIPP

### CONFERENCE COMMITTEE REPORT ADOPTED

**Senate File 2089**

Senator Welsh called up the conference committee report on Senate File 2089, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date, filed April 15, 1994.

Senator Connolly took the chair at 7:52 p.m.

Senator Welsh moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Welsh moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2089) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

McKean

Absent or not voting, 2:

Kibbie

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 2016)

A conference committee report signed by the following Senate and House members was filed April 15, 1994, on Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date:

On the Part of the Senate:

BERL E. PRIEBE, Chair  
BRAD BANKS  
MERLIN E. BARTZ  
ROBERT E. DVORSKY  
EMIL J. HUSAK

On the Part of the House:

CLIFFORD O. BRANSTAD, Chair  
DENNIS MAY  
RICHARD VANDE HOEF

**CONFERENCE COMMITTEE REPORT ADOPTED**

**Senate File 2016**

Senator Priebe called up the conference committee report on Senate File 2016, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date, filed on April 15, 1994.

President Boswell took the chair at 8:10 p.m.

Senator Priebe moved the adoption of the conference committee report.

The motion prevailed by a voice vote and the conference committee report and the recommendations and amendments contained therein was adopted.

Senator Priebe moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2016) the vote was:

Ayes, 49:

Banks  
Borlaug

Bartz  
Boswell

Bennett  
Buhr

Bisignano  
Connolly

Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2322**, a bill for an act relating to the definition of little cigar for purposes of state cigarette and tobacco taxation, and providing an effective date.

ALSO: That the House has on April 15, 1994, 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 2071**, a bill for an act relating to the taking of fur-bearing animals for the protection of public or private property.

ALSO: That the House has on April 15, 1994, 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 2411**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date (S—5671 to H—6029).

## HOUSE AMENDMENT CONSIDERED

### Senate File 2307

Senator McKean called up for consideration Senate File 2307, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances, amended by the House in House amendment S—5663 filed April 15, 1994.

Senator Deluhery asked and received unanimous consent that action on House amendment S—5663 and **House File 2307** be **deferred**.

## COMMITTEE REPORTS

### WAYS AND MEANS

**Final Bill Action:** SENATE FILE 2328 (SSB 2269), a bill for an act relating to the notification of a parent prior to the performance of an abortion on a minor, establishing a fee, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, McLaren, Murphy, Palmer and Riordan. Nays, 2: Lloyd-Jones and Rosenberg. Absent or not voting, 2: Deluhery and Szymoniak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** HOUSE FILE 2426, a bill for an act relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan and Rosenberg. Nays, none. Absent or not voting, 2: Deluhery and Szymoniak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2428, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of moneys, and assessments.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Dieleman, Husak, Bennett, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak. Nays, none. Absent or not voting, 1: Deluhery.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Final Bill Action:** HOUSE FILE 2430, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Dieleman, Husak, Bennett, Deluhery, Drake, Freeman, Hedge, Hester, McLaren, Murphy, Riordan and Szymoniak. Nays, 3: Lloyd-Jones, Palmer and Rosenberg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2428.

### House File 2428

On motion of Senator McLaren, House File 2428, a bill for an act relating to agricultural commodity organizations, by providing for their administration, the collection, deposit, and transfer of

moneys, and assessments, with report of committee recommending passage, 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?" (H.F. 2428) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Rosenberg                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### UNFINISHED BUSINESS (Deferred March 31, 1994)

#### House File 2366

The Senate resumed consideration of House File 2366, a bill for an act relating to reapportionment, redistricting, and precincting by certain jurisdictions, deferred March 31, 1994.

Senator Gronstal offered amendment S—5668 filed by him from the floor to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5668 was adopted by a voice vote.

Senator Gronstal offered amendment S—5562 filed by him on April 11, 1994, to pages 3 and 4 of the bill.

Senator Hester offered amendment S—5600 filed by Senators Hester, Rensink and Kramer on April 13, 1994, to amendment S—5562 and moved its adoption.

Amendment S—5600 was adopted by a voice vote.

Senator Gronstal moved the adoption of amendment S—5562 as amended, which motion prevailed 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?" (H.F. 2366) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Bisignano	Rosenberg	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Kramer asked and received unanimous consent that **Senate File 2108** be **withdrawn** from further consideration of the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2219

Senator Gronstal called up for consideration Senate File 2219, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, amended by the House in House amendment S—5560 filed April 11, 1994.

Senator Gronstal offered amendment S—5669 filed by him from the floor to pages 1, 2, 5, 7 and 8 of House amendment S—5560 and moved its adoption.

Amendment S—5669 was adopted by a voice vote.

Senator Gronstal moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Gronstal moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2219) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluherly	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, none.

Absent or not voting, 3:

Rosenberg

Sturgeon

Welsh

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 Horn asked and received unanimous consent that **Senate Files 2089 and 2016 and House Files 121, 2428 and 2366** be immediately messaged to the House.

### UNFINISHED BUSINESS (Deferred March 28, 1994)

#### House File 2149

The Senate resumed consideration of House File 2149, a bill for an act relating to HIV-related testing of convicted sexual assault offenders, deferred March 28, 1994.

Senator Bisignano offered amendment S—5335 filed by Senators Bisignano and Dieleman on March 29, 1994, to page 1 and the title page of the bill.

Senator Szymoniak raised the point of order that amendment S—5335 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5335 out of order.

Senator Welsh withdrew amendment S—5408 filed by him on April 4, 1994, to page 1 of the bill.

Senator Welsh withdrew amendment S—5326 filed by him on March 29, 1994, to page 1 of the bill.

Senator Welsh offered amendment S—5458 filed by him on April 5, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5458 was adopted by a voice vote.

The Chair ruled amendment S—5321 filed by Senators Bisignano and Dieleman on March 29, 1994, to page 1 and the title page of the bill, out of order.

Senator Bisignano moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2149) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Maddox	Rosenberg	Sturgeon
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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 2411

Senator Kibbie called up for consideration House File 2411, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state, and providing an effective date, amended by the Senate, further amended by the House and moved that

the Senate concur in House amendment S—5671 to Senate amendment H—6029 filed April 15, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Kibbie moved that the bill as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2411) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 2:

McLaren                      Rife

Absent or not voting, 3:

Maddox                      Rosenberg                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### Senate File 2307

The Senate resumed consideration of Senate File 2307, a bill for an act relating to probate including the exclusion of revocable trusts from the restrictions on agricultural land ownership, the

creation of standby conservatorships, and the creation and establishment of separate trusts in certain circumstances, and House amendment S—5663, previously deferred.

Senator McKean 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 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. 2307) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 2:

Rosenberg                      Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## COMMITTEE REPORT

## APPROPRIATIONS

**Final Bill Action:** SENATE FILE 2329 (SSB 2273), a bill for an act making an appropriation for the state communications network fund for the fiscal year beginning July 1, 1994.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 19: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Deluhery, Fraise, Husak, Judge, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, and Vilsack. Nays, none. Absent or not voting, 6: Bisignano, Dvorsky, Gronstal, Kersten, Rosenberg and Tinsman.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## INTRODUCTION OF BILL

**Senate File 2329**, by committee on Appropriations, a bill for an act making an appropriation for the state communications network fund for the fiscal year beginning July 1, 1994.

Read first time and placed on **Appropriations Calendar**.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2329.

**Senate File 2329**

On motion of Senator Murphy, Senate File 2329, a bill for an act making an appropriation for the state communications network fund for the fiscal year beginning July 1, 1994, was taken up for consideration.

Senator Redfern asked and received unanimous consent that action on **Senate File 2329** be deferred.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2307** be immediately messaged to the House.

## SENATE RECEDES

## House File 2049

Senator Murphy called up for consideration House File 2049, a bill for an act relating to the use of moneys from the physical plant and equipment levy to purchase exterior lighting, equipment and technology systems, amended by the Senate, and moved that the Senate recede from its amendment.

The motion prevailed by a voice vote and the Senate receded from its amendment.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2049) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Sorensen	Sturgeon	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 1:

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **House File 2049** be immediately messaged to the House.

The Senate stood at ease at 9:24 p.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 9:54 p.m., President Boswell presiding.

## COMMITTEE REPORTS

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 118, a resolution honoring Johnny Orr upon his retirement as men's basketball coach at Iowa State University.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Husak, Kramer, Lind and Palmer. Nays, none. Absent or not voting, 1: Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate Resolution 118.

### Senate Resolution 118

On motion of Senator Horn, Senate Resolution 118, a resolution honoring Johnny Orr upon his retirement as men's basketball coach at Iowa State University, was taken up for consideration.

Senator Lind offered amendment S—5666 filed by Senators Lind, et al., from the floor to page 2 of the resolution and moved its adoption.

Amendment S—5666 was adopted by a voice vote.

Senator Horn moved the adoption of Senate Resolution 118, which motion prevailed by a voice vote.

Senators Horn and Rife escorted Coach Orr to the well of the Senate and he was presented with a copy of Senate Resolution 118.

Coach Orr addressed the Senate with brief remarks stating that he had had 14 wonderful years in Iowa and would continue to live in Iowa and contribute what he could to Iowa State University.

The Senate rose and expressed their appreciation to Coach Orr.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House Files 2149 and 2411** be immediately messaged to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

#### Senate File 2324

On motion of Senator Connolly, Senate File 2324, a bill for an act relating to the receipt of certain state and federal housing funds for municipal housing projects and the allocation of affordable housing, was taken up for consideration.

Senator Connolly moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2324) the vote was:

Ayes, 47:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 1:

Bartz

Absent or not voting, 2:

McLaren

Rosenberg

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BUSINESS PENDING

### Senate File 2329

The Senate resumed consideration of Senate File 2329, a bill for an act making appropriations for the state communications network fund for the fiscal year beginning July 1, 1994, previously deferred.

Senator Judge offered amendment S—5674 filed by Senators Judge, Redfern and Husak from the floor to page 1 and the title page of the bill and moved its adoption.

Amendment S—5674 was adopted by a voice vote.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2329) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Pate	Redfern	Rensink
Rife	Rittmer	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, 2:

McKean

Riordan

Absent or not voting, 3:

Priebe

Rosenberg

Welsh

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 Horn asked and received unanimous consent that Senate Files 2324 and 2329 be immediately messaged to the House.

### COMMITTEE REPORT

#### RULES AND ADMINISTRATION

**Final Bill Action:** HOUSE CONCURRENT RESOLUTION 118, a concurrent resolution to designate Le Mars, Iowa, the Ice Cream Capital of the World.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Horn, Boswell, Rife, Husak, Kramer and Palmer. Nays, 2: Gettings and Gronstal. Absent or not voting, 1: Lind.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ADOPTION OF RESOLUTION (Regular Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House Concurrent Resolution 118.

#### House Concurrent Resolution 118

On motion of Senator Banks, House Concurrent Resolution 118, a resolution to designate Le Mars, Iowa, the Ice Cream Capital of the World, with report of committee recommending passage, was taken up for consideration.

Senator Banks moved the adoption of House Concurrent Resolution 118, which motion prevailed by a voice vote.

## COMMITTEE REPORT

### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 120, a concurrent resolution honoring Senator Joe J. Welsh.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer and Palmer. Nays, none. Absent or not voting, 1: Lind.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 120**, by committee on Rules and Administration, a resolution honoring Senator Joe J. Welsh.

Read first time and placed on calendar.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 120

Senator Bisignano asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 120  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Joe J. Welsh.  
4   WHEREAS, Senator Joe J. Welsh 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 Welsh's distinguished career as a  
9 state legislator has included service as the President  
10 of the Senate during the Seventy-fourth General  
11 Assembly and as Chairperson of the Service Committee  
12 of the Legislative Council during the Seventy-second  
13 and Seventy-fourth General Assemblies; and  
14   WHEREAS, Senator Welsh's six years of service as  
15 Chairperson of the Appropriations Committee, his  
16 service as Chairperson of the Communications and  
17 Information Policy Committee, and his service as  
18 Chairperson of the Transportation and Claims  
19 Appropriations Subcommittees are well recognized; and

20 WHEREAS, Senator Welsh has also served as a member  
21 of the Senate Rules and Administration Committee; and

22 WHEREAS, Senator Welsh's dedication and leadership  
23 regarding appropriations, state government, and  
24 technology issues are well recognized; and

25 WHEREAS, Senator Welsh has played an instrumental  
26 role in creating and enacting many state government  
27 policies and programs for the state of Iowa; and

28 WHEREAS, Senator Welsh has served honorably and has  
29 unselfishly given of his time and efforts to further  
30 the interests of the State of Iowa and to provide

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1 beneficial programs for the citizens of Iowa; and

2 WHEREAS, Senator Welsh has served on many other  
3 standing committees throughout his 16 years of  
4 legislative service and has been an influential and  
5 devoted legislator in this state; NOW THEREFORE,

6 BE IT RESOLVED BY THE SENATE, That the Senate pay  
7 tribute to Senator Joe J. Welsh for his devoted  
8 service to the Iowa General Assembly and the citizens  
9 of this state and wish him the very best in the years  
10 ahead; and

11 BE IT FURTHER RESOLVED, That an official copy of  
12 this Resolution be prepared and presented to Senator  
13 Joe J. Welsh.

Senator Bisignano moved the adoption of Senate Resolution 120,  
which motion prevailed by a voice vote.

Senators Bisignano and Horn escorted Senator Welsh to the  
well of the Senate and he was presented with an engraved plaque  
and an enrolled copy of Senate Resolution 120.

Senator Welsh addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Welsh.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of  
the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House  
has on April 15, 1994, amended and passed the following bill in which the  
concurrence of the Senate is asked:

**Senate File 2223**, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date (S—5675).

ALSO: That the House has on April 15, 1994, 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 642**, a bill for an act relating to revisions of mandates and goals to political subdivisions of the state (S—5683 to H—6203).

### INTRODUCTION OF BILL

**Senate File 2330**, by committee on Appropriations, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

**Read first time and placed on Appropriations Calendar.**

### REFUSAL OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Kibbie called up the appointment of Mitchell L. O'Neel as Executive Director of the Commission of Veterans Affairs, placed on the Individual Confirmation Calendar with no recommendation on February 16, 1994, and found on page 316 of the Senate Journal.

Senator Kibbie moved that the foregoing appointment be confirmed by the Senate.

Senator Lind raised the point of order that action on the confirmation of Mitchell L. O'Neel was untimely.

The Chair ruled the point not well taken and the motion on the confirmation in order.

On the question "Shall the appointee be confirmed?" the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

## Ayes, 28:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Drake	Fink
Freeman	Hedge	Hester	Jensen
Judge	Kersten	Kramer	Lind
Maddox	McKean	McLaren	Palmer
Pate	Redfern	Rensink	Rife
Rittmer	Taylor	Tinsman	Zieman

## Nays, 15:

Boswell	Connolly	Deluhery	Dieleman
Dvorsky	Fraise	Gettings	Giannetto
Horn	Husak	Kibbie	Lloyd-Jones
Riordan	Szymoniak	Vilsack	

## Absent or not voting, 7:

Gronstal	Murphy	Priebe	Rosenberg
Sorensen	Sturgeon	Welsh	

The appointee not having received a two-thirds vote, the Chair declared the Senate **refused to confirm** the appointment of Mitchell L. O'Neel.

## COMMITTEE REPORT

## APPROPRIATIONS

**Final Bill Action:** \*SENATE FILE 2330 (SSB 2274), a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 19: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Deluhery, Fraise, Husak, Judge, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, and Vilsack. Nays, none. Absent or not voting, 6: Bisignano, Dvorsky, Gronstal, Kersten, Rosenberg 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 Appropriations Committee on Senate File 2330 and they were attached to the committee report.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration Senate File 2330.

### Senate File 2330

On motion of Senator Murphy, Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, was taken up for consideration.

(Action on Senate File 2330 was deferred.)

The Senate stood at ease at 12:28 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:03 a.m., President Boswell presiding.

## HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 1994, amended and passed the following bill in which the concurrence of the House was asked:

**Senate File 2318**, a bill for an act relating to state budget processes (S—5695).

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2217, the following corrections were made:

1. Page 5, line 32, the number "\$1,593,000." was changed to the number "\$1,593,000".
2. Page 6, line 32, the words "Seventy-fifth General assembly" were changed to the words "Seventy-fifth General Assembly".
3. Page 11, line 31, the word "Freemont" was changed to the word "Fremont".

JOHN F. DWYER  
Secretary of the Senate

### CERTIFICATE OF RECOGNITION

The secretary of the senate issued the following certificate of recognition:

Matthew Jennings, Cedar Rapids — For attaining the rank of Eagle Scout. Senator McKean (5-22-94).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventy-five fifth grade students from Nevada Middle School, Nevada, accompanied by Diane Johnson. Senator Giannetto.

### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber when the vote was taken on Senate File 2089. Had I been present, I would have voted "aye" on the bill.

JOHN P. KIBBIE

## COMMITTEE REPORT

## RULES AND ADMINISTRATION

**Final Bill Action:** SENATE RESOLUTION 119, a concurrent resolution deferring action on the confirmation of an appointment submitted by the Governor.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Husak, Kramer and Palmer. Nays, none. Absent or not voting, 1: Lind.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2219 passed the Senate on April 15, 1994.

MICHAEL E. GRONSTAL

AMENDMENTS FILED  
(April 15, 1994)

S-5660	S. F.	2260	Joe Welsh Berl E. Priebe Tony Bisignano Jim Kersten Florence D. Buhr William Palmer
S-5661	S. F.	196	House amendment
S-5662	H. F.	121	House amendment
S-5663	S. F.	2307	House amendment
S-5664	S. R.	113	Jack Rife
S-5665	S. R.	113	Merlin E. Bartz
S-5666	S. R.	118	Jim Lind Larry Murphy Jim Kersten Derryl McLaren Merlin E. Bartz Allen Borlaug Donald B. Redfern H. Kay Hedge

			Wilmer Rensink
			Jack Rife
			Brad Banks
			Mary Lou Freeman
			Bill Fink
			Randal J. Giannetto
			Wally E. Horn
			Robert E. Dvorsky
			Al Sturgeon
			Patrick J. Deluhery
			Mary Kramer
			O. Gene Maddox
			Jim Riordan
			Tony Bisignano
			Tom Vilsack
S—5667	H.F.	542	Allen Borlaug
S—5668	H.F.	2366	Michael Gronstal
S—5669	S.F.	2219	Michael Gronstal
S—5670	H.F.	2430	Wayne Bennett
S—5671	H.F.	2411	House amendment
S—5672	S.F.	2327	Larry Murphy
S—5673	S.F.	2328	Eugene Fraise
S—5674	S.F.	2329	Patty Judge
			Donald B. Redfern
			Emil J. Husak
S—5675	S.F.	2223	House amendment
S—5676	S.F.	2328	Al Sturgeon
S—5677	S.F.	2328	Al Sturgeon
S—5678	S.F.	2328	Al Sturgeon
S—5679	S.F.	2328	Al Sturgeon
S—5680	S.F.	2328	Al Sturgeon

AMENDMENTS FILED  
(April 16, 1994)

S—5681	S.F.	2328	Al Sturgeon
S—5682	S.F.	2328	Al Sturgeon
S—5683	H.F.	642	House amendment
S—5684	S.F.	2328	Al Sturgeon
S—5685	S.F.	2330	Ray Taylor
S—5686	S.F.	2330	Eugene Fraise

S—5687	S. F.	2330	Robert E. Dvorsky Tony Bisignano Allen Borlaug Paul Pate
S—5688	S. F.	2328	Merlin E. Bartz
S—5689	S. F.	2330	Don Gettings
S—5690	S. F.	2330	Larry Murphy
S—5691	S. F.	2330	Joe Welsh
S—5692	S. F.	2330	Lyle E. Ziemann Larry Murphy
S—5693	S. F.	2330	Larry Murphy
S—5694	S. F.	2328	Merlin E. Bartz
S—5695	S. F.	2318	House amendment
S—5696	S. F.	2330	William W. Dieleman
S—5697	S. F.	2330	John P. Kibbie
S—5698	S. F.	2330	William D. Palmer
S—5699	S. F.	2330	John P. Kibbie Jim Lind

### ADJOURNMENT

On motion of Senator Fraise, the Senate adjourned at 1:05 a.m., until 10:00 a.m., Monday, April 18, 1994.

# JOURNAL OF THE SENATE

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NINETY-NINTH CALENDAR DAY  
SIXTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, April 18, 1994

The Senate met in regular session at 10:10 a.m., President Boswell presiding.

Prayer was offered by Father Phillip E. Schmitt, pastor of the St. Mark Roman Catholic Church, Iowa Falls, Iowa.

The Journal of Friday, April 15, 1994, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Szymoniak until she arrives on request of Senator Horn and Senators McKean, Bartz, McLaren and Kersten until they arrive on request of Senator Hedge.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent and a quorum present.

## HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

### House File 642

Senator Vilsack called up for consideration House File 642, a bill for an act relating to revision of mandates and goals to political subdivisions of the state, amended by the Senate, further amended by the House and moved that the Senate concur in House amendment S—5683 to Senate amendment H—6203 filed April 16, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment to the Senate amendment.

Senator Vilsack 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. 642) the vote was:

Ayes, 43:

Banks	Bennett	Bisignano	Borlaug
Boswell	Connolly	Deluhery	Dieleman
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	Murphy
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Sturgeon	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 7:

Bartz	Buhr	Kersten	McKean
McLaren	Palmer	Szymoniak	

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **House File 642** be **immediately messaged** to the House.

## UNFINISHED BUSINESS

(Deferred April 16, 1994)

### Senate File 2330

The Senate resumed consideration of Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and

other state financial and regulatory matters and providing effective and applicability date provisions, deferred April 16, 1994.

Senator Palmer offered amendment S—5698 filed by him on April 16, 1994, to pages 1-4 of the bill, moved its adoption and requested a record roll call.

On the question “Shall amendment S—5698 be adopted?” (S.F. 2330) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 22:

Bisignano	Buhr	Connolly	Dieleman
Dvorsky	Fink	Fraise	Gettings
Giannetto	Gronstal	Horn	Judge
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Rosenberg	Sorensen	Sturgeon
Vilsack	Welsh		

Nays, 23:

Banks	Bennett	Borlaug	Boswell
Deluhery	Drake	Freeman	Hedge
Hester	Husak	Jensen	Kibbie
Kramer	Lind	Maddox	Pate
Redfern	Rensink	Rife	Rittmer
Taylor	Tinsman	Zieman	

Absent or not voting, 5:

Bartz	Kersten	McKean	McLaren
Szymoniak			

Amendment S—5698 lost.

Senator Taylor withdrew amendment S—5685 filed by him on April 16, 1994, to page 1 of the bill.

Senator Murphy offered amendment S—5693 filed by him on April 16, 1994, to pages 4-10, 16-20, 30 and 33 of the bill and called for a division:

Division S—5693A: Page 1, lines 2-15 and lines 18-50; pages 2 and 3 and page 4, lines 1-23.

Division S—5693B: Page 1, lines 16 and 17.

Senator Murphy withdrew division S—5693B.

Senator Banks asked and received unanimous consent that action on amendment S—5693A be deferred.

Senator Gronstal offered amendment S—5702 filed by him 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—5702 be adopted?” (S.F. 2330) the vote was:

Ayes, 14:

Connolly	Dvorsky	Fraise	Gronstal
Kersten	Lind	Lloyd-Jones	Palmer
Redfern	Rosenberg	Sturgeon	Tinsman
Vilsack	Welsh		

Nays, 32:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Deluhery	Dieleman
Drake	Fink	Freeman	Gettings
Giannetto	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Maddox	Murphy	Pate
Priebe	Rensink	Rife	Riordan
Rittmer	Sorensen	Taylor	Zieman

Absent or not voting, 4:

Buhr	McKean	McLaren	Szymoniak
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Amendment S—5702 lost.

Senator Dvorsky offered amendment S—5687 filed by Senators Dvorsky, et al., on April 16, 1994, to page 6 of the bill and moved its adoption.

Amendment S—5687 was adopted by a voice vote.

Senator Welsh offered amendment S—5700 filed by Senators Welsh and Murphy from the floor to page 8 of the bill and moved its adoption.

Amendment S—5700 was adopted by a voice vote.

Senator Murphy offered amendment S—5701 filed by him from the floor to page 9 of the bill and moved its adoption.

Amendment S—5701 was adopted by a voice vote.

Senator Murphy offered amendment S—5690 filed by him on April 16, 1994, to page 10 of the bill and moved its adoption.

Amendment S—5690 was adopted by a voice vote.

Senator Dieleman offered amendment S—5696 filed by him on April 16, 1994, to page 13 of the bill and moved its adoption.

Amendment S—5696 was adopted by a voice vote.

Senator Zieman asked and received unanimous consent to withdraw amendment S—5692 filed by Senators Zieman and Murphy on April 16, 1994, to page 20 of the bill.

Senator Zieman offered amendment S—5704 filed by Senators Zieman and Murphy from the floor to page 20 of the bill.

Senator Riordan asked and received unanimous consent that action on amendment S—5704 be deferred.

Senator Kibbie offered amendment S—5699 filed by Senators Kibbie and Lind on April 16, 1994, to pages 22-24 of the bill and moved its adoption.

Amendment S—5699 was adopted by a voice vote.

Senator Gronstal offered amendment S—5703 filed by him from the floor to page 22 of the bill and moved its adoption.

Amendment S—5703 was adopted by a voice vote.

Senator Fraise offered amendment S—5686 filed by him on April 16, 1994, to page 26 of the bill and moved its adoption.

Amendment S—5686 lost by a voice vote.

The Senate resumed consideration of division S—5693A by Senator Murphy, previously deferred.

Senator Banks withdrew amendment S—5710 filed by him from the floor to division S—5693A.

Senator Murphy moved the adoption of division S—5693A, which motion prevailed by a voice vote.

Senator Banks withdrew amendment S—5706 filed by him from the floor to pages 6, 7, 20 and 29 of the bill.

Senator Gettings offered amendment S—5689 filed by him on April 16, 1994, to page 7 of the bill and moved its adoption.

Amendment S—5689 was adopted by a voice vote.

Senator Sorensen offered amendment S—5707 filed by Senators Sorensen and Drake from the floor to page 9 of the bill and moved its adoption.

Amendment S—5707 lost by a voice vote.

Senator Banks withdrew amendment S—5708 filed by him from the floor to page 14 of the bill.

Senator Riordan offered amendment S—5709 filed by Senators Riordan and Zieman from the floor to page 20 of the bill and moved its adoption.

Amendment S—5709 was adopted by a voice vote.

With the adoption of amendment S—5709, the Chair ruled amendment S—5704 by Senators Zieman and Murphy to page 20 of the bill, previously deferred, out of order.

Senator Welsh offered amendment S—5691 filed by him from the floor to pages 29 and 30 of the bill.

Senator McLaren raised the point of order that amendment S—5691 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5691 in order.

Senator Welsh moved the adoption of amendment S—5691.

A record roll call was requested.

On the question "Shall amendment S—5691 be adopted?" (S.F. 2330) the vote was:

Ayes, 11:

Boswell	Deluhery	Dvorsky	Fink
Fraise	Giannetto	Gronstal	Horn
Lloyd-Jones	Pate	Welsh	

Nays, 34:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Dieleman	Drake
Freeman	Gettings	Hedge	Hester
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Maddox	McLaren
Murphy	Palmer	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Sorensen	Sturgeon	Taylor	Tinsman
Vilsack	Zieman		

Voting present, 1:

Connolly

Absent or not voting, 4:

Kersten	McKean	Rosenberg	Szymoniak
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Amendment S—5691 lost.

Senator Murphy offered amendment S—5705 filed by him from the floor to page 31 of the bill and moved its adoption.

Amendment S—5705 was adopted by a voice vote.

Senator Kibbie offered amendment S—5697 filed by him on April 16, 1994, to page 32 of the bill and moved its adoption.

Amendment S—5697 was adopted by a voice vote.

Senator Lloyd-Jones offered amendment S—5715 filed by Senators Lloyd-Jones, Dvorsky and Drake from the floor to page 5 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 23, nays 24.

Amendment S—5715 lost.

Senator Husak offered amendment S—5713 filed by Senators Husak and Banks from the floor to page 8 of the bill and moved its adoption.

Amendment S—5713 was adopted by a voice vote.

Senator Banks offered amendment S—5714 filed by him from the floor to page 14 of the bill and moved its adoption.

Amendment S—5714 was adopted by a voice vote.

Senator Sorensen offered amendment S—5712 filed by him from the floor to page 26 and the title page of the bill.

Senator Murphy 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 Murphy asked and received unanimous consent that action on amendment S—5712 be deferred.

Senator Lloyd-Jones offered amendment S—5716 filed by Senators Lloyd-Jones and Bisignano from the floor to page 16 of the bill and moved its adoption.

Amendment S—5716 was adopted by a voice vote.

Senator Horn asked and received unanimous consent that action on **Senate File 2330** be deferred (amendment S—5712 pending).

## CONSIDERATION OF BILL

(Ways and Means Calendar)

### Senate File 2327

On motion of Senator Dieleman, Senate File 2327, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax, was taken up for consideration.

Senator Murphy offered amendment S—5672 filed by him on April 15, 1994, to page 1 of the bill and moved its adoption.

Amendment S—5672 was adopted by a voice vote.

Senator Kersten offered amendment S—5721 filed by him from the floor to page 1 of the bill and moved its adoption.

Amendment S—5721 was adopted by a voice vote.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2327) the vote was:

Ayes, 43:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Horn	Husak	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Palmer
Pate	Priebe	Redfern	Rensink
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, 6:

Bennett	Hedge	Hester	Jensen
Murphy	Rife		

Absent or not voting, 1:

McKean

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **Senate File 2327 be immediately messaged to the House.**

**BUSINESS PENDING**

**Senate File 2330**

The Senate resumed consideration of Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, and amendment S—5712 by Senator Sorensen to page 26 and the title page of the bill, previously deferred.

Senator Sorensen withdrew amendment S—5712.

Senator Fraise withdrew amendment S—5718 filed by him from the floor to pages 29 and 30 of the bill.

Senator Gettings offered amendment S—5719 filed by Senators Gettings, et al., from the floor to page 22 of the bill.

Senator Sturgeon raised the point of order that amendment S—5719 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5719 out of order.

Senator Murphy moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330) the vote was:

Ayes, 40:

Bartz	Bisignano	Boswell	Buhr
Connolly	Deluhery	Dieleman	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McLaren	Murphy	Pate
Priebe	Redfern	Rensink	Rittmer
Rosenberg	Sorensen	Sturgeon	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, 9:

Banks	Bennett	Borlaug	Drake
Hedge	Palmer	Rife	Riordan
Taylor			

Absent or not voting, 1:

McKean

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **Senate File 2330** be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, adopted the conference committee report and passed **Senate File 2016**, a bill for an act relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 114**, by Rosenberg, Connolly, Deluhery, Dvorsky, Tinsman, and Welsh, a concurrent resolution relating to establishment of a federal Mississippi River Program.

Read first time and passed on file.

**Senate Resolution 121**, by Priebe and Taylor, a Senate Resolution petitioning the President of the United States and the United States Congress and protesting proposed reductions in programs which are included in the 1995 federal farm bill, resulting from the General Agreement on Tariffs and Trade.

Read first time and passed on file.

### RECESS

On motion of Senator Horn, the Senate recessed at 1:57 p.m., until 3:00 p.m.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** April 15, 1994, 5:05 p.m.

**Members Present:** Murphy, Chair; Boswell, Vice Chair; McLaren, Ranking Member; Banks, Bisignano, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Palmer, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack.

**Members Absent:** none.

**Committee Business:** Approved SSB 2273 as a committee bill; amended and approved SSB 2274 as a committee bill and placed on calendar under Senate Rule 40.

**Adjourned:** 6:06 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 15, 1994, 6:15 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Husak, Kramer, Lind and Palmer.

**Members Absent:** Gronstal (excused).

**Committee Business:** Recommended passage of Senate Resolution 118.

**Adjourned:** 6:17 p.m.

#### RULES AND ADMINISTRATION

**Convened:** April 15, 1994, 9:30 p.m.

**Members Present:** Horn, Chair; Boswell, Vice Chair; Rife, Ranking Member; Gettings, Gronstal, Husak, Kramer and Palmer.

**Members Absent:** Lind.

**Committee Business:** Approved LSB 4243 as a committee resolution; recommended passage of Senate Resolution 119 and House Concurrent Resolution 118.

**Adjourned:** 9:34 p.m.

## WAYS AND MEANS

**Convened:** April 15, 1994, 4:05 p.m.

**Members Present:** Dieleman, Chair; Husak, Vice Chair; Bennett, Ranking Member; Deluhery, Drake, Freeman, Hedge, Hester, Lloyd-Jones, McLaren, Murphy, Palmer, Riordan, Rosenberg and Szymoniak.

**Members Absent:** none.

**Committee Business:** Approved SSB 2269 as a committee bill and recommended passage of House Files 2426, 2428 and 2430.

**Adjourned:** 4:29 p.m.

## EXPLANATION OF VOTES

**MR. PRESIDENT:** I was necessarily absent from the Senate chamber on April 18, 1994, when votes were taken on House File 642. Had I been present, I would have voted "aye" to concur and on final passage of the bill. Also, I would have voted "nay" on amendment S—5698 to Senate File 2330.

MERLIN BARTZ

## SUBCOMMITTEE ASSIGNMENT

### Senate Concurrent Resolution 113

**RULES AND ADMINISTRATION:** Husak, Chair; Gronstal and Kramer.

## AMENDMENTS FILED

S—5700	S. F.	2330	Joe Welsh Larry Murphy
S—5701	S. F.	2330	Larry Murphy
S—5702	S. F.	2330	Michael E. Gronstal
S—5703	S. F.	2330	Michael E. Gronstal
S—5704	S. F.	2330	Lyle E. Ziemann Larry Murphy
S—5705	S. F.	2330	Larry Murphy
S—5706	S. F.	2330	Brad Banks
S—5707	S. F.	2330	Albert Sorensen

			Richard F. Drake
S—5708	S. F.	2330	Brad Banks
S—5709	S. F.	2330	Jim Riordan
			Lyle Zieman
S—5710	S. F.	2330	Brad Banks
S—5711	S. F.	2318	Larry Murphy
S—5712	S. F.	2330	Albert Sorensen
S—5713	S. F.	2330	Emil J. Husak
			Brad Banks
S—5714	S. F.	2330	Brad Banks
S—5715	S. F.	2330	Jean Lloyd-Jones
			Robert E. Dvorsky
			Richard Drake
S—5716	S. F.	2330	Jean Lloyd-Jones
			Tony Bisignano
S—5717	H. F.	2430	Al Sturgeon
S—5718	S. F.	2330	Eugene Fraise
S—5719	S. F.	2330	Don Gettings
			William W. Dieleman
			John P. Kibbie
			Emil J. Husak
S—5720	S. F.	2223	Wilmer Rensink
S—5721	S. F.	2327	Jim Kersten
S—5722	S. F.	2260	Joe Welsh

## AFTERNOON SESSION

The Senate reconvened at 3:12 p.m., President Boswell presiding.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 37 present, 13 absent and a quorum present.

The Senate stood at ease at 3:20 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 4:05 p.m., President Boswell presiding.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2426.

#### House Files 2426

On motion of Senator Rosenberg, House File 2426, a bill for an act relating to the abatement or refund of property taxes for nonprofit institutions in certain counties and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2426) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten

Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sorensen	Szymoniak	Taylor	Tinsman
Vilsack	Welsh	Zieman	

Nays, none.

Absent or not voting, 3:

Bisignano	McLaren	Sturgeon
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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 2223

Senator Gronstal called up for consideration Senate File 2223, a bill for an act relating to voter registration, implementing the federal National Voter Registration Act, and providing penalties and an effective date, amended by the House in House amendment S—5675 filed April 15, 1994.

Senator Rensink offered amendment S—5720 filed by him from the floor to House amendment S—5675 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5720 to House amendment S—5675 be adopted?" (S.F. 2223) the vote was:

Ayes, 23:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Giannetto	Hedge
Hester	Jensen	Kersten	Kramer
Lind	Maddox	McKean	McLaren
Pate	Redfern	Rensink	Rittmer
Taylor	Tinsman	Zieman	

Nays, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Gronstal	Horn

Husak	Judge	Kibbie	Lloyd-Jones
Murphy	Palmer	Priebe	Riordan
Rosenberg	Sorensen	Szymoniak	Vilsack
Welsh			

Absent or not voting, 2:

Rife	Sturgeon
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Amendment S—5720 lost.

Senator Gronstal 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 Gronstal 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. 2223) the vote was:

Ayes, 47:

Banks	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Drake	Dvorsky	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kersten
Kibbie	Kramer	Lind	Lloyd-Jones
Maddox	McKean	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittmer
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	

Nays, 2:

Bartz	Zieman
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Absent or not voting, 1:

Sturgeon

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2318

Senator Murphy called up for consideration Senate File 2318, a bill for an act relating to state budget processes, amended by the House in House amendment S—5695 filed April 16, 1994.

Senator Murphy offered amendment S—5711 filed by him from the floor to page 1 of House amendment S—5695 and moved its adoption.

Amendment S—5711 was adopted by a voice vote.

Senator Murphy moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murphy moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2318) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## UNFINISHED BUSINESS (Deferred March 31, 1994)

### House File 455

The Senate resumed consideration of House File 455, a bill for an act relating to placement of political yard signs on agricultural land, property leased to a corporation by a private individual, or property leased by a corporation to a private individual, deferred March 31, 1994.

Senator Bartz offered amendment S—5401 filed by him on March 31, 1994, to pages 1 and 2 of the bill and moved its adoption.

A non record roll call was requested.

The ayes were 24, nays 26.

Amendment S—5401 lost.

Senator Gronstal moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 455) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Ziemann		

Nays, none.

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 2314

Senator Husak called up for consideration Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, amended by the House in House amendment S—5654 filed April 14, 1994.

Senator Husak offered amendment S—5723 filed by Senators Husak, et al., from the floor to House amendment S—5654.

Senator Riordan asked and received unanimous consent that action on amendment S—5723 to House amendment S—5654, House amendment S—5654 and **Senate File 2314** be deferred.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2204**, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date.

This bill was read first time and **passed on file**.

ALSO: That the House has on April 18, 1994, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

**House File 2415**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making

statutory changes relating to economic development, and providing effective dates.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate message to the House on **Senate File 2223**.

Senator Horn asked and received unanimous consent that **Senate File 2318** and **House File 2426** be immediately messaged to the House.

### COMPANION BILL RECEIVED

On April 18, 1994, **House File 2204** was received and attached to companion **Senate File 2183** on the Senate calendar.

### UNFINISHED BUSINESS (Deferred April 12, 1994)

#### **Senate File 2183**

The Senate resumed consideration of **Senate File 2183**, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental levy imposed by a county, and providing an effective date, deferred April 12, 1994.

(Action on **Senate File 2183** was deferred).

The Senate stood at ease at 5:04 p.m. until the fall of the gavel.

The Senate resumed session at 5:25 p.m., President Boswell presiding.

### BUSINESS PENDING

#### **Senate File 2314**

The Senate resumed consideration of **Senate File 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, House amendment S-5654 and amendment S-5723 by Senators Husak, et al., to House amendment S-5654, previously deferred.

Senator Riordan offered amendment S—5726 filed by him from the floor to amendment S—5723 to House amendment S—5654 and moved its adoption.

A non record roll call was requested.

The ayes were 8, nays 27.

Amendment S—5726 lost.

Senator Kersten withdrew amendment S—5727 filed by him from the floor to amendment S—5723 to House amendment S—5654.

Senator Husak moved the adoption of amendment S—5723 to House amendment S—5654, which motion prevailed by a voice vote.

With the adoption of amendment S—5723 to House amendment S—5654, the Chair ruled amendment S—5658 filed by Senators Zieman and Murphy on April 15, 1994, to House amendment S—5654, out of order.

Senator Husak 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 Husak 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. 2314) the vote was:

Ayes, 47:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink

Rife  
Sturgeon  
Vilsack

Rittmer  
Szymoniak  
Welsh

Rosenberg  
Taylor  
Zieman

Sorensen  
Tinsman

Nays, 2:

Drake

Riordan

Absent or not voting, 1:

Bennett

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Horn asked and received unanimous consent that **Senate File 2314** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, adopted the conference committee report and passed **Senate File 2089**, a bill for an act relating to the Iowa communications network by establishing a board, an executive director of the board, and an educational telecommunications advisory council and providing an effective date.

### BUSINESS PENDING

#### Senate File 2183

The Senate resumed consideration of Senate File 2183, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental levy imposed by a county, and providing an effective date, previously deferred.

Senator Dieleman offered amendment S—5725 filed by him from the floor to strike everything after the enacting clause of the bill and moved its adoption.

Amendment S—5725 was adopted by a voice vote.

With the adoption of amendment S—5725, the Chair ruled the following amendments out of order:

S—5593 filed by Senator Connolly on April 13, 1994, to page 2 and S—5651 filed by Senator Dieleman on April 14, 1994, to page 2 of the bill.

The Senate stood at ease at 5:55 p.m. until the fall of the gavel.

The Senate resumed session at 6:02 p.m., President Boswell presiding.

Senator Dieleman offered amendment S—5731 filed by him from the floor to the title page of the bill and moved its adoption.

Amendment S—5731 was adopted by a voice vote.

Senator Dieleman asked and received unanimous consent that **House File 2204** be substituted for **Senate File 2183** as amended.

#### House File 2204

On motion of Senator Dieleman, House File 2204, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date, was taken up for consideration.

Senator Connolly offered amendment S—5728 filed by Senators Connolly, et al., from the floor to page 13 of the bill.

Senator Sturgeon took the chair at 6:53 p.m.

President Boswell took the chair at 7:10 p.m.

Senator Connolly moved the adoption of amendment S—5728.

A record roll call was requested.

On the question "Shall amendment S—5728 be adopted?" (H.F. 2204) the vote was:

Ayes, 14:

Bennett  
Hedge

Connolly  
Judge

Fink  
Lloyd-Jones

Gronstal  
McKean

Palmer	Rosenberg	Sturgeon	Vilsack
Welsh	Zieman		

Nays, 35:

Banks	Bartz	Bisignano	Borlaug
Boswell	Buhr	Deluhery	Dieleman
Drake	Dvorsky	Fraise	Freeman
Gettings	Giannetto	Hester	Horn
Husak	Jensen	Kersten	Kibbie
Kramer	Lind	Maddox	McLaren
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Sorensen
Szymoniak	Taylor	Tinsman	

Absent or not voting, 1:

Murphy

Amendment S—5728 lost.

Senator Sturgeon offered amendment S—5732 filed by him from the floor to page 13 of the bill and moved its adoption.

Amendment S—5732 lost by a voice vote.

Senator Priebe asked and received unanimous consent that action on **House File 2204** be **deferred**.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, passed the following bill in which the concurrence of the House was asked:

**Senate File 2226**, a bill for an act relating to the collection of a document management fee by the county recorder on each recorded transaction.

ALSO: That the House has on April 18, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2215**, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a

provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates (S—5733).

## HOUSE AMENDMENT CONSIDERED

### Senate File 2282

Senator Gronstal called up for consideration Senate File 2282, a bill for an act relating to the regulation of insurance including provisions concerning the disclosure of confidential information, the standard valuation of certain insurance policies and contracts and annuities and endowments, and the disclosure of certain transactions of insurers domiciled in this state, amended by the House, and moved that the Senate concur in House amendment S—5657 filed April 14, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Gronstal 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. 2282) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

**CONFERENCE COMMITTEE REPORT RECEIVED**  
(Senate File 2319)

A conference committee report signed by the following Senate and House members was filed April 18, 1994, on Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or

enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations:

On the Part of the Senate:

RALPH ROSENBERG, Chair  
ROBERT DVORSKY  
MICHAEL GRONSTAL  
O. GENE MADDOX  
MAGGIE TINSMAN

On the Part of the House:

CLARK McNEAL, Chair  
PHIL BRAMMER  
MONA MARTIN  
WAYNE McKINNEY  
ROBERT RAFFERTY

## CONFERENCE COMMITTEE REPORT ADOPTED

### Senate File 2319

Senator Rosenberg called up the conference committee report on Senate File 2319, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of

certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations, filed on April 18, 1994, 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 Rosenberg moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2319) the vote was:

Ayes, 50:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

## HOUSE AMENDMENT CONSIDERED

## Senate File 2215

Senator Szymoniak called up for consideration Senate File 2215, a bill for an act updating the Iowa Code references to the federal Internal Revenue Code, except those references to the taxation of social security benefits, striking a provision for a moving expense deduction, striking state provisions for disallowing private club expenses, and providing retroactive applicability and effective dates, amended by the House, and moved that the Senate concur in House amendment S—5733 filed April 18, 1994.

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. 2215) the vote was:

Ayes, 48:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 1:

Riordan

Absent or not voting, 1:

Redfern

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that an immediate message be sent to the House on **Senate File 2215**.

Senator Horn asked and received unanimous consent that **Senate File 2319** be **immediately messaged** to the House.

### SENATE INSISTS

#### House File 2415

Senator Bisignano called up for consideration House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

The Senate stood at ease at 8:26 p.m. until the fall of the gavel for the purpose of a party caucus.

The Senate resumed session at 9:15 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, 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 2318**, a bill for an act relating to state budget processes.

ALSO: That the House has on April 18, 1994, concurred in the Senate amendment and passed the following bills in which the concurrence of the House was asked:

**House File 2149**, a bill for an act relating to HIV-related testing of convicted sexual assault offenders.

**House File 2366**, a bill for an act relating to reapportionment, redistricting, and reprecincting by certain jurisdictions.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2415** on the part of the Senate: Senators Bisignano, Chair; Riordan, Husak, Borlaug and Kersten.

#### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **House File 2415** be **immediately messaged** to the House.

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing amendment S—5705 and Senate File 2330, the following corrections were made:

#### CORRECTION TO AMENDMENT S—5705:

1. The language on page 1, lines 4-7 should not be underlined.

#### CORRECTION TO THE BILL:

1. Page 9, line 8, the word and number "Section 14" were changed to the word and number "Section 11".
2. Page 11, line 2, the words and numbers "Sections 16, 18, 100, and 17" were changed to the words and numbers "Sections 14, 16, 17 and 18".
3. Page 25, line 29, the word and number "Section 49" were changed to the word and number "Section 43".
4. Page 27, line 31, the words and numbers "sections 64, 65, 66, and 67" were changed to the words and numbers "sections 58, 59, 60, and 61".
5. Page 27, line 32, the word and number "section 67" were changed to the word and number "section 61".
6. Page 27, lines 34 and 35, the words and numbers "Sections 64, 65, 66, and 67" were changed to the words and numbers "Sections 58, 59, 60, and 61".
7. Page 28, line 1, the word and number "section 68" were changed to the word and number "section 62".
8. Page 29, line 21, the word "counterclaim." was changed to the word "counterclaim.".
9. Page 30, line 33, the word and number "Sections 70 and 78" were changed to the words and numbers "Sections 64 and 73".
10. Page 31, line 1, the word and number "Section 79" were changed to the word and number "Section 74".

JOHN F. DWYER  
Secretary of the Senate

## BILLS ASSIGNED TO COMMITTEE

President Boswell announced the assignment of the following bills to committee:

S. C. R.	114	Natural Resources
S. R.	121	Agriculture

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which House File 455 passed the Senate on April 18, 1994.

MERLIN E. BARTZ

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued certificates of recognition as follows:

Charlie Beers, Nathan Brumbaugh, Rusty Buttercase, Brad Ettleman, Jessica Graeser, Kristi Huntsman, Andrea Keeton, T.J. Lockhart, Samantha Moyer, Stephanie Moyer, Joel Norton, Heather Spurlock and Eric Ward, students at Sidney Community Schools — For being winners in the "Odyssey of the Mind" competition. Senator McLaren (4-15-94).

Karen Anderson, Bob Egan and James T. Juarceys, Saratoga, California — For leadership in establishing a flood relief fund in 1993 for the community of Hamburg, Iowa. Senator McLaren (4-15-94).

## AMENDMENTS FILED

S—5723	S. F.	2314	Emil J. Husak Brad Banks Bill Fink Berl E. Priebe Jack W. Hester
S—5724	H. F.	2430	William D. Palmer
S—5725	S. F.	2183	William W. Dieleman
S—5726	S. F.	2314	Jim Riordan
S—5727	S. F.	2314	Jim Kersten
S—5728	H. F.	2204	Mike Connolly Al Sturgeon

			William D. Palmer
			Jim Lind
S—5729	H.F.	455	Merlin E. Bartz
S—5730	H.F.	455	Merlin E. Bartz
S—5731	S.F.	2183	William W. Dieleman
S—5732	H.F.	2204	Al Sturgeon
S—5733	S.F.	2215	House amendment
S—5734	S.R.	113	Al Sturgeon

### ADJOURNMENT

On motion of Senator Horn, the Senate adjourned at 9:17 p.m., until 9:00 a.m., Tuesday, April 19, 1994.

# JOURNAL OF THE SENATE

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ONE HUNDREDTH CALENDAR DAY  
SIXTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, April 19, 1994

The Senate met in regular session at 9:06 a.m., President Boswell presiding.

Prayer was offered by the Honorable Jack Hester, member of the Senate from Pottawattamie County, Honey Creek, Iowa, who sang "How Great Thou Art".

The Journal of Monday, April 18, 1994, was approved.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 18, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2329**, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994 (S—5735).

ALSO: That the House has on April 18, 1994, **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 2314**, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees.

ALSO: That the House has on April 18, 1994, adopted the conference committee report and passed **Senate File 2319**, a bill for an act relating to juvenile justice by providing in-service training requirements for law enforcement officers; prohibiting the purchase of alcoholic liquor, wine, or beer by juveniles and imposing a penalty; imposing a scheduled fine against persons holding liquor licenses for allowing persons under legal drinking age to obtain or consume alcoholic beverages; providing concurrent jurisdiction for magistrates over juveniles who possess or

purchase alcoholic beverages; authorizing detention hearings to be held in the county in which the juvenile is detained; subjecting a juvenile to permanent waiver to the district court after conviction for an aggravated misdemeanor committed against a person; providing for the suspension of the motor vehicle license or operating privilege of a juvenile for two or more delinquent acts involving alcoholic beverages or controlled substances; providing that the juvenile court may require parental or guardian involvement in the probation plan for a juvenile and permit grandparent involvement in child in need of assistance proceedings; changing the requirements for terminating parental rights in certain circumstances; providing for the retention of fingerprint and photograph records of juveniles over fourteen years of age; establishing a community grant fund for juvenile crime prevention programs; encouraging the adoption of alternative options educational programs by school districts and authorizing the use of phase III moneys for the development of certain instructional programs; providing that a juvenile not attending school or other educational program or working at least twenty hours per week shall not receive a motor vehicle license; authorizing a truancy mediator to refer a truant to juvenile court; making changes to the manner in which associate juvenile judge decisions are appealed; increasing parental financial responsibility for the acts of children; creating new weapons offenses and establishing or enhancing penalties for weapons offenses; enhancing penalties for child endangerment; providing for searches of student lockers without advance notice under certain circumstances; establishing a parenting pilot project; and making appropriations.

ALSO: That the members of the Conference Committee appointed April 18, 1994, on House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates, on the part of the House are: The Representative from Polk, Ms. Metcalf, Chair; the Representative from Linn, Mr. Corbett; the Representative from Woodbury, Mr. Gill; the Representative from Wapello, Mr. Moreland; the Representative from Woodbury, Mr. Rants.

### QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 48 present, 2 absent and a quorum present.

### REVISED APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following revised conference committee on House File 2415 on the part of the Senate: Senators Bisignano, Chair; Riordan, Murphy, Borlaug and Kersten.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2329

Senator Szymoniak called up for consideration Senate File 2329, a bill for an act making an appropriation for the Iowa communications network fund for the fiscal year beginning July 1, 1994, amended by the House, and moved that the Senate concur in House amendment S—5735 filed April 19, 1994.

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. 2329) the vote was:

Ayes, 47:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McLaren	Murphy
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Rittmer	Rosenberg
Sorensen	Sturgeon	Szymoniak	Taylor
Tinsman	Vilsack	Zieman	

Nays, 2:

McKean	Riordan
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Absent or not voting, 1:

Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## SENATE INSISTS

### Senate File 2314

Senator Husak called up for consideration Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate insisted on its amendment.

## UNFINISHED BUSINESS (Deferred March 17, 1994)

### House File 2374

On motion of Senator Gronstal, House File 2374, a bill for an act relating to the regulation of insurance, including the authority of the insurance division to regulate certain policies and contracts and the parties to such policies and contracts, and providing civil penalties, was taken up for further consideration (substituted for Senate File 2281 as amended and deferred on March 17, 1994).

Senator Gronstal offered amendment S—5252 filed by him on March 17, 1994, to pages 6 and 23 of the bill and moved its adoption.

Amendment S—5252 was adopted by a voice vote.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on Senate File 2314 on the part of the Senate: Senators Husak, Chair; Fink, Priebe, Banks and McLaren.

## WITHDRAWN

Senator Kibbie asked and received unanimous consent that Senate Resolution 119 be withdrawn from further consideration of the Senate.

The Senate stood at ease at 9:55 a.m. until the fall of the gavel.

The Senate resumed session at 10:15 a.m., President Boswell presiding.

## BUSINESS PENDING

### House File 2374

The Senate resumed consideration of House File 2374.

Senator Vilsack offered amendment S—5736 filed by Senators Vilsack, et al., from the floor to pages 1, 2, 26 and the title page of the bill.

Senator Dieleman raised the point of order that amendment S—5736 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5736 in order.

Senator Welsh asked and received unanimous consent that action on amendment S—5736 be deferred.

Senator Bartz offered amendment S—5737 filed by him from the floor to page 4 of the bill.

Senator Bartz offered amendment S—5738 filed by him from the floor to amendment S—5737.

Senator Sturgeon raised the point of order that amendment S—5738 to amendment S—5737 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5738 to amendment S—5737 in order.

Senator Gronstal asked and received unanimous consent that action on amendment S—5738 to amendment S—5737, amendment S—5737, and House File 2374 be deferred (amendment S—5736 pending).

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 110

Senator Gettings asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 110  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Ralph Rosenberg.  
4   WHEREAS, Senator Ralph Rosenberg is retiring from  
5 legislative office after completing one term in office  
6 as a state Senator and five terms as a member of the  
7 House of Representatives; and  
8   WHEREAS, Senator Rosenberg's 12 years of service as  
9 Chairperson of the Senate Environment and Energy  
10 Utilities Committee and House Energy and Environmental  
11 Protection Committee and his service as Chairperson  
12 and Vice Chairperson of the Justice System  
13 Appropriations Subcommittee are well recognized; and  
14   WHEREAS, Senator Rosenberg has also served as Vice  
15 Chairperson of the Senate Judiciary and Ethics  
16 Committees; and  
17   WHEREAS, Senator Rosenberg's dedication and  
18 leadership regarding environmental, energy, juvenile  
19 justice, and human rights issues are well recognized;  
20 and  
21   WHEREAS, Senator Rosenberg has played an  
22 instrumental role in creating and enacting many  
23 innovative policies and programs for the state of  
24 Iowa; and  
25   WHEREAS, Senator Rosenberg 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 Rosenberg has served on many other  
Page 2

1 standing committees throughout his 13 years of  
2 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 Ralph Rosenberg 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 Ralph Rosenberg.

Senator Gettings moved the adoption of Senate Resolution 110, which motion prevailed by a voice vote.

Senators Gettings and Giannetto escorted Senator Rosenberg to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 110.

Senator Rosenberg addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Rosenberg.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2329** be immediately messaged to the House.

### RECESS

On motion of Senator Horn, the Senate recessed at 12:05 p.m., until 2:00 p.m.

## APPENDIX

### REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2190, the following correction was made:

Correction to Amendment S—5188:

1. Operations 3, 6, and 7 striking a sentence have been corrected to show the language with strike-throughs, since it is Code language. See page 1, line 33 through page 2, line 1 and page 2, line 35 through page 3, line 3.

JOHN F. DWYER  
Secretary of the Senate

### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 1994:

Senate Files 2066, 2133, 2092, 2172, 2272, 2190, 2206, 2086, 2263, 2288, 2016 and 2250.

JOHN F. DWYER  
Secretary of the Senate

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Thirty-two seventh grade students from Thompson Middle School, Thompson, accompanied by Brad Ewest, Mitch Elevebok and Jackie Thorson. Senator Priebe.

Seventy students from Titonka Elementary School, Titonka, accompanied by Randy Tjaden. Senator Priebe.

## CERTIFICATES OF RECOGNITION

The secretary of the senate issued the following certificates of recognition:

Bettendorf Middle School, Bettendorf, Grant Wood Elementary School, Bettendorf and Frank L. Smart, Jr. High School, Davenport — For First in the Nation In Education award. Senator Tinsman (4-19-94).

Davenport Community Schools, Davenport — For First in the Nation in Education award for Minorities in Teaching program. Senator Tinsman (4-19-94).

Seventy fifth grade students from Wright Elementary School, Des Moines, accompanied by Page Torbett. Senator Bisignano.

## AMENDMENTS FILED

S—5735	S.F.	2329	House amendment
S—5736	H.F.	2374	Tom Vilsack Elaine Szymoniak Michael E. Gronstal Mary Kramer Jim Lind Maggie Tinsman
S—5737	H.F.	2374	Merlin E. Bartz
S—5738	H.F.	2374	Merlin E. Bartz
S—5739	S.R.	113	Jim Lind
S—5740	H.F.	2430	Albert Sorensen
S—5741	H.F.	2374	Brad Banks
S—5742	S.F.	2328	Elaine Szymoniak
S—5743	S.F.	2328	Elaine Szymoniak
S—5744	S.F.	2328	Elaine Szymoniak
S—5745	S.F.	2328	Elaine Szymoniak
S—5746	S.F.	2328	Elaine Szymoniak
S—5747	S.F.	2328	Elaine Szymoniak
S—5748	S.F.	2328	Elaine Szymoniak
S—5749	S.F.	2328	Elaine Szymoniak
S—5750	S.F.	2328	Elaine Szymoniak
S—5751	H.F.	2374	Joe Welsh Jim Kersten John W. Jensen Patty Judge Emil J. Husak Jim R. Riordan

## AFTERNOON SESSION

The Senate reconvened at 2:44 p.m., President Boswell presiding.

## HOUSE MESSAGE RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the members of the Conference Committee appointed April 19, 1994, on Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, on the part of the House are: The Representative from Muscatine, Mr. Hahn, Chair; the Representative from Washington, Ms. Greiner; the Representative from Scott, Mr. Rafferty; the Representative from Marion, Mr. Schrader; the Representative from Black Hawk, Mr. Shultz.

## UNFINISHED BUSINESS

(Deferred April 18, 1994)

### House File 2204

The Senate resumed consideration of House File 2204, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date, deferred April 18, 1994.

Senator Priebe offered amendment S—5753 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—5753 be adopted?" (H.F. 2204) the vote was:

Ayes, 28:

Banks	Bartz	Bennett	Bisignano
Borlaug	Buhr	Connolly	Dieleman
Fink	Fraise	Gettings	Giannetto
Hedge	Horn	Husak	Judge
Kersten	Lloyd-Jones	McKean	McLaren
Murphy	Palmer	Priebe	Rosenberg
Sturgeon	Taylor	Vilsack	Zieman

Nays, 22:

Borlaug	Deluhery	Drake	Dvorsky
Freeman	Gronstal	Hester	Jensen
Kibbie	Kramer	Lind	Maddox
Pate	Redfern	Rensink	Rife
Riordan	Rittmer	Sorensen	Szymoniak
Tinsman	Welsh		

Amendment S—5753 was adopted.

Senator Riordan asked and received unanimous consent that action on **House File 2204** be deferred.

### CONSIDERATION OF BILL (Ways and Means Calendar)

#### House File 2430

On motion of Senator Hedge, House File 2430, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Sorensen offered amendment S—5740 filed by him from the floor to pages 1, 7, 11 and the title page of the bill.

Senator Hedge raised the point of order that amendment S—5740 was not germane to the bill.

The Chair ruled the point well taken and amendment S—5740 out of order.

Senator Palmer offered amendment S—5724 filed by him on April 18, 1994, to page 1 of the bill.

Senator Hedge raised the point of order that amendment S—5724 was not germane to the bill.

The Chair ruled the point not well taken and amendment S—5724 in order.

Senator Palmer moved the adoption of amendment S—5724.

A record roll call was requested.

On the question "Shall amendment S—5724 be adopted?" (H.F. 2430) the vote was:

Rule 23, requiring all Senators present to vote except those who express a conflict of interest, was invoked.

Ayes, 24:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Gronstal	Horn	Judge
Kibbie	Lloyd-Jones	Murphy	Palmer
Riordan	Rittmer	Rosenberg	Sturgeon
Szymoniak	Tinsman	Vilsack	Welsh

Nays, 25:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Giannetto
Hedge	Hester	Husak	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Priebe
Redfern	Rensink	Rife	Taylor
Zieman			

Absent or not voting, 1:

Sorensen

Amendment S—5724 lost.

Senator Sturgeon offered amendment S—5717 filed by him on April 18, 1994, to pages 1-7 and 12 of the bill, moved its adoption and requested a record roll call.

On the question "Shall amendment S—5717 be adopted?" (H.F. 2430) the vote was:

Ayes, 24:

Bartz	Bisignano	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Gronstal	Horn	Kibbie
Kramer	Lloyd-Jones	Maddox	Palmer

Priebe	Rensink	Riordan	Rosenberg
Sorensen	Sturgeon	Tinsman	Welsh

Nays, 26:

Banks	Bennett	Borlaug	Boswell
Dieleman	Drake	Freeman	Giannetto
Hedge	Hester	Husak	Jensen
Judge	Kersten	Lind	McKean
McLaren	Murphy	Pate	Redfern
Rife	Rittmer	Szymoniak	Taylor
Vilsack	Zieman		

Amendment S—5717 lost.

Senator Vilsack withdrew amendment S—5755 filed by him from the floor to pages 7, 11, 12 and the title page of the bill.

Senator Bennett withdrew amendment S—5670 filed by him on April 15, 1994, to page 12 of the bill.

Senator Priebe filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5724 to House File 2430 failed to be adopted by the Senate on April 19, 1994.

A non record roll call was requested.

The ayes were 26, nays 24.

The motion prevailed and amendment S—5724 by Senator Palmer to page 1 of the bill, was taken up for reconsideration.

Senator Palmer moved the adoption of amendment S—5724.

A record roll call was requested.

On the question "Shall amendment S—5724 be adopted?" (H.F. 2430) the vote was:

Ayes, 25:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dvorsky	Fink	Fraise
Gettings	Gronstal	Horn	Judge
Kibbie	Lloyd-Jones	Murphy	Palmer
Priebe	Riordan	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tinsman	Vilsack
Welsh			

Nays, 25:

Banks	Bartz	Bennett	Borlaug
Dieleman	Drake	Freeman	Giannetto
Hedge	Hester	Husak	Jensen
Kersten	Kramer	Lind	Maddox
McKean	McLaren	Pate	Redfern
Rensink	Rife	Rittmer	Taylor
Zieman			

Amendment S—5724 lost.

Senator Welsh offered amendment S—5756 filed by Senators Welsh, Sorensen and Kibbie from the floor to page 12 of the bill and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S—5756 be adopted?” (H.F. 2430) the vote was:

Ayes, 28:

Bisignano	Boswell	Buhr	Connolly
Deluhery	Dieleman	Dvorsky	Fink
Fraise	Gettings	Gronstal	Horn
Husak	Judge	Kibbie	Kramer
Lloyd-Jones	Murphy	Palmer	Priebe
Riordan	Rittmer	Rosenberg	Sorensen
Sturgeon	Szymoniak	Tinsman	Welsh

Nays, 22:

Banks	Bartz	Bennett	Borlaug
Drake	Freeman	Giannetto	Hedge
Hester	Jensen	Kersten	Lind
Maddox	McKean	McLaren	Pate
Redfern	Rensink	Rife	Taylor
Vilsack	Zieman		

Amendment S—5756 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?” (H.F. 2430) the vote was:

Ayes, 38:

Banks	Bartz	Bennett	Borlaug
Boswell	Connolly	Dieleman	Drake
Fink	Fraise	Freeman	Gettings
Giannetto	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Maddox	McKean
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rife
Rittmer	Szymoniak	Taylor	Tinsman
Vilsack	Zieman		

Nays, 12:

Bisignano	Buhr	Deluhery	Dvorsky
Gronstal	Kersten	Lloyd-Jones	Riordan
Rosenberg	Sorensen	Sturgeon	Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

### UNFINISHED BUSINESS (Deferred March 15, 1994)

#### Senate File 2065

The Senate resumed consideration of Senate File 2065, a bill for an act relating to authorization of alternative forms of regulation for utilities providing communications services and providing an effective date, deferred March 15, 1994.

Senator Gronstal called up the motion to reconsider the vote by which amendment S—5191 to Senate File 2065 was adopted by the Senate on March 15, 1994, filed by him on April 6, 1994, found on page 1053 of the Senate Journal and moved its adoption.

The motion prevailed by a voice vote and amendment S—5191 by Senator Gronstal to page 3 of the bill, was taken up for reconsideration.

Senator Gronstal withdrew amendment S—5191.

Senator Gronstal offered amendment S—5465 filed by Senators Gronstal, et al., on April 5, 1994, to pages 2 and 3 of the bill and moved its adoption.

Amendment S—5465 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. 2065) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Fink
Fraise	Freeman	Gettings	Giannetto
Gronstal	Hedge	Hester	Horn
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Rittmer	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, 5:

Dvorsky	Husak	Riordan	Rosenberg
Sturgeon			

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 Horn asked and received unanimous consent that House File 2430 be immediately messaged to the House.

### BUSINESS PENDING

#### House File 2204

The Senate resumed consideration of House File 2204, a bill for an act relating to the issuance of bonds by a county to fund an urban renewal project, the incremental taxes allowed to be levied by a county in an urban renewal area, and providing an effective date, previously deferred.

Senator Dieleman filed the following motion to reconsider from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5753 to House File 2204 was adopted by the Senate on April 19, 1994.

A non record roll call was requested.

The ayes were 33, nays 9.

The motion prevailed and amendment S—5753 by Senator Priebe to page 13 of the bill was taken up for reconsideration.

Senator Priebe withdrew amendment S—5753.

Senator Riordan withdrew amendment S—5757 filed by him from the floor to page 1 of the bill.

Senator Priebe asked unanimous consent that action on House File 2204 be deferred.

Senator Priebe withdrew his motion to defer.

Senator Dieleman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2204) the vote was:

Ayes, 49:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gettings
Giannetto	Gronstal	Hedge	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Murphy	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmier	Rosenberg	Sorensen	Sturgeon
Szymoniak	Taylor	Tinsman	Vilsack
Zieman			

Nays, 1:

Welsh

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

The Senate stood at ease at 5:20 p.m. until the fall of the gavel.

The Senate resumed session at 5:50 p.m., Senator Lloyd-Jones presiding.

### RECESS

On motion of Senator Horn, the Senate recessed at 5:51 p.m., until 7:00 p.m.

**APPENDIX****GOVERNOR'S ITEM VETO MESSAGE**

April 19, 1994

The Honorable Leonard Boswell  
President of the Senate  
State Capitol Building  
L O C A L

Dear Mr. President:

I hereby transmit Senate File 2217, a bill for an act relating to and making appropriations to state agencies whose responsibilities relate to public defense, public safety, transportation and law enforcement, and including allocation and use of moneys from the use tax, road use tax fund, and primary road fund, and relating to the driver's license pilot project.

Senate File 2217 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 1, paragraph d, in its entirety. This provision limits the authority of the Department of Public Safety to make decisions regarding lodging of peace officers in training. The department should retain full authority to make such decisions, particularly when it results in substantial cost savings to Iowa taxpayers.

I am unable to approve the item designated as Section 13, in its entirety. This provision restricts executive branch agencies in their ability to enter into lease-purchase agreements. While additional review and oversight of lease-purchase contracting by state agencies may be worthwhile, sufficient flexibility must be provided to allow agencies to respond to situations which cannot be planned, e.g. emergencies and new federal requirements.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2217 are hereby approved as of this date.

Sincerely,  
TERRY E. BRANSTAD  
Governor

**BILLS SIGNED BY THE GOVERNOR**

Communications were received announcing that on April 19, 1994, the Governor approved and transmitted to the Secretary of State the following bills:

SENATE FILE 2009 — Relating to child abuse investigations by requiring communication between the Department of Human Services and a physician who conducts an examination of a child who is alleged to be abused.

SENATE FILE 2016 — Relating to grain dealer licenses, by providing for minimum financial requirements, and providing an effective date.

SENATE FILE 2080 — Relating to agricultural and other motor vehicles, by defining special mobile equipment and exempting oversized vehicles from certain regulations.

SENATE FILE 2087 — Relating to employment under school district whole grade sharing agreements.

SENATE FILE 2199 — Relating to college education financing through a provision for the State Board of Regents to issue bonds.

SENATE FILE 2201 — Relating to funding of gifted and talented programs.

SENATE FILE 2205 — Relating to regulated toxics in packaging.

SENATE FILE 2231 — Relating to the sale, lease, or disposal of property by area education agencies and providing area education agencies with certain exemptions for a real property transaction between an area education agency and a school district if the real property is within the jurisdiction of both the grantee and the grantor and providing an effective date.

SENATE FILE 2232 — Relating to the registration and use of marks, including trademarks and service marks, and providing for fees.

SENATE FILE 2236 — Relating to education by providing technical corrections that adjust language to reflect current usage, delete temporary language, and update ongoing provisions; and relating to prescription refills provided to students residing in the Iowa braille and sight savings School, the school for the deaf, and the state hospital-school.

SENATE FILE 2242 — Relating to ethics in government by deleting incorrect statutory references; adding subunits of political subdivisions to the definition of agency; excluding independent contractors from the definition of local employee; moving language in the gift law exclusions; excluding employees of the general assembly from the definition of state employee; providing that the gift law exclusions apply to the provision of food, beverages, registration, or scheduled entertainment by lobbying organizations to legislators; defining the scope of ethics complaints that may be filed with the ethics and campaign disclosure board; providing a deadline for the filing of personal financial disclosure statements by candidates in special elections; providing that a lobbyist's registration is to be cancelled when lobbying activities for all clients, employers, or causes have been concluded; providing that lobbyists reports of campaign contributions shall be for candidates for state office; and providing a January 31 reporting date for the filing of reports by lobbyists of the general assembly.

SENATE FILE 2265 — Relating to the offenses of harassment and stalking, providing for the extension of certain non-contact orders, and providing for penalties and other related matters.

#### MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which amendment S—5252 to House File 2374 was adopted by the Senate on April 19, 1994.

MICHAEL E. GRONSTAL

#### AMENDMENTS FILED

S—5752	H.F.	2374	Michael E. Gronstal
S—5753	H.F.	2204	Berl E. Priebe
S—5754	H.F.	2374	Michael E. Gronstal
S—5755	H.F.	2430	Tom Vilsack
S—5756	H.F.	2340	Joe J. Welsh Al Sorensen John P. Kibbie
S—5757	H.F.	2204	Jim Riordan

## EVENING SESSION

The Senate reconvened at 8:04 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 19, 1994, amended and passed the following bills in which the concurrence of the Senate is asked:

**Senate File 2057**, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions (S—5760).

**Senate File 2311**, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury (S—5758).

**Senate File 2330**, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions (S—5759).

**ALSO:** That the House has on April 19, 1994, concurred in the Senate amendment and passed the following bill in which the concurrence of the House was asked:

**House File 2430**, a bill for an act relating to the limitation on county expenditures for mental health, mental retardation, and developmental disabilities services funded by property taxes and the provision of those services, extending the limitation on the amount of property tax dollars that a county may collect from designated property tax levies, providing for other properly related matters, and providing effective and applicability date provisions.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2311

Senator Tinsman called up for consideration Senate File 2311, a bill for an act relating to services for persons with mental illness, mental retardation or other developmental disability, or brain injury, amended by the House, and moved that the Senate concur in House amendment S—5758 filed April 19, 1994.

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. 2311) the vote was:

Ayes, 45:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Gronstal
Hedge	Hester	Horn	Husak
Jensen	Judge	Kibbie	Kramer
Lind	Lloyd-Jones	Maddox	McKean
McLaren	Palmer	Pate	Priebe
Redfern	Rensink	Rife	Riordan
Rittmer	Rosenberg	Sorensen	Szymoniak
Taylor	Tinsman	Vilsack	Welsh
Zieman			

Nays, none.

Absent or not voting, 5:

Bisignano	Dieleman	Kersten	Murphy
Sturgeon			

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 2057

Senator Rosenberg called up for consideration Senate File 2057, a bill for an act relating to the procedures, requirements, liability, and penalties for the imposition and collection of state taxes, refund and credit claims, and state finances and providing effective and retroactive applicability date provisions, amended by the House, and moved that the Senate concur in House amendment S—5760 filed April 19, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Rosenberg moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2057) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Borlaug
Boswell	Buhr	Connolly	Deluhery
Drake	Dvorsky	Fink	Fraise
Freeman	Gettings	Giannetto	Hedge
Hester	Horn	Husak	Jensen
Judge	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Priebe	Redfern
Rensink	Rife	Riordan	Rittner
Rosenberg	Sorensen	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Bisignano	Dieleman	Gronstal	Kersten
Murphy	Sturgeon		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Dieleman asked and received unanimous consent that **Senate File 2183** be **withdrawn** from further consideration of the Senate.

## MOTION TO RECONSIDER WITHDRAWN

### Senate File 2219

Senator Gronstal withdrew the motion to reconsider Senate File 2219, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws, filed by him on April 15, 1994, and found on page 1312 of the Senate Journal.

Senator Lloyd-Jones took the chair at 8:25 p.m.

## LEADERSHIP RECOGNITION

Senators Deluhery and Welsh escorted Senator Horn, Majority Leader, to the well of the Senate; Senators McLaren and Lind escorted Senator Rife, Minority Leader, to the well of the Senate; Senators Gettings and Vilsack escorted Senator Boswell, President of the Senate, to the well of the Senate; and Senator Priebe escorted Senator Palmer, President pro tempore, to the well of the Senate.

Each were presented with a framed print symbolizing Iowa on behalf of the members of the Senate in recognition of their leadership service during the Seventy-fifth General Assembly.

The honored Senators addressed the Senate with brief remarks.

The Senate stood at ease at 8:40 p.m. until the fall of the gavel.

The Senate resumed session at 8:58 p.m., President Boswell presiding.

## IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate File 2219** be **immediately messaged** to the House.

## QUORUM CALL

Senator Horn requested a non record roll call to determine that a quorum was present.

The vote revealed 39 present, 11 absent and a quorum present.

## ADOPTION OF RESOLUTION (Regular Calendar)

### Senate Resolution 113

Senator Gronstal asked and received unanimous consent to take up the following resolution:

1                   SENATE RESOLUTION NO. 113  
2           BY COMMITTEE ON RULES AND ADMINISTRATION  
3 A Resolution honoring Senator Al Sturgeon.  
4   WHEREAS, Senator Al Sturgeon is retiring from  
5 legislative office after completing two terms in  
6 office as a state Senator and three terms as a member  
7 of the House of Representatives; and  
8   WHEREAS, Senator Sturgeon's service as Chairperson  
9 of the Senate Judiciary and House Labor and Industrial  
10 Relations and Human Resources Committees and his  
11 service as Chairperson of the Health and Human Rights  
12 Appropriations Subcommittee are well recognized; and  
13   WHEREAS, Senator Sturgeon has also served as Vice  
14 Chairperson of the Senate Business and Labor Relations  
15 Committee; and  
16   WHEREAS, Senator Sturgeon's valuable leadership and  
17 uncommon determination regarding labor, human rights,  
18 and judiciary issues are well recognized; and  
19   WHEREAS, Senator Sturgeon has played an  
20 instrumental role in creating and enacting many labor  
21 and human rights policies and programs for the state  
22 of Iowa; and  
23   WHEREAS, Senator Sturgeon has served honorably and  
24 has unselfishly given of his time and efforts to  
25 further the interests of the State of Iowa and to  
26 provide beneficial programs for the citizens of Iowa;  
27 and  
28   WHEREAS, Senator Sturgeon has served on many other  
29 standing committees throughout his 14 years of  
30 legislative service and has been an influential and

Page 2

1 devoted legislator in this state; NOW THEREFORE,  
2 BE IT RESOLVED BY THE SENATE, That the Senate pay

3 tribute to Senator Al Sturgeon for his devoted service  
4 to the Iowa General Assembly and the citizens of this  
5 state and wish him the very best in the years ahead;  
6 and

7 BE IT FURTHER RESOLVED, That an official copy of  
8 this Resolution be prepared and presented to Senator  
9 Al Sturgeon.

Senator Gronstal offered amendment S—5659 filed by him on April 15, 1994, to pages 1 and 2 of the resolution.

Senator Rife offered amendment S—5664 filed by him on April 15, 1994, to amendment S—5659.

The Chair ruled that amendment S—5664 to amendment S—5659 and amendment S—5659 were out of order.

Senator Lind offered amendment S—5739 filed by him from the floor to pages 1 and 2 of the resolution.

The Chair ruled amendment S—5739 was out of order.

Senator Bartz offered amendment S—5665 filed by him on April 15, 1994, to pages 1 and 2 of the resolution.

Senator Sturgeon offered amendment S—5734 filed by him on April 18, 1994, to amendment S—5665.

The Chair ruled amendment S—5734 to amendment S—5665 and amendment S—5665, out of order.

Senator Gronstal moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

Senators Gronstal and Szymoniak escorted Senator Sturgeon to the well of the Senate and he was presented with an engraved plaque and an enrolled copy of Senate Resolution 113.

Senator Sturgeon addressed the Senate with brief remarks.

The Senate rose and expressed its tribute to Senator Sturgeon.

#### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent to send an immediate messaged to the House on Senate Files 2057 and 2311.

Senator Horn asked and received unanimous consent that **House File 2204** be immediately messaged to the House.

### HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2326**, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date (S-5776).

### HOUSE AMENDMENTS DEFERRED

#### Senate File 196

Senator Riordan called up for consideration Senate File 196, a bill for an act relating to the sales, services, and use tax in connection with printing activities and providing effective and applicability dates, amended by the House in House amendment S-5661 filed April 15, 1994.

Senator Riordan offered amendment S-5772 filed by him from the floor to House amendment S-5661.

Senator Lind asked and received unanimous consent that action on amendment S-5772 to House amendment S-5661, House amendment S-5661 and **Senate File 196** be deferred.

#### Senate File 126

Senator Szymoniak called up for consideration Senate File 126, a bill for an act relating to the processing exemption for the sales, services, and use taxes, amended by the House in House amendment S-5655 filed April 15, 1994.

Senator Szymoniak offered amendment S-5774 filed by her from the floor to House amendment S-5655.

Senator Lind asked and received unanimous consent that action on amendment S—5774 to House amendment S—5655, House amendment S—5655 and **Senate File 126** be deferred.

The Senate stood at ease at 11:05 p.m. until the fall of the gavel.

The Senate resumed session at 11:40 p.m., President Boswell presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the House has on April 19, 1994, amended and passed the following bill in which the concurrence of the Senate is asked:

**Senate File 2300**, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste (S—5777).

**ALSO:** That the House has on April 19, 1994, 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 2219**, a bill for an act relating to the office of secretary of state, the conduct of elections and voter registration in the state, and relating to corrective and technical changes to Iowa's election laws.

**ALSO:** That the House has on April 19, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2435**, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date.

This bill was read first time and **passed on file.**

## HOUSE AMENDMENT CONSIDERED

### Senate File 2326

Senator Palmer called up for consideration Senate File 2326, a bill for an act relating to capital project financing through the funding of a capitol complex renovation program and through the issuance of bonds by the state board of regents, including bonds for college education financing, and making a standing appropriation and providing an effective date, amended by the House, and moved that the Senate concur in House amendment S—5776 filed April 19, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Palmer 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. 2326) the vote was:

Ayes, 40:

Bartz	Bennett	Bisignano	Borlaug
Boswell	Buhr	Connolly	Deluhery
Dieleman	Dvorsky	Fink	Fraise
Freeman	Giannetto	Gronstal	Hester
Horn	Husak	Jensen	Judge
Kersten	Kibbie	Kramer	Lind
Lloyd-Jones	Maddox	Murphy	Palmer
Pate	Priebe	Redfern	Riordan
Rittmer	Rosenberg	Szymoniak	Taylor
Tinsman	Vilsack	Welsh	Zieman

Nays, 7:

Banks	Drake	Hedge	McKean
McLaren	Rensink	Rife	

Absent or not voting, 3:

Gettings	Sorensen	Sturgeon
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The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2435** was assigned to the committee on **Appropriations**.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2300

Senator Rosenberg called up for consideration Senate File 2300, a bill for an act requiring the environmental protection commission to codify the special waste authorization program and relating to solid waste, amended by the House, and moved that the Senate concur in House amendment S—5777 filed April 19, 1994.

The motion prevailed by a voice vote and the Senate concurred in the House amendment.

Senator Rosenberg moved that the bill as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2300) the vote was:

Ayes, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Giannetto
Gronstal	Hedge	Hester	Horn
Husak	Jensen	Judge	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sturgeon	Szymoniak	Taylor	Tinsman
Vilsack	Welsh		

Nays, 1:

Zieman

Absent or not voting, 3:

Gettings

Kersten

Sorensen

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 12:05 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 12:15 a.m., President Boswell presiding.

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 2314

To the President of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and the House of Representatives on Senate File 2314, a bill for an act relating to appropriations and revenue involving agriculture and natural resources, making related statutory changes, and providing fees, respectfully make the followig report:

1. That the conference committee is unable to agree.

On the Part of the Senate:

EMIL J. HUSAK, Chair  
BRAD BANKS  
BILL FINK  
DERRYL McLAREN  
BERL E. PRIEBE

On the Part of the House:

JAMES HAHN, Chair  
SANDY GREINER  
BOB RAFFERTY

#### APPOINTMENT OF SECOND CONFERENCE COMMITTEE

The Chair announced the following second conference committee on Senate File 2314 on the part of the Senate: Senators Murphy, Chair; Husak, Priebe, McLaren and Banks.

#### COMMITTEE REPORT

##### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2435, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 23: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Husak, Judge, Kersten, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 2: Bisignano and Palmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2435.

### House File 2435

On motion of Senator Kersten, House File 2435, a bill for an act relating to establishing a loan program authorizing the Iowa finance authority to issue its bonds and to lend the proceeds to local governments to repair flood and water-damaged public property, or building new flood control barriers or facilities within a city, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Kersten moved that the bill be read the last time now and placed upon its passage, 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, 46:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Giannetto
Gronstal	Hedge	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Priebe	Redfern	Rensink
Rife	Riordan	Rittmer	Rosenberg
Sturgeon	Szymoniak	Tinsman	Vilsack
Welsh	Zieman		

Nays, none.

Absent or not voting, 4:

Gettings

Hester

Sorensen

Taylor

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **House File 2435** be **immediately messaged** to the House.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 1994, passed the following bill in which the concurrence of the Senate is asked:

**House File 2433**, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

This bill was read first time and **passed on file**.

### BILL ASSIGNED TO COMMITTEE

President Boswell announced that **House File 2433** was assigned to the committee on **Appropriations**.

The Senate stood at ease at 12:34 a.m. until the fall of the gavel for the purpose of a committee meeting.

The Senate resumed session at 12:43 a.m., President Boswell presiding.

### IMMEDIATELY MESSAGED

Senator Horn asked and received unanimous consent that **Senate Files 2300** and **2326** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

## Senate File 2330

Senator Murphy called up for consideration Senate File 2330, a bill for an act relating to and making standing appropriations, appropriations for capital projects, transfers of certain funds, and other state financial and regulatory matters and providing effective and applicability date provisions, amended by the House in House amendment S—5759 filed April 19, 1994.

Senator Murphy offered amendment S—5778 filed by Senators Murphy and McLaren from the floor to pages 1, 3, 4 and 8 of House amendment S—5759 and moved its adoption.

Amendment S—5778 was adopted by a voice vote.

Senator Lind offered amendment S—5779 filed by Senators Lind and Murphy from the floor to page 1 of House amendment S—5759 and moved its adoption.

Amendment S—5779 was adopted by a voice vote.

Senator Welsh withdrew amendment S—5775 filed by him on April 19, 1994, to page 1 of House amendment S—5759.

Senator Welsh withdrew amendment S—5761 filed by him on April 19, 1994, to page 4 of House amendment S—5759.

Senator McLaren withdrew amendment S—5762 filed by him on April 19, 1994, to page 4 of House amendment S—5759.

Senator Sturgeon offered amendment S—5771 filed by Senators Sturgeon and Lind on April 19, 1994, to page 7 of House amendment S—5759 and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S—5771 to House amendment S—5759 be adopted?" (S.F. 2330) the vote was:

Ayes, 21:

Bartz	Bisignano	Boswell	Buhr
Giannetto	Horn	Husak	Kibbie
Kramer	Lind	Murphy	Priebe
Redfern	Rensink	Rife	Riordan

Rittmer	Sturgeon	Tinsman	Welsh
Zieman			

Nays, 25:

Banks	Bennett	Borlaug	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Gronstal
Hedge	Jensen	Judge	Kersten
Lloyd-Jones	Maddox	McKean	McLaren
Palmer	Pate	Rosenberg	Szymoniak
Vilsack			

Absent or not voting, 4:

Gettings	Hester	Sorensen	Taylor
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Amendment S—5771 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hester for the remainder of the evening on request of Senator Jensen.

### BUSINESS PENDING

#### Sentae File 2330

The Senate resumed consideration of Senate File 2330.

Senator Tinsman offered amendment S—5780 filed by Senators Tinsman and Rittmer from the floor to page 1 of House amendment S—5759 and moved its adoption.

A non record roll call was requested.

The ayes were 3, nays 31.

Amendment S—5780 lost.

Senator Murphy moved that the Senate concur in the House amendment as amended.

The motion prevailed by a voice vote and the Senate concurred in the House amendment as amended.

Senator Murphy moved that the bill as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2330) the vote was:

Ayes, 37:

Bartz	Bennett	Bisignano	Boswell
Buhr	Connolly	Deluhery	Dieleman
Dvorsky	Fink	Fraise	Freeman
Giannetto	Gronstal	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McLaren	Murphy	Palmer	Pate
Priebe	Redfern	Rensink	Rittmer
Rosenberg	Szymoniak	Vilsack	Welsh
Zieman			

Nays, 8:

Banks	Borlaug	Drake	Hedge
McKean	Rife	Riordan	Tinsman

Absent or not voting, 5:

Gettings	Hester	Sorensen	Sturgeon
Taylor			

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

## COMMITTEE REPORT

### APPROPRIATIONS

**Final Bill Action:** HOUSE FILE 2433, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 21: Murphy, Boswell, McLaren, Banks, Borlaug, Buhr, Connolly, Deluhery, Dvorsky, Fraise, Gronstal, Judge, Kibbie, Kramer, Lind, Pate, Redfern, Rensink, Rosenberg, Tinsman and Vilsack. Nays, none. Absent or not voting, 4: Bisignano, Husak, Kersten and Palmer.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF BILL (Appropriations Calendar)

Senator Horn asked and received unanimous consent to take up for consideration House File 2433.

### House File 2433

On motion of Senator Giannetto, House File 2433, a bill for an act making an appropriation from the general fund of the state to certain persons in settlement of claims against the state of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Giannetto moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2433) the vote was:

Ayes, 44:

Banks	Bartz	Bennett	Bisignano
Borlaug	Boswell	Buhr	Connolly
Deluhery	Dieleman	Drake	Dvorsky
Fink	Fraise	Freeman	Giannetto
Gronstal	Hedge	Horn	Husak
Jensen	Judge	Kersten	Kibbie
Kramer	Lind	Lloyd-Jones	Maddox
McKean	McLaren	Murphy	Palmer
Pate	Redfern	Rensink	Rife
Riordan	Rittmer	Rosenberg	Szymoniak
Tinsman	Vilsack	Welsh	Zieman

Nays, none.

Absent or not voting, 6:

Gettings	Hester	Priebe	Sorensen
Sturgeon	Taylor		

The bill having received a constitutional majority was declared to have passed the Senate and the title was agreed to.

Senator Horn asked and received unanimous consent that **House File 2433** be **immediately messaged** to the House.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 115**, by committee on Rules and Administration, a Senate Concurrent Resolution to provide for adjournment sine die.

Read first time and placed on calendar.

**Senate Concurrent Resolution 116**, by committee on Rules and Administration, a Senate Concurrent Resolution to provide for adjournment sine die.

Read first time and placed on calendar.

## APPENDIX

### COMMITTEE REPORTS

#### RULES AND ADMINISTRATION

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 115, a senate concurrent resolution to provide for adjournment sine die on Wednesday, April 20, 1994.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Kramer, Lind and Palmer. Nays, none. Absent or not voting, 1: Husak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

**Final Bill Action:** SENATE CONCURRENT RESOLUTION 116, a senate concurrent resolution to provide for adjournment sine die on Tuesday, April 19, 1994.

**Recommendation:** APPROVED COMMITTEE RESOLUTION.

**Final Vote:** Ayes, 8: Horn, Boswell, Rife, Gettings, Gronstal, Kramer, Lind and Palmer. Nays, none. Absent or not voting, 1: Husak.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONFERENCE COMMITTEE REPORT RECEIVED

(House File 2415)

A conference committee report signed by the following Senate and House members was filed April 19, 1994, on House File 2415, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, and the Wallace technology transfer foundation, and making statutory changes relating to economic development, and providing effective dates:

## On the Part of the Senate:

TONY BISIGNANO, Chair  
LARRY MURPHY  
JIM RIORDAN

## On the Part of the House:

JANET METCALF, Chair  
RON CORBETT  
PAT GILL  
MICHAEL MORELAND  
CHRISTOPHER RANTS

## MOTION TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2330 passed the Senate on April 20, 1994.

LARRY MURPHY

AMENDMENTS FILED  
(April 19, 1994)

S-5758	S.F.	2311	House amendment
S-5759	S.F.	2330	House amendment
S-5760	S.F.	2057	House amendment
S-5761	S.F.	2330	Joe Welsh
S-5762	S.F.	2330	Derryl McLaren
S-5763	H.F.	542	Derryl McLaren
S-5764	H.F.	542	Emil Husak
S-5765	H.F.	542	Joe Welsh
S-5766	H.F.	542	Joe Welsh
S-5767	H.F.	542	Joe Welsh
S-5768	H.F.	542	Tony Bisignano
S-5769	H.F.	542	Tony Bisignano
S-5770	H.F.	542	Jim Lind
S-5771	S.F.	2330	Al Sturgeon Jim Lind
S-5772	S.F.	196	Jim Riordan
S-5773	S.C.R.	115	Michael E. Gronstal
S-5774	S.F.	126	Elaine Szymoniak
S-5775	S.F.	2330	Joe Welsh
S-5776	S.F.	2326	House amendment
S-5777	S.F.	2300	House amendment

**AMENDMENTS FILED**  
(April 20, 1994)

S-5778	S.F.	2330	Larry Murphy Derryl McLaren
S-5779	S.F.	2330	Jim Lind Larry Murphy
S-5780	S.F.	2330	Maggie Tinsman Sheldon Rittmer

**ADJOURNMENT**

On motion of Senator Horn, the Senate adjourned at 1:31 a.m., until 10:00 a.m., Wednesday, April 20, 1994.