

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, FEBRUARY 26, 2008

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JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 26, 2008

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Stacie Ruth Stoelting from Cherokee, Iowa, who sang “The Lord’s Prayer.” She was the guest of Senator Wieck.

The Journal of Monday, February 25, 2008, was approved.

RECESS

On motion of Senator Courtney, the Senate recessed at 8:51 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:55 a.m., President Kibbie presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 109](#), a resolution honoring Amy Peyton, a Distinguished Finalist in the 2008 Prudential Spirit of Community Awards Program.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Gronstal, Kibbie, Angelo, Courtney, Dearden, Dvorsky, and Ragan. Nays, none. Absent, 4: Wieck, Danielson, Lundby, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 109](#).

[Senate Resolution 109](#)

On motion of Senator Kettering, [Senate Resolution 109](#), a resolution honoring Amy Peyton, a Distinguished Finalist in the 2008 Prudential Spirit of Community Awards Program, was taken up for consideration.

Senator Kettering moved the adoption of [Senate Resolution 109](#), which motion prevailed by a voice vote.

BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that [Senate File 2231](#) be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:00 a.m. until 5:30 p.m.

APPENDIX—1

CERTIFICATES OF RECOGNITION

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

Donald Allen—For celebrating his 100th birthday. Senator Gronstal (2/26/08).

Jacob Ballweg, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 119 pounds. Senator Heckroth (2/26/08).

Mark Ballweg, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 135 pounds. Senator Heckroth (2/26/08).

Minnie Burdock, Oskaloosa—For celebrating her 103rd birthday. Senator Rielly (2/26/08).

Cleo Oxenreider, Lacona—For celebrating his 100th birthday. Senator Appel (2/26/08).

Hazel Pinckney, Macksburg—For celebrating her 90th birthday. Senator Appel (2/26/08).

Eric Pitzen, Stacyville—For being named Intern of the Year for the greenhouse industry. Senator Ragan (2/26/08).

Eric Thompson, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 285 pounds. Senator Heckroth (2/26/08).

Cecil Wetzel, Peru—For celebrating his 80th birthday. Senator Appel (2/26/08).

Laverne Williams, Denison—For celebrating his 80th birthday. Senator Seymour (2/26/08).

Dylan Wrage, Waverly-Shell Rock High School—For winning the Iowa State Wrestling Championship at 189 pounds. Senator Heckroth (2/26/08).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 26, 2008, 1:05 p.m.

Members Present: Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dotzler, Hahn, Hatch, Mulder, Rielly, Schmitz, Seymour, and Zaun.

Members Absent: Danielson (excused).

Committee Business: Presentation by University of Iowa on economic impact of housing. Approved [SSB 3131](#), as amended.

Adjourned: 2:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 26, 2008, 1:05 p.m.

Members Present: Black, Chair; Hancock, Vice Chair; Gaskill, Ranking Member; Behn, Bolkcom, Dearden, Hogg, Johnson, Kettering, Lundby, Noble, Ragan, Schoenjahn, Seng, and Wood.

Members Absent: None.

Committee Business: Passed [SF 2202](#) (as amended). Approved [SSB 3134](#), as amended.

Adjourned: 1:25 p.m.

RULES AND ADMINISTRATION

Convened: February 26, 2008, 8:51 a.m.

Members Present: Gronstal, Chair; Kibbie, Vice Chair; Angelo, Courtney, Dearden, Dvorsky, and Ragan.

Members Absent: Wieck, Ranking Member; Danielson, Lundby, and Zieman (all excused).

Committee Business: Approved [SR 109](#).

Adjourned: 8:55 a.m.

TRANSPORTATION

Convened: February 26, 2008, 2:35 p.m.

Members Present: Rielly, Chair; Noble, Ranking Member; Beall, Dearden, Hancock, Heckroth, Houser, McCoy, Putney, Warnstadt, Zaun, and Zieman.

Members Absent: Danielson, Vice Chair (excused).

Committee Business: Approved SSBs 3083 and 3084.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 26, 2008, 10:20 a.m.

Members Present: Appel, Vice Chair; Hahn, Ranking Member; and Stewart.

Members Absent: Danielson, Chair; and Hartsuch (both excused).

Committee Business: Discussion of pending bills.

Adjourned: 10:25 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 26, 2008, 10:25 a.m.

Members Present: Wood, Chair; Horn, Vice Chair; Boettger, Ranking Member; Quirnbach and Ziemann.

Members Absent: None.

Committee Business: Proposed budget discussions.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 26, 2008, 10:30 a.m.

Members Present: Hancock, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Hogg and Noble.

Members Absent: None.

Committee Business: Presentation by Attorney General Tom Miller on his office's operations and budget.

Adjourned: 11:05 a.m.

INTRODUCTION OF BILLS

[Senate File 2242](#), by Bolkcom and Hatch, a bill for an act creating the office of insurance consumer advocate, providing penalties, and making an appropriation.

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

[Senate File 2243](#), by Bolkcom, a bill for an act relating to binding international trade agreements by providing for the consent of the general assembly and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 2244](#), by Dotzler, a bill for an act relating to certain state board of regents contracts and the construction, repair, and improvement of buildings or grounds under charge of the state board of regents.

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

[Senate File 2245](#), by Dotzler, Danielson, and Putney, a bill for an act providing for county grants from the revitalize Iowa's sound economy (RISE) fund for secondary road repair projects prior to statewide touring events.

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

[Senate File 2246](#), by committee on Commerce, a bill for an act relating to required disclosures in real estate transactions.

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

[Senate File 2247](#), by Bolkom, a bill for an act relating to abandoned vehicles found near bodies of water by providing for civil penalties.

Read first time under Rule 28 and referred to committee on **Local Government**.

STUDY BILLS RECEIVED

[SSB 3236](#) **Ways and Means**

Requiring combined corporate tax returns for unitary businesses and including a retroactive applicability date provision.

[SSB 3237](#) **Commerce**

Revising the definition of alternative and renewable energy applicable to specified energy independence initiatives.

SSB 3238 Commerce

To regulate viatical settlements, and providing for fees and penalties.

SSB 3239 Judiciary

Relating to the time limit on executions of judgments and orders.

SSB 3240 Judiciary

Establishing second deputy sheriff positions in certain counties.

SSB 3241 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

SSB 3242 Ways and Means

Relating to a sales tax exemption on certain railroad materials.

SSB 3243 Ways and Means

Relating to property tax measures for commercial, industrial, and residential property by authorizing the imposition by a city of a local income surcharge and requiring that a portion of the revenues be used for property tax credits and by limiting the percentage of actual value at which residential property shall be assessed.

SSB 3244 State Government

Relating to public retirement systems and other employee benefit-related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, providing an appropriation, including an implementation provision, and providing effective and retroactive applicability dates.

SSB 3245 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other related matters, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2231**

WAYS AND MEANS: Stewart, Chair; Appel and Putney

Senate File 2235

STATE GOVERNMENT: Danielson, Chair; Gaskill and Schmitz

Senate File 2236

EDUCATION: Heckroth, Chair; Johnson and Schmitz

Senate File 2237

ECONOMIC GROWTH: Rielly, Chair; Hatch and Houser

Senate File 2238

NATURAL RESOURCES AND ENVIRONMENT: Hancock, Chair; Behn and Bolkcom

Senate File 2239

STATE GOVERNMENT: Black, Chair; Behn and Danielson

Senate File 2240

STATE GOVERNMENT: Kibbie, Chair; Danielson and Hahn

Senate File 2241

ECONOMIC GROWTH: Dotzler, Chair; Houser and Olive

Senate File 2244

EDUCATION: Connolly, Chair; Heckroth and Zieman

SSB 3236

WAYS AND MEANS: Bolkcom, Chair; McCoy and McKibben

[SSB 3237](#)

COMMERCE: McCoy, Chair; Behn and Bolkcom

[SSB 3238](#)

COMMERCE: Rielly, Chair; Angelo and Heckroth

[SSB 3239](#)

JUDICIARY: Kreiman, Chair; Hartsuch and Horn

[SSB 3240](#)

JUDICIARY: Hogg, Chair; Kreiman and Noble

[SSB 3241](#)

JUDICIARY: Noble, Chair; Fraise and Hartsuch

[SSB 3242](#)

WAYS AND MEANS: Dotzler, Chair; Putney and Seng

[SSB 3243](#)

WAYS AND MEANS: Quirnbach, Chair; Angelo and McCoy

[SSB 3244](#)

STATE GOVERNMENT: Connolly, Chair; Appel, Kettering, Wood, and Zieman

[SSB 3245](#)

APPROPRIATIONS: Dvorsky, Chair; and Kettering

FINAL COMMITTEE REPORT OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 2246 \(SSB 3170\)](#), a bill for an act relating to required disclosures in real estate transactions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EVENING SESSION

The Senate reconvened at 5:33 p.m., President Kibbie 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 26, 2008, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2101](#), a bill for an act transferring administration of the entrepreneurs with disabilities program to the department of education.

ALSO: That the House has on February 26, 2008, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2310](#), a bill for an act requiring the departments of public health and human services to collect data and develop a protocol to address the relationship between substance misuse, abuse, or dependency by a child's parent, guardian, custodian, or other person responsible for the child's care and child abuse.

Read first time and referred to committee on **Human Resources**.

The Senate stood at ease at 5:34 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:53 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kreiman, until he returns, on request of Senator Horn.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2214, 2002, and 2154.

Senate File 2214

On motion of Senator Warnstadt, **Senate File 2214**, a bill for an act relating to modification of a child custody order during the time a parent is serving active duty, was taken up for consideration.

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

On the question "Shall the bill pass?" (**S.F. 2214**), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

Kreiman

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

Senate File 2002

On motion of Senator Horn, [Senate File 2002](#), a bill for an act waiving employer charges for unemployment claims stemming from temporary workers who have replaced active duty military employees, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” ([S.F. 2002](#)), the vote was:

Yeas, 49:

Angelo	Fraise	Kibbie	Schoenjahn
Appel	Gaskill	Lundby	Seng
Beall	Gronstal	McCoy	Seymour
Behn	Hahn	McKibben	Stewart
Black	Hancock	McKinley	Ward
Boettger	Hartsuch	Mulder	Warnstadt
Bolkcom	Hatch	Noble	Wieck
Connolly	Heckroth	Olive	Wood
Courtney	Hogg	Putney	Zaun
Danielson	Horn	Quirnbach	Zieman
Dearden	Houser	Ragan	
Dotzler	Johnson	Rielly	
Dvorsky	Kettering	Schmitz	

Nays, none.

Absent, 1:

Kreiman

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 6:06 p.m. until the fall of the gavel.

The Senate resumed session at 6:12 p.m., President Kibbie presiding.

Senate File 2154

On motion of Senator Seng, Senate File 2154, a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2154), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Cannolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2002, 2154, and 2214** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2216](#).

[Senate File 2216](#)

On motion of Senator Schoenjahn, [Senate File 2216](#), a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system, was taken up for consideration.

Senator McKinley offered amendment [S-5025](#), filed by him from the floor to pages 1-4 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5025](#) be adopted?" ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Kreiman	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Lundby	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5025](#) lost.

Senator Zaun offered amendment [S-5020](#), filed by him from the floor to pages 1, 2, and 4 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5020](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment [S-5020](#) lost.

Senator Johnson offered amendment [S-5028](#), filed by him from the floor to pages 1 and 3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5028](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun

Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5028](#) lost.

Senator Wood withdrew amendment [S-5010](#), filed by him on February 25, 2008, to pages 1 and 3 of the bill.

Senator Wood offered amendment [S-5014](#), filed by him from the floor to pages 1 and 3 of the bill.

Senator Wood asked and received unanimous consent that action on amendment [S-5014](#) be deferred.

Senator Zaun offered amendment [S-5024](#), filed by him from the floor to pages 1 and 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment [S-5024](#) be adopted?" ([S.F. 2216](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKinley	Ward
Behn	Houser	Mulder	Wieck
Boettger	Johnson	Noble	Wood
Gaskill	Kettering	Putney	Zaun
Hahn	McKibben	Seymour	Zieman

Nays, 30:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz

Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	Lundby	Seng
Connolly	Hancock	McCoy	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5024](#) lost.

Senator Zaun offered amendment [S-5019](#), filed by him from the floor to page 1 of the bill.

Senator Zaun asked and received unanimous consent that action on amendment [S-5019](#) be deferred.

The Senate resumed consideration of amendment [S-5014](#), previously deferred.

Senator Wood moved the adoption of amendment [S-5014](#).

Amendment [S-5014](#) was adopted by a voice vote.

With the adoption of [S-5014](#), the Chair ruled amendment [S-5019](#), filed by Senator Zaun from the floor to page 1 of the bill, out of order.

Senator Schoenjahn offered amendment [S-5018](#), filed by him from the floor to page 2 of the bill.

Senator Schoenjahn asked and received unanimous consent that action on amendment [S-5018](#) be deferred.

Senator McKinley withdrew amendment [S-5022](#), filed by him from the floor to page 2 of the bill.

Senator Johnson offered amendment [S-5021](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5021](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKinley	Seymour
Behn	Houser	Mulder	Ward
Boettger	Johnson	Noble	Wieck
Gaskill	Kettering	Olive	Zaun
Hahn	McKibben	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	Lundby	Stewart
Connolly	Hancock	McCoy	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment [S-5021](#) lost.

Senator McKinley offered amendment [S-5023](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5023](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 18:

Angelo	Hartsuch	McKinley	Wieck
Behn	Houser	Noble	Zaun
Boettger	Johnson	Putney	Zieman
Gaskill	Kettering	Seymour	
Hahn	McKibben	Ward	

Nays, 32:

Appel	Dotzler	Horn	Ragan
Beall	Dvorsky	Kibbie	Rielly
Black	Fraise	Kreiman	Schmitz
Bolkcom	Gronstal	Lundby	Schoenjahn
Connolly	Hancock	McCoy	Seng
Courtney	Hatch	Mulder	Stewart

Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wood

Absent, none.

Amendment [S-5023](#) lost.

Senator McKinley offered amendment [S-5027](#), filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5027](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Connolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment [S-5027](#) lost.

Senator Johnson offered amendment [S-5029](#), filed by him from the floor to pages 1 and 2 of the bill.

Senator Johnson called for the following division of amendment [S-5029](#):

Division [S-5029A](#): Page 1, line 2–page 2, line 33;

Division [S-5029B](#): Page 2, line 34–page 3, line 10;

Division [S-5029C](#): Page 3, lines 11–43;

Division [S-5029D](#): Page 3, line 44–page 4, line 20; and
 Division [S-5029E](#): Page 4, lines 21–48.

Senator Johnson moved the adoption of amendment [S-5029A](#).

A record roll call was requested.

On the question “Shall amendment [S-5029A](#) be adopted?” ([S.F. 2216](#)),
 the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5029A](#) lost.

Senator Johnson moved the adoption of amendment [S-5029B](#).

A record roll call was requested.

On the question “Shall amendment [S-5029B](#) be adopted?” ([S.F. 2216](#)),
 the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5029B](#) lost.

Senator Johnson moved the adoption of amendment [S-5029C](#).

A record roll call was requested.

On the question “Shall amendment [S-5029C](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Hartsuch	McKibben	Ward
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	Zaun
Gaskill	Kettering	Putney	Zieman
Hahn	Lundby	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Kibbie	Schmitz
Black	Fraise	Kreiman	Schoenjahn
Bolkcom	Gronstal	McCoy	Seng
Connolly	Hancock	Mulder	Stewart
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wood
Dearden	Hogg	Ragan	

Absent, none.

Amendment [S-5029C](#) lost.

Senator Johnson moved the adoption of amendment [S-5029D](#).

A record roll call was requested.

On the question “Shall amendment [S-5029D](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment [S-5029D](#) lost.

Senator Johnson moved the adoption of amendment [S-5029E](#).

A record roll call was requested.

On the question “Shall amendment [S-5029E](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 19:

Angelo	Houser	McKinley	Ward
Behn	Johnson	Mulder	Wieck
Boettger	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman
Hartsuch	McKibben	Seymour	

Nays, 31:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gaskill	Kreiman	Seng
Connolly	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Warnstadt

Danielson	Hatch	Quirnbach	Wood
Dearden	Heckroth	Ragan	

Absent, none.

Amendment [S-5029E](#) lost.

Senator McKinley offered amendment [S-5030](#), filed by him from the floor to page 1 of amendment [S-5018](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5030](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 20:

Angelo	Hartsuch	McKibben	Seymour
Behn	Houser	McKinley	Ward
Boettger	Johnson	Mulder	Wieck
Gaskill	Kettering	Noble	Zaun
Hahn	Lundby	Putney	Zieman

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Stewart
Cannolly	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wood
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, none.

Amendment [S-5030](#) lost.

The Senate resumed consideration of amendment [S-5018](#), previously deferred.

Senator Schoenjahn moved the adoption of amendment [S-5018](#).

A record roll call was requested.

On the question “Shall amendment [S-5018](#) be adopted?” ([S.F. 2216](#)), the vote was:

Yeas, 50:

Angelo	Fraise	Kibbie	Schmitz
Appel	Gaskill	Kreiman	Schoenjahn
Beall	Gronstal	Lundby	Seng
Behn	Hahn	McCoy	Seymour
Black	Hancock	McKibben	Stewart
Boettger	Hartsuch	McKinley	Ward
Bolkcom	Hatch	Mulder	Warnstadt
Connolly	Heckroth	Noble	Wieck
Courtney	Hogg	Olive	Wood
Danielson	Horn	Putney	Zaun
Dearden	Houser	Quirnbach	Zieman
Dotzler	Johnson	Ragan	
Dvorsky	Kettering	Rielly	

Nays, none.

Absent, none.

Amendment [S-5018](#) was adopted.

Senator Schoenjahn moved that the bill be read the last time now and placed upon its passage, 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:

Yeas, 36:

Appel	Dvorsky	Houser	Ragan
Beall	Fraise	Kibbie	Rielly
Black	Gaskill	Lundby	Schmitz
Bolkcom	Gronstal	McCoy	Schoenjahn
Connolly	Hancock	McKibben	Seng
Courtney	Hatch	Mulder	Seymour
Danielson	Heckroth	Olive	Stewart
Dearden	Hogg	Putney	Warnstadt
Dotzler	Horn	Quirnbach	Wood

Nays, 14:

Angelo	Hartsuch	McKinley	Zaun
Behn	Johnson	Noble	Zieman
Boettger	Kettering	Ward	
Hahn	Kreiman	Wieck	

Absent, none.

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

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2216](#) be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:42 p.m. until 8:45 a.m., Wednesday, February 27, 2008.

APPENDIX—2**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

Convened: February 26, 2008, 4:05 p.m.

Members Present: Fraise, Chair; Rielly, Vice Chair; Johnson, Ranking Member; Appel, Black, Boettger, Courtney, Gaskill, Hancock, Houser, Kibbie, Mulder, Olive, Putney, and Seng.

Members Absent: None.

Committee Business: Passed [SF 2166](#) and approved [SSB 3230](#). Presentation by Renewable Energy Group.

Recessed: 4:40 p.m.

Reconvened: 4:50 p.m.

Adjourned: 5:00 p.m.

HUMAN RESOURCES

Convened: February 26, 2008, 2:35 p.m.

Members Present: Ragan, Chair; Schmitz, Vice Chair; Seymour, Ranking Member; Boettger, Bolkcom, Dotzler, Hartsuch, Hatch, Johnson, Kreiman, Mulder, Quirnbach and Wood.

Members Absent: None.

Committee Business: Approved SSBs 3098, 3113, 3135, 3156, 3185, and 3191. Approved governor's appointees.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

[Senate File 2248](#), by committee on Commerce, a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

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

[Senate File 2249](#), by committee on Local Government, a bill for an act relating to certain local hotel and motel tax elections.

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

[Senate File 2250](#), by committee on Commerce, a bill for an act relating to the licensure of real estate brokers and salespersons.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [SENATE FILE 2248*](#) ([SSB 3197](#)), a bill for an act modifying provisions relating to the application for a certificate of franchise authority applicable to the provision of cable or video services by an existing provider.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 2248](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2250*](#) ([SSB 3172](#)), a bill for an act relating to the licensure of real estate brokers and salespersons.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Warnstadt, Heckroth, Behn, Bolkcom, Courtney, Kettering, McCoy, McKibben, Olive, Putney, Rielly, Schoenjahn, and Stewart. Nays, none. Absent, 2: Angelo and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 2250](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: [SENATE FILE 2249](#), a bill for an act relating to certain local hotel and motel tax elections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Quirnbach, Beall, Zaun, Angelo, Heckroth, Houser, McKinley, Olive, Rielly, Schoenjahn, and Stewart. Nays, none. Present, 2: Hartsuch and Kreiman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 26, 2008, when the votes were taken on Senate Files 2002 and 2214. Had I been present, I would have voted "Yea."

KEITH KREIMAN

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

HUMAN RESOURCES

Miriam Landsman – Child Welfare Advisory Committee
Nancy Magnall – Child Welfare Advisory Committee
Tiffany Wilson – Child Welfare Advisory Committee

AMENDMENTS FILED

S-5014	S.F. 2216	Frank B. Wood
S-5015	S.F. 2162	Larry Noble
S-5016	S.F. 2189	Tom Hancock
S-5017	S.F. 2230	David Johnson
S-5018	S.F. 2216	Brian Schoenjahn
S-5019	S.F. 2216	Brad Zaun
S-5020	S.F. 2216	Brad Zaun
S-5021	S.F. 2216	David Johnson
S-5022	S.F. 2216	Paul McKinley
S-5023	S.F. 2216	Paul McKinley

<u>S-5024</u>	<u>S.F. 2216</u>	Brad Zaun
<u>S-5025</u>	<u>S.F. 2216</u>	Paul McKinley
<u>S-5026</u>	<u>H.F. 2212</u>	Mary A. Lundby
<u>S-5027</u>	<u>S.F. 2216</u>	Paul McKinley
<u>S-5028</u>	<u>S.F. 2216</u>	David Johnson
<u>S-5029</u>	<u>S.F. 2216</u>	David Johnson
<u>S-5030</u>	<u>S.F. 2216</u>	Paul McKinley
<u>S-5031</u>	<u>S.F. 2035</u>	Staci Appel