

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 13, 2008—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I know of Your choice servants in the Bible was Joseph, son of Jacob. Sold into slavery in Egypt where he served the Captain of the Guard so well he was entrusted with everything Potiphar owned.

Framed by Potiphar's wife, he was thrown into prison where the warden put him in charge of all the prisoners. After two years he interpreted Pharaoh's dream and was made second-in-command to Pharaoh.

The key to Joseph's success is mentioned four times in the 39th chapter of Genesis: "The Lord was with Joseph."

This is still the key
To anyone's real success:
To invite the Lord
Our lives to bless.

Whatever our troubles or trials may be,
The key to success is the same:
Make sure the Lord is with us,
And He will provide the acclaim.

Like Joseph, we, too, can know success
And bless others along the way.
By making sure the Lord is with us,
And follow Him every day.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

GUESTS

President Morris acknowledged a large group of Farmers Insurance Company agents who were visiting in the Capitol. Senators joined him in welcoming them.

Senator Taddiken rose on a Point of Personal Privilege to introduce Sharon Phillips, Connie Jacques, Sally Hall, Sandy Rayburn and Gloria Smith, who were visiting in the Senate Chamber as guests of Secretary of the Senate Pat Saville. The women were classmates at Marysville High School.

Senator Gilstrap rose on a Point of Personal Privilege to introduce David Inskeep, who won the privilege of being his shadow for the day,

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 678**.

Federal and State Affairs: **SB 677; HB 2740**.

Financial Institutions & Insurance: **Sub HB 2505**.

Public Health and Welfare: **HB 2672**.

Ways and Means: **SB 679; HB 2916**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 412, SB 421, SB 431; SB 435, as amended; SB 441**.

Adoption of **SCR 1621**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator McGinn moved the Senate concur in house amendments to **SB 267**.

SB 267, An act relating to wildlife; defining the crime of failure to comply with a wildlife and parks citation; amending K.S.A. 2007 Supp. 32-1054 and repealing the existing section.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Senate concurred.

FINAL ACTION ON CONSENT CALENDAR

HB 2656, HB 2665 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2656, An act relating to cemetery corporations; authorizing certain cemetery corporations to convey real estate not platted into cemetery lots free from trust restrictions, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2665, An act relating to drivers' licenses; concerning the surrender thereof; amending K.S.A. 8-257 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 524, An act concerning corrections; relating to fee expenditure; creating the department of corrections victim assistance fund; amending K.S.A. 75-52,139 and K.S.A. 2007 Supp. 75- 5211 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote aye on **SB 524**. My concerns expressed yesterday on General Orders regarding the appropriateness of contributions derived from a new “fund”.

Inmate labor has been allayed. I sincerely believe now that these *already being diverted funds* (approximately \$350,000) will be replaced by a future Bern Grant, if the Federal Government restores them. Otherwise, these necessary victims services might require our own S.G.F. assistance. — DAVID HALEY

SB 554, An act concerning a mural in the capitol, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

Sub SB 577, An act enacting the radon awareness law and the radon certification law; amending K.S.A. 48-1625 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Betts, Brownlee, Brungardt, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Nays: Barone, Bruce, Gilstrap, Pyle, Steineger, Wagle, Wilson.

The bill passed.

SB 651, An act concerning the state board of regents; relating to the Kansas academy for math and science; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, was considered on final action. On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Huelskamp.

Present and Passing: Wysong.

The bill passed.

SB 669, An act concerning school districts; relating to virtual schools; amending K.S.A. 2007 Supp. 72-6407 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed.

HB 2748, An act concerning the possession of wildlife; relating to the tagging of big game and wild turkey; amending K.S.A. 2007 Supp. 32-969 and 32-1004 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators McGinn, Barnett, Betts, Bruce, Donovan, Emler, Journey, Palmer, Petersen, Schodorf, Teichman and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1826—

A RESOLUTION recognizing Roger D. Lowe's service and commitment to Wichita State University and to higher education.

WHEREAS, Roger D. Lowe has faithfully served Wichita State University for over 45 years, under six of the 12 presidents in the history of Wichita State University; and

WHEREAS, Roger D. Lowe provided the fiscal guidance and dedication to detail needed to transition the University of Wichita, a municipal institution, to Wichita State University, a public university under the Kansas Board of Regents; and

WHEREAS, Roger D. Lowe has made a difference in the lives of students, faculty and staff at Wichita State University through his leadership in maintaining strong fiscal integrity and creating a physical environment conducive to learning and research; and

WHEREAS, Roger D. Lowe has been a mentor and source of inspiration to his staff in the Division of Administration and Finance and to other campus and higher education colleagues; and

WHEREAS, Roger D. Lowe has commendably supported his profession by serving on many national and regional committees, having served as president of both the Central Association of College and University Business Officers and the National Association of College and University Business Officers (NACUBO), and in 1988 was awarded the Distinguished Business Officer Award, the highest award given by NACUBO; and

WHEREAS, Roger D. Lowe has received the Meritorious Achievement Award from Pittsburg State University and the Recognition Award of the Wichita State University Alumni Association; and

WHEREAS, Roger D. Lowe has been and remains an enthusiastic and loyal supporter of Wichita State University's basketball, baseball, volleyball and bowling teams; and

WHEREAS, Roger D. Lowe has unselfishly dedicated his career to the improvement of higher education by serving as the only Vice President for Administration and Finance in the history of Wichita State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we acknowledge and thank Roger D. Lowe for the extraordinary service and commitment to Wichita State University and to higher education in the State of Kansas; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Roger D. Lowe, Vice President for Administration and Finance, Wichita State University, 1845 Fairmount St. Wichita, Kansas 67260.

On emergency motion of Senator McGinn **SR 1826** was adopted unanimously.

Senator McGinn introduced Roger Lowe and senators joined her in honoring him with a standing ovation. Mr. Lowe was accompanied by his wife, Irene.

REPORT ON ENGROSSED BILLS

SB 524, **SB 554** reported correctly engrossed March 12, 2008.

SB 267 was reported correctly re-engrossed March 13, 2008.

REPORT ON ENROLLED BILLS

SR 1824, **SR 1825** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 13, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 647** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 629** be amended on page 3, in line 34, by striking "2008" and inserting "2009"; in line 35, by striking "2008" and inserting "2009"; in line 36, by striking "2008" and inserting "2009";

On page 4, following line 25, by inserting:

“New Sec. 4. (a) (1) There is hereby created a clinical trials coverage advisory committee which shall assess the economic impact of the health insurance coverage required by this act for patient care costs in clinical trials. In order to assess the costs and benefits of insurance coverage for patient care costs incurred in clinical trials, the advisory committee may request and collect from insurers aggregate clinical and financial data related to coverage for services provided pursuant to this act.

(2) The clinical trials coverage advisory committee shall be attached to the insurance department. The insurance department shall provide staff and administrative support required by the advisory committee.

(b) The advisory committee shall consist of nine members appointed by the commissioner of insurance as follows:

(1) Four persons, two of whom shall be medical directors of health insurers, selected from nominations made by the Kansas association of health plans;

(2) one person representing the university of Kansas school of medicine nominated by the dean of such school;

(3) one licensed physician who has experience in cancer treatment and clinical trials nominated by the Kansas medical society;

(4) one person representing hospitals nominated by the Kansas hospital association;

(5) one person representing the general public appointed by the commissioner of insurance; and

(6) the commissioner of insurance or the commissioner’s designee.

(c) Each appointment to the clinical trials coverage advisory committee shall be for a term of three years.

(d) The insurance commissioner or the commissioner’s designee shall serve as chairperson of the clinical trials coverage advisory committee.

(e) The clinical trials coverage advisory committee shall prepare a report of its findings and any recommendations for changes to this act to the chairs of the house committee on insurance and financial institutions and the senate financial institutions and insurance committee on or before January 1, 2011.”;

By renumbering the sections accordingly; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2735** be passed.

Committee on **Transportation** recommends **HB 2708** be passed.

Also, **HB 2659**, **HB 2824** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended **HB 2628**, **HB 2749** be passed.

Sub HB 2757; **HB 2847** be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2660 be amended by adoption of the committee amendments.

Senator Francisco moved to amend the bill, on page 2, line 32, by striking \$100,000 and inserting \$200,000 and on page 2, line 33 by striking \$100,000 and inserting \$200,000

The amendment was rejected and the Committee recommended **HB 2660** be passed as amended.

HB 2692 be amended by motion of Senator McGinn, on page 1, after line 13, by inserting:

“Section 1. K.S.A. 50-619 is hereby amended to read as follows: 50-619. As used in this act, unless the context otherwise requires, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) “Junk dealer” means any person engaged in the business of buying, selling and dealing in junk, or any person purchasing, gathering, collecting, soliciting or traveling about from place to place procuring junk or any person operating, carrying on, conducting or maintaining a junk yard or place where junk is gathered together and stored or kept for shipment,

sale or transfer, but shall not include antique dealers, or automotive salvage dealers dealing in wrecked vehicles as defined in this act;

(b) "Junk yard" means any yard, plot, space, enclosure, building or any other place where junk is collected, stored, gathered together and kept;

(c) "Junk" shall mean and include, in addition to items or goods commonly referred to as junk, such other used or secondhand goods as rope, scrap iron, brass, lead, copper or aluminum wire or tubing and other scrap metals, but shall not include antiques, or wrecked vehicles as defined in this act, *or aluminum in food or beverage containers*;

(d) "Antique" means any furniture, object of art, or other object, item or article made or manufactured at an earlier period of time, but shall not include junk;

(e) "Antique dealer" means any person conducting a business of buying and selling antiques;

(f) "Wrecked vehicle" means any wrecked, ruined, dismantled or inoperative motor passenger vehicle or motor truck, and any part or accessory therefrom, for which an original or assigned certificate of title is transferred for such vehicle or truck to an automotive salvage dealer and later surrendered and reported to the division of vehicles of the state department of revenue as required by law;

(g) "Automotive salvage dealer" means any person holding a valid license under the provisions of K.S.A. 68-2201 to 66-2215, inclusive, and any acts amendatory thereof or supplemental thereto, designated as the junkyard and salvage control act.;

And by renumbering sections accordingly;

Also on page 1, in line 38, before "K.S.A." by inserting "K.S.A. 50-619 and"; also in line 38, by striking "is" and inserting "are";

In the title, in line 9, by striking all after "metal"; in line 10, by striking "metal"; also in line 10, after "amending" by inserting "K.S.A. 50-619 and"; in line 11, by striking "section" and inserting "sections" and **HB 2692** be passed as amended.

S Sub for HB 2860 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Lee on page 1, after line 25, by inserting:

"(c) The provisions of this section shall expire on June 30, 2010."

Senator Lee further amended **S Sub for HB 2860**, on page 1, after line 25, by inserting:

"(c) In the 2008 and 2009 interim, a special committee designated by the legislative coordinating council shall study and investigate issues concerning the use of eminent domain in condemnation of water rights." and **S Sub for HB 2860** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **HB 2628**, **HB 2660**, **HB 2692**, **HB 2749**; **Sub HB 2757**; **HB 2847**; **S Sub for HB 2860** were advanced to Final Action and roll call.

HB 2628, An act concerning townships; amending K.S.A. 80-101 and 80-109 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2660, An act concerning the secretary of agriculture; relating to agricultural chemicals; registration requirements; petroleum products; payment of fees; amending K.S.A. 55-427 and K.S.A. 2007 Supp. 2-2204 and repealing the existing sections.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 2, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Present and Passing: Francisco, Wysong.

The bill passed, as amended.

HB 2692, An act concerning scrap metal; amending K.S.A. 50-619 and K.S.A. 2007 Supp. 50-6,109 and repealing the existing sections.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2749, An act concerning townships; relating to the establishment of a township equipment reserve fund.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

Sub HB 2757, An act concerning municipal hospitals; amending K.S.A. 12-1615, 13-14b11, 14-605, 19-4610 and 80-2511 and repealing the existing sections. On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2847, An act concerning examination for licenses; heating, ventilation and air conditioning, plumbing and electrical contractors and electricians; amending K.S.A. 12-1508, 12-1525 and 12-1541 and repealing the existing sections. On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

S Sub for HB 2860, An act concerning appropriation of water for beneficial use; relating to municipalities.

On roll call, the vote was: Yeas 19, Nays 21, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Barone, Donovan, Emler, Francisco, Gilstrap, Goodwin, Huelskamp, Lee, Morris, Pine, Pyle, Schmidt D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Allen, Apple, Betts, Brownlee, Bruce, Brungardt, Haley, Hensley, Jordan, Journey, Kelly, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Reitz, Schmidt V, Vratil, Wilson, Wysong.

A constitutional majority having failed to vote in favor of the bill, **S Sub for HB 2860** did not pass.

FINAL MOTION

Having voted on the prevailing side in Final Action on **S Sub for HB 2860**, Senator Bruce moved the Senate reconsider its adverse action on **S Sub for HB 2860**. The motion carried and the bill was returned to Final Action. On motion of Senator Bruce the bill was returned to the calendar under the heading of General Orders.

On motion of Senator D. Schmidt **S Sub for HB 2860** was rereferred to the Committee on Agriculture.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, March 14, 2008.