

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 3, 2009—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,
If a legislator was asked
“What is your most needed provision?”
More than likely the answer would be,
“The ability to make wise decisions.”

But the question immediately arises,
“What do you mean by ‘wise’ ”?
If we look for the best definition,
You may be in for a surprise.

In the third chapter of the book of James (3:17)
There are eight words made very clear:
Pure, peaceful, considerate, submissive,
Merciful, fruitful, impartial, sincere.

So it’s obvious wisdom involves much more
Than a simple definition.
If your decision doesn’t measure up,
Then it can’t be a wise decision.

Lord, help us to measure ourselves,
Do our decisions involve eight descriptions?
If not, they don’t measure up
To truly wise decisions.

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were introduced and read by title:

SB 176, An act concerning the state board of regents; relating to the election of the members thereof; amending K.S.A. 25-101, 25-101a, 25-212, 25-617, 25-1116, 25-1118, 25-2503, 25-2505, 25-3905, 25-3906, 25-4001, 25-4153, 25-4304 and 74-3202a and K.S.A. 2008 Supp. 25-205, 25-213, 25-611, 25-3107, 25-3902a and 25-4119f and repealing the existing sections, by Senator Pilcher-Cook.

SB 177, An act concerning income taxation; relating to credits; adoption expenses; amending K.S.A. 2008 Supp. 79-32,202 and repealing the existing section, by Committee on Assessment and Taxation.

SB 178, An act concerning amusement rides; amending K.S.A. 2008 Supp. 44-1601 and repealing the existing section, by Committee on Federal and State Affairs.

SB 179, An act concerning racial and other profiling; relating to the governor's task force, adoption of policies against and investigation of complaint; amending K.S.A. 22-4606, 22-4607, 22-4609, 22-4610 and 22-4611 and K.S.A. 2008 Supp. 74-9501 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 180, An act concerning the Kansas cigarette and tobacco products act; relating to certain unlawful acts; self-service displays; amending K.S.A. 2008 Supp. 79-3301 and 79-3321 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 181, An act relating to insurance; concerning mental health parity; amending K.S.A. 2008 Supp. 40-2,105, 40-2,105a and 40-2258 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 182, An act concerning air quality; relating to urban counties; regulation of diesel emissions, by Committee on Natural Resources.

SB 183, An act concerning solid waste; relating to management plans; amending K.S.A. 2008 Supp. 65-3410 and repealing the existing section, by Committee on Natural Resources.

SB 184, An act enacting the Kansas surface owner notice act; relating to oil and gas operations; state corporation commission, by Committee on Natural Resources.

SB 185, An act concerning water rights; relating to abandonment and termination; due and sufficient cause for nonuse; amending K.S.A. 2008 Supp. 82a-718 and repealing the existing section, by Committee on Agriculture.

SB 186, An act concerning the offices of the governor and lieutenant governor; relating to vacancies therein, by Senator Pyle.

SB 187, An act enacting the state fire marshal commissioned inspector act, by Committee on Ways and Means.

SB 188, An act concerning civil procedure; relating to wage garnishment; amending K.S.A. 60-2310 and repealing the existing section, by Committee on Ways and Means.

SB 189, An act concerning the secretary of commerce; creating an outfitter license; prescribing requirements therefor, by Committee on Natural Resources.

SB 190, An act concerning election crimes; amending K.S.A. 25-2425 and repealing the existing section, by Senator Haley.

SB 191, An act concerning electronic voting machines; requiring a verifiable paper trail; amending K.S.A. 2008 Supp. 25-4406 and repealing the existing section, by Senators Haley and Faust-Goudeau.

SB 192, An act concerning income taxation; relating to credits; motor-fuel taxes paid by certain persons, by Senator Pyle.

SENATE CONCURRENT RESOLUTION No. 1607—

By Committee on Assessment and Taxation

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the definition of public utility.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“§ 1. **System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as

defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution 30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%
- (7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property 25%
- (6) All other tangible personal property not otherwise specifically classified 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, mer-

chants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

(c) *For purposes of this section, the term "public utility" shall include every person or entity, regardless of residence or domicile or jurisdiction of the state corporation commission or other regulatory body, that owns, controls or holds for resale natural gas that is stored or delivered for storage in an underground formation in this state. The legislature shall have the authority from time to time to redefine the term "public utility" for purposes of subclassification and taxation under this article.*

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to define public utility for property tax purposes to include a person or entity regardless of where the taxpayer resides or is domiciled or jurisdiction of the state corporation commission to include any such person or entity who owns, controls or holds natural gas for resale which is stored or delivered for storage underground, and allow the legislature to redefine such term.

"A vote for this amendment would subject a person or entity who owns, controls or holds natural gas for resale which is stored or delivered for storage underground to property taxation as a public utility regardless of where the taxpayer resides or domiciles or jurisdiction of the state corporation commission." A vote against this amendment would make no changes in current law providing a property tax exemption for such person or entity.

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

SENATE CONCURRENT RESOLUTION No. 1608—

By Committee on Federal and State Affairs

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning equal rights for men and women.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

§ 17. Equal rights. Equality of rights under the law shall not be denied or abridged by the state or any of its political or taxing subdivisions on account of sex."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. There is currently no constitutional provision specifically addressing equal rights of men and women. There are laws that prohibit discrimination in employment, housing and wages based on sex.

"A vote for this proposition would amend the Kansas constitution to incorporate into it the prohibition of discrimination based on sex. The proposed constitutional amendment would prohibit the state or any of its political or taxing subdivisions from enacting laws discriminating against men or women based on sex.

“A vote against this proposition would not amend the constitution, in which case the current laws would remain unchanged but could be amended by future acts of the legislature or its political or taxing subdivisions or modified by judicial interpretation.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2010.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 160.**

Education: **SB 161, SB 162, SB 175.**

Ethics and Elections: **SB 168, SB 171.**

Federal and State Affairs: **SB 169.**

Financial Institutions & Insurance: **SB 163, SB 167, SB 172, SB 174.**

Judiciary: **SB 154, SB 155, SB 156, SB 157, SB 158, SB 159.**

Local Government: **SB 164.**

Public Health and Welfare: **SB 166, SB 170, SB 173.**

Transportation: **SB 152, SB 153.**

Ways and Means: **SB 165.**

COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE STATE BANK COMMISSIONER

January 30, 2009

Pursuant to subsection (c) of KSA 9-1715, J. Thomas Thull, Bank Commissioner, submitted a report concerning issuance of Special Order 2009-1, which provides state banks with the authority to issue preferred stock in par value amounts that the commissioner approves. The order was required to ensure that state chartered banks are able to participate in the Treasury's Capital Purchase Program to the same extent as national banks.

KANSAS DEVELOPMENT FINANCE AUTHORITY

February 3, 2009

In an ongoing effort to provide timely information regarding the governmental debt composition, Steve Weatherford, President, submitted the 2008 Kansas Debt Study prepared by the Kansas Development Finance Authority.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND THE DEPARTMENT ON AGING

February 3, 2009

In accordance with **SB 365**, Don Jordan, Secretary, SRS, and Kathy Greenlee, Secretary, KDOA, submitted the annual report on the long term care system in Kansas.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **SCR 1601**, as amended.

FINAL ACTION ON CONSENT CALENDAR

SB 5, SB 51 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 5, An act designating part of United States highway 160 as the 1011th Quartermaster Co. U.S. Army Reserve memorial highway.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 51, An act concerning wildlife and parks; relating to clothing requirements while hunting deer or elk; amending K.S.A. 32-1015 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 1** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 6** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 6," as follows:

"Substitute for SENATE BILL No. 6

By Committee on Judiciary

"AN ACT amending the charitable organizations and solicitations act; concerning professional fund raisers; amending K.S.A. 17-1766 and repealing the existing section."; and the substitute bill be passed.

Also, **SB 26** be amended on page 4, in line 40, by striking "60" and inserting "12"; in line 41, by striking "84" and inserting "15"; in line 43, by striking "120" and inserting "24";

On page 5, in line 3, by striking all after the period; by striking all in lines 4 through 8; after line 10, by inserting the following:

"(4) For purposes of this subsection, the term "brandish" means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person."; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 102** be amended on page 1, in line 23, by striking "gratuitously and"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 93** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **SB 93** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

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 Barnett in the chair.

On motion of Senator Barnett, the following report was adopted:

Recommended **SB 3**, **SB 35**, **SB 40**, **SB 41**, **SB 43**, **SB 50**, **SB 77** be passed.

SB 29 be amended by adoption of the committee amendments, and the bill be passed as amended.

Senator Schodorf moved to amend **SB 11**, on page 1, by striking all in lines 14 and 15; in line 16, by striking “Sec. 2.” and inserting “Section 1.”;

And by renumbering the remaining sections accordingly;

On page 5, following line 16, by inserting:

“For the purposes of this subsection, “service area” means designated geographic areas of the state established pursuant to agreement of the presidents of the community colleges and adopted in policy by the state board of regents.” and **SB 11** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 3, SB 11, SB 29, SB 35, SB 40, SB 41, SB 43, SB 50, SB 77** were advanced to Final Action and roll call.

SB 3, An act concerning the confirmation oversight committee; relating to the membership thereof; amending K.S.A. 2008 Supp. 46-2601 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Huelskamp, Pyle.

The bill passed.

SB 11, An act concerning postsecondary institutions; relating to community colleges and the powers and duties thereof; amending K.S.A. 2008 Supp. 71-201 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed, as amended.

SB 29, An act concerning the state board of technical professions; relating to licensure; amending K.S.A. 74-7003, 74-7009, 74-7013, 74-7018, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036 and 74-7041 and repealing the existing sections; also repealing K.S.A. 74-7043, 74-7044 and 74-7045.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Huelskamp, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 35, An act concerning municipal bonds; interest rates; amending K.S.A. 2008 Supp. 10-1009 and repealing the existing section.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Abrams, Huelskamp, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed.

SB 40, An act repealing K.S.A. 2008 Supp. 72-9910 and 72-9911; relating to the at-risk education council.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 41, An act repealing K.S.A. 72-67,106, 72-8149, 72-8155, 72-8155a, 72-8155b and 72-8155c; relating to certain school districts and the powers and duties thereof.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 43, An act concerning elections; relating to campaign finance; amending K.S.A. 25-4153 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 50, An act concerning insurance; pertaining to risk-based capital requirements; establishing a trend test calculation; amending K.S.A. 40-2c05 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 77, An act concerning the state use law committee; date for expiration thereof; amending K.S.A. 2008 Supp. 75-3322c 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 4, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

